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Senate

The Senate met at 9:30 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:

Holy God, help us to be ever mindful of Your presence in every moment of this day. May we practice Your presence by opening our minds to think Your thoughts. May this day be filled with surprises in which You intervene with solutions to our problems and with superlative strength that replenishes our limited endurance. Fill us with expectancy of what You will do in and through us today.

We claim Isaiah's promise, ''You will keep him in perfect peace whose mind is stayed on You.''—Isaiah 26:3. Stay our mind on You so that we may know Your lasting peace of mind and soul. You know how easily we can become distracted; often hours will pass without thought of You or Your will for our work. In those times, invade our minds and remind us that You are in charge and we are here to serve and please You.

Lord, keep our minds riveted on You throughout this day so that we may draw from Your unlimited wisdom for all that we do and say. Especially, we ask for Your guidance as discussion is completed and a final vote is taken on the budget. May our fiscal planning be in keeping with Your priorities for our Nation.

In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DOMENICI. Mr. President, for the information of all Senators, today the Senate will resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution, with 13 hours of debate on the resolution remaining. As under the previous order, Senator MOSELEY-BRAUN will be recognized this morning to conclude debate on her amendment. Senators can expect a rollcall vote between 10:30 and 11 o'clock this morning. Following the disposition of the amendment just mentioned, the Senate will continue to work through the approximately 45 amendments which have been filed to the budget resolution. As the majority leader has indicated, it is his intention that the Senate conclude work on this resolution today. In regard to numerous amendments filed, it is our hope that each and every amendment filed will not require a vote. The Budget Committee has worked through the night, identifying amendments which can be worked out on both sides, therefore expediting this process immensely.

The majority leader has requested the cooperation of all Members in working with the Budget Committee and/or being prepared to debate their amendments during today's session of the Senate. As always, all Members will be notified as soon as any agreements are reached and votes scheduled. Also, before we recess tomorrow, the Senate will consider the CWC implementation bill with a short time agreement, as under the previous order.

I thank all Members for their attention.

MEASURE PLACED ON THE CALENDAR—H.R. 1306

Mr. DOMENICI. Before we begin, I understand that there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such out-of-State bank.

Mr. DOMENICI. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. Under the previous order, the clerk will report the budget resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) setting forth the Congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the concurrent resolution.

Pending:

Murray-Wellstone amendment No. 291, to express the sense of the Congress concerning domestic violence.

Inhofe amendment No. 301, to create a point of order against any budget resolution for fiscal years after 2001 that causes a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year.

Hollings amendment No. 302, to express the sense of the Senate that the Highway Trust Fund should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 303, to express the sense of the Senate that the Airport and Airway Trust Fund should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 304, to express the sense of the Senate that the Military Retirement Trust Funds should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 305, to express the sense of the Senate that the Civil Service Retirement Trust Funds should not be taken into account in computing the deficit in the budget of the United States.

Hollings amendment No. 306, to express the sense of the Senate that the Federal Unemployment Compensation Trust Fund should not be taken into account in computing the deficit in the budget of the United States.

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

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Kerry amendment No. 309, to allocate funds for early childhood development programs for children ages zero to six.

Dorgan amendment No. 310, to express the sense of the Senate that the Congress should continue efforts to reduce the on-budget deficit without counting Social Security surpluses.

Warner-Baucus amendment No. 311, to ensure that transportation revenues are used solely for transportation.

Wellstone amendment No. 313, to provide for increases in funding for Headstart and Early Start, child nutrition programs, and school construction, which will be paid for by reducing tax benefits to the top 2 percent of income earners in the United States as well as by reducing tax benefits that are characterized as corporate welfare or tax loopholes.

Wellstone amendment No. 314, to provide that Pell Grants for needy students should be increased.

Abraham amendment No. 316, to express the sense of the Senate that, to the extent that future revenues exceed the revenue aggregates, those additional revenues should be reserved for deficit reduction and tax cuts only.

Gramm amendment No. 319, to ensure that the discretionary limits provided in the budget resolution shall apply in all years.

Gramm amendment No. 320, to ensure that the 4.3 cents federal gas tax increase enacted in 1993 will be transferred to the Highway Trust Fund.

Faircloth amendment No. 321, to express the sense of the Senate that a non-refundable tax credit for the expenses of an education at a 2-year college should be enacted.

Ashcroft amendment No. 322, to add enforcement mechanisms to reflect the stated commitment to reach a balanced budget in 2002, to maintain a balanced budget thereafter, and to achieve these goals without raising taxes.

Ashcroft amendment No. 323, to limit increases in the statutory limit on the debt to the levels in the budget resolution.

Bond amendment No. 324, to express the sense of the Senate regarding the protection of children's health.

Bond amendment No. 325, to express the sense of the Senate concerning the Highway Trust Fund.

McCain-Hollings amendment No. 326, to express the sense of the Senate that the Congress shall take such steps as necessary to reconcile the difference between actual revenues raised and estimates made and shall reduce spending accordingly if Spectrum Auctions raise less revenue than projected.

McCain-Mack amendment No. 327, to express the sense of the Senate with respect to certain highway demonstration projects.

McCain amendment No. 328, to express the sense of the Senate that the revenues generated to finance an intercity passenger rail fund under section 207 should not be appropriated before enactment of legislation to reauthorize and reform the National Rail Passenger Corporation.

Bumpers amendment No. 330, to delay the effectiveness of the tax cuts assumed in the Budget Resolution until the Federal budget is balanced.

Bumpers amendment No. 331, to ensure that the Medicare cuts that will be enacted are not used to pay tax cuts and that instead the tax cuts are completely paid for by the closure of tax loopholes.

Bumpers amendment No. 332, to express the sense of the Senate that no budget reconciliation bill shall increase the Federal deficit.

Lautenberg (for Moseley-Braun) amendment No. 333, to express the sense of the Senate regarding the use of budget savings.

Lautenberg (for Moseley-Braun) amendment No. 334, to express the sense of the Senate regarding the value of the social security system for future retirees.

Lautenberg (for Dodd) amendment No. 335, to ensure that the concurrent resolution conforms with the bipartisan budget agreement to restrict revenue reductions over the ten-year period.

Moseley-Braun amendment No. 336, to provide $5 billion for school repair, renovation, modernization, and construction priorities, offset by closing tax loopholes.

Specter amendment No. 338, to provide for a reduction in mandatory spending and an increase in discretionary spending relating to children's health.

Specter amendment No. 339, to provide for a reduction in mandatory spending and an increase in discretionary spending relating to children's health.

Specter amendment No. 340, to restore funding within the discretionary health function to maintain progress in medical research, offset by reductions in Federal agency administrative costs.

Domenici (for Grams) amendment No. 346, to require that the $225 billion CBO revenue receipt windfall be used to for deficit reduction and tax relief, and that non-defense discretionary spending be kept at a freeze baseline level.

Domenici (for Coverdell) amendment No. 347, to provide for parental involvement in prevention of drug use by children.

Domenici (for Kyl) amendment No. 348, to express the sense of the Senate that the budget resolution agreement does not foreclose the possibility of Congress adopting additional tax cuts in the future, so long as they are paid for.

Domenici (for Snowe-Coverdell) amendment No. 349, to express the sense of the Senate relative to higher education tax relief and higher education expenses.

Lautenberg (for Harkin) amendment No. 350, to express the sense of the Senate supporting an increase in funding for defense 050 account funds dedicated for medical research.

Lautenberg (for Harkin-Bingaman) amendment No. 351, to reduce the incentives to use tax gimmicks that artificially increase revenues in 2002 in ways that make balancing the deficit more difficult after 2002.

Lautenberg (for Kohl-Kerry) amendment No. 352, to express the sense of the Senate on early childhood education.

Lautenberg (for Byrd) amendment No. 353, to expand opportunities to access funding in the Highway Reserve fund.

Lautenberg (for Biden) amendment No. 354, to express the sense of the Senate regarding the extension of the Violent Crime Reduction Trust Fund through fiscal year 2002.

Lautenberg (for Boxer) amendment No. 355, to express the sense of the Senate regarding tax cut benefits.

Robb amendment No. 356, to express the sense of the Senate on Social Security and retirement savings.

AMENDMENT NO. 336

The PRESIDING OFFICER. The Senator from Illinois is recognized to speak on her amendment for up to 50 minutes.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I yield myself such time as I may require.

Before I start, I ask unanimous consent Senator BAUCUS be added as a cosponsor of this amendment.

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

Ms. MOSELEY-BRAUN. Mr. President, I am going to yield to my colleagues from Massachusetts and Minnesota in a moment to speak on this. But I would just like to pick up the debate where we left off last evening.

This is the amendment to begin to repair America's crumbling schools and to help provide an environment suitable for learning to the 14 million children who attend school every day in this country, schools with leaky roofs, with crumbling walls, with sewage backing up in the basement, with insufficient electrical equipment to plug in computers, children who attend schools in our country that are not suitable environments for learning. Mr. President, I believe we can do better.

There has been a great deal of debate about who should pay for the crumbling schools. As we know, it is traditional in this country that State and local governments pay for elementary and secondary education. In fact, the Federal Government only supports elementary and secondary education nationwide at about a 7 percent level, so we are barely engaged in the funding formula. But as it is no doubt apparent, and I know it is apparent to everybody in this room, we are facing a crisis of national proportions because the formula for funding elementary and secondary education just does not work in ways that are adequate to meet the needs of our children. It does not work because the property tax base of elementary and secondary funding has been so inelastic as not to provide for the repair, construction, and maintenance of schools over time. So we are faced with a crisis of monumental national proportions.

The General Accounting Office tells us it will take $112 billion to repair our schools, to just bring them up to a level of adequacy—code violations removed, where students can actually learn—without even getting to putting in new technologies. It is pretty clear children cannot learn if their schools are falling down around them. They cannot use computers if there are no electrical systems to plug them into. Unless we engage as a national community to provide local districts and to provide States with some assistance in meeting this huge challenge, the challenge will continue to go unmet and we will hamstring an entire generation and make them less capable of competing in this global economy, this technological age.

We can do better. Our parents turned over to us schools that were adequate to our needs. The public schools were not in this condition. In fact, if anything, most of the schools that most American children attend were built for our generation. We have an obligation to help provide some financial assistance to States and to local districts to repair their crumbling schools.

I wanted to put it on a light note before I turned it over to my colleagues. I thought this was a perfect picture to talk about where we are. This is a cartoon. As a matter of fact, I have two cartoons. The first one says, ''A computer in class opens a whole new world

for us.'' And the little girl says, ''Look, a picture of a school with no leaking roof, no peeling paint, with textbooks for everyone. . . .''

''A whole new world for us'' because this is the real world. It is the crumbling schools, the broken plaster in the walls, the lack of electrical connections, broken plumbing, code violations, lead paint in the walls, asbestos—that is the environment to which we send our children to schools. The new one would be one with no leaking roof, no peeling paint, and with textbooks for everyone. This one, unfortunately, is the reality.

The second cartoon speaks to the reality again as well. Again, these are issues that everybody knows to be true. That is why it is almost surprising to even have to say these things. All you have to do is go out in your State, and you will see schools in this kind of condition. This is Peppermint Patty. Peppermint Patty's crumbling school. Peppermint Patty, in the first few panels, talks about how the roof is leaking again. And then Marcie says, ''Sir, the roof is leaking again and you are getting all wet.''

''I don't like to complain, Marcie.''

''Then I'll do it for you. We were just wondering, ma'am, if perchance you might have noticed . . . the roof is leaking.''

And then the custodian, of course, goes up, falls off the roof, and then, ''How about that, Marcie, I think they fixed the leak in the roof. Let's just hope there aren't some other places where . . .'' and that's when the rain starts coming down on Marcie herself.

As we talk about the importance of education, of a college education, of national standards and goals and the like for education—it is conversation. It is just conversation if we don't give the youngsters an environment in which to learn. They clearly cannot learn if the environment, the setting, is such that it impedes their ability to access the technology, it diminishes their ability to focus in on what it is we are trying to communicate to them.

This last panel which I wanted to bring to your attention, really, I thought, points out the problem altogether. That is, infrastructure, facilities, the environment, the structure have been forgotten. It is everybody pointing fingers at everybody else. It's this unit of government's job, it's that unit of government's job, it is not our responsibility; turning our backs, pointing fingers, and forgetting altogether about the basics. We are talking about computers, but we haven't remembered that you have to have electrical systems to use them. So this last one says, ''This is how it is, Mr. Principal. Half the kids in our class can't read and half can't multiply 6 by 8. None of them ever heard of Bosnia and couldn't tell you who wrote Hamlet.''

''I talked to the principal, sir.''

''What did he say about the leaking roof?'' says Peppermint Patty, who is under a rainstorm.

And Marcie says, ''I forgot to mention it.''

Well, we have been forgetting to mention it. We have been neglecting infrastructure and we have been letting the problem get worse and worse. As with any maintenance issue, if you let it go, it doesn't get better, it just gets worse. So this amendment, this $5 billion, is just a start to try to reach the level of the $112 billion that the General Accounting Office tells us is needed.

Here is reality. I have been showing cartoons, but this is reality. This is a chemistry lab, built probably when I was in high school, if not before—probably when my parents were in high school. Clearly, this is not suitable to teach any youngster chemistry in these times. There is no equipment. It is falling down. You can see this is just age; this is not kids trashing the school. That's just old, outdated—I would imagine, from the type of construction, since I like to do construction, this is probably close to the 1920's, if not earlier.

Here is another. Desks that you and I probably used that have been recycled, Mr. President, with peeling paint. One of the problems the GAO found is a lot of the paint peeling has lead in it, and we know from other research what lead does to youngsters.

Here's another one. The kids may have trashed the lockers, but at the same time the lockers seem to me to have gone a long way toward being trashed before the kids got there. You can't use these things.

But this is the condition of the schools.

Here is another lab. Look at that. What do we tell our children about the value of education? What do we tell them about what we think about them, sending them into conditions like this?

Before I conclude, I want to point out something that may be counterintuitive about this whole issue but that is reality; that is, crumbling schools is not just an inner city problem. Crumbling schools are not just problems in poor communities. Crumbling schools happen all over our country. In fact, the GAO tells us the central cities experience crumbling schools at a rate of 38 percent; the suburban communities at a rate of 29 percent; the rural communities at a rate of 30 percent. Add to that that it is a nationwide problem—in fact, if anything, the West has this problem more than the Midwest, and the East has it more than the Midwest. So it is a problem that is national and is in every kind of community and affects 14 million children every day.

It is shameful to me that we did not have this already in the budget as part of the budget agreement. I was very distressed about that part. But I hope the Members of this Chamber will recognize that this is reality, that we have to have a partnership. We need to help States and local governments meet this need. We are not looking to take anything over. This will maintain local control of the schools, local control of the decisionmaking about what schools get fixed and what features get addressed. But, surely, surely, with a $112 billion national problem, here at the national level we can find $5 billion to help our school districts and our States repair the crumbling schools in which we expect our children to learn.

Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I join my colleague and friend from Illinois, Senator MOSELEY-BRAUN, and commend her for bringing this matter to the U.S. Senate. Her amendment addresses basic and fundamental needs to help children get a good education, and to offset that by closing some of the tax loopholes.

In reviewing the agreements that were made in the balanced budget amendment, it is clear that almost every program is going to bear the brunt of belt tightening—with the exception of tax expenditures. There are over $430 billion in tax expenditures this current year, and that number will increase as we move to enact the tax breaks. We have still not closed the billionaire's tax loophole that permits Americans who have accumulated large amounts of wealth to renounce their citizenship and take their wealth overseas. I think we can afford to close that particular loophole and pay for this particular amendment. There are others that are just as outrageous that, with any fair evaluation of those loopholes, would clearly be closed.

It is entirely appropriate that we give favorable consideration to this measure.

Mr. President, I strongly support the amendment by Senator MOSELEY-BRAUN to provide the $5 billion for improving America's school facilities.

Good education begins with decent places to learn. Yet, in too many public schools across the Nation, children have to run an obstacle course to learn, and that is wrong.

Schools across the country are facing enormous problems with crumbling facilities. Fourteen million children in one-third of the schools are learning in substandard school buildings. Over half of all schools report at least one major building in disrepair, with cracked foundations, leaking roofs and other major problems.

Yet, student enrollments are at an all-time high and will continue to rise, causing even greater overcrowding in many schools. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

Massachusetts is no exception. Forty-one percent of Massachusetts schools report that at least one building needs extensive repair or should be replaced; 75 percent report serious problems, such as plumbing or heating defects; 80 percent have at least one unsatisfactory environmental factor.

Faulty boilers and leaky pipes are responsible for sewage leaks and backups at many schools in Springfield. Sixty percent of Springfield schools do not have power outlets and electric wiring needed to accommodate computers and multimedia equipment.

At the Washington School in Springfield, windows are falling out, so they cannot keep the school well heated. At Chestnut school, an entire floor was closed due to disrepair and has not been reopened. To add to the problem, enrollment in Springfield schools has increased by 1,500 students, or 6 percent, over the past 2 years. Facilities are not large enough to accommodate the number of students in the schools, forcing teachers to hold classes in storage rooms, large closets and basements.

In Boston, nearly half the schools need major upgrades in their ventilation systems to meet current air quality standards.

It is interesting, Mr. President, that over half of the schools in my home city of Boston are still not handicapped accessible.

Schools in the city cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools report that their heating systems are not working. Of Boston's 120 school buildings, 90 do not have adequate power outlets and wiring to accommodate today's technology. Roofs are crumbling at the Dearborn School, Hyde Park High School, Dickerman High School, and the Trotter School.

Of the 50 public schools in Worcester, 10 schools need new boilers for their heating systems. Almost every school needs windows replaced. Half of Worcester's schools are not equipped with the wiring and infrastructure to handle new technology, and the vocational high school risks losing its certification because the building is in such poor condition. Its outdated electrical wiring is especially dangerous.

Worcester's schools are also becoming overcrowded. Forest Grove Middle School is at its full capacity of 750 students. They expect 150 additional students to enroll next year, forcing them to rent rooms at a local church to offset the overcrowding.

At Holt School in Whitman, the foundation is cracked. Water damage has loosened the ceiling tiles in the cafeteria, and the ceiling of the boiler room is collapsing.

At the Toy Town Elementary School in Winchendon, the roofs in the gymnasium are leaking, the window caulking is deteriorating, and there is asbestos in the cafeteria ceiling and floor tiles.

It is difficult to teach or learn in dilapidated buildings and overcrowded classrooms. That is why this amendment is so important. It would provide $5 billion in funding over the next 5 years to help school districts meet their priorities for repair, renovation and modernization of their facilities, and it is fully offset by closing the tax loopholes and corporate subsidies in the budget resolution. The amendment does not bind anyone to one specific plan of how to provide support for school facilities. Those details will be worked out later. What the amendment does do is put priority on addressing the urgent needs of schools and the children who learn in them.

It is preposterous to pretend that we can prepare students for the 21st century in dilapidated 19th century classrooms. I urge my colleagues to support Senator MOSELEY-BRAUN's amendment.

This chart indicates, Mr. President, exactly what the conditions are, as pointed out by the Senator from Illinois: Fourteen million children in substandard schools; 7 million attend schools with asbestos and lead paint. This provides for mental retardation and slow developmental learning; radon in the ceilings and wall; 12 million children go to schools under leaking roofs; and one-third of American children study in classrooms without enough panel outlets and electrical wiring to accommodate computer and multimedia equipment.

We are going to spend $7.2 million in the title I program to help children to get the basic math and reading skills they need. But if those children are in dilapidated buildings, we are not spending that money wisely. We are going to be spending about $491 million in Goals 2000, to help States and local communities establish standards so that they can measure the progress that children are making. If the Nation's classrooms are falling apart, When you have the kind of classrooms like this, how can we expect children to meet high academic standards?

As the Senator from Illinois pointed out, we are going to be spending $1.8 billion for computers, electronics, and Internet access in the schools over the next 5 years. If you do not have the electrical outlets in which to plug in the computers, what difference will our technology investment make? We will spend hundreds of millions of dollars in upgrading professional training for teachers, but forcing them to teach in crumbling schools. So we are willing to get computers into the classroom, upgrade teaching, provide additional funding for literacy, and provide the additional funding for early interventions, but are going to ignore the deterioration of our schools? This is a national problem that must be addressed. GAO estimates that communities need $112 billion nationwide to repair their schools. It's a problem across the country—in urban areas, rural areas, and suburban areas. The places I talked about reflect a broad range of Massachusetts schools. Communities in every part of Massachusetts and across the country are facing urgent needs to repair dilapidated schools. You can go all over this Nation and find out this is true, and it is affecting the children of this Nation.

So, Mr. President, this is not the first time that Senator MOSELEY-BRAUN has championed this issue in the Senate. She is not a member of the Labor and Human Resources Committee, but she made her case to us on this issue, and we addressed it.

In 1994, we authorized a grant program in the Elementary and Secondary Education Act. In appropriations, we were able to appropriate $100 million in fiscal year 1995 for the program. But, when the rescissions came, the School Infrastructure Improvement Act was one of the first targets of the Republican leadership—they rescinded 100 percent of the funding. Then we saw her amendment included in the initial budget agreement because individuals—Republicans and Democrats alike—understood the urgent need to repair the Nation's schools. Then overnight, it suddenly disappeared. It was in that proposal initially, and it should have been in it in the final agreement too. Now the good Senator is trying to just put back what was already in the initial draft to make a downpayment on helping to repair the Nation's schools.

This very modest program will help school districts to develop funding mechanisms so that they can go ahead and meet this challenge themselves. There will be some help and assistance communities to subsidize some of the interest rates on bonds so that they can afford to repair their schools. We do not propose to have the Federal Government repair local schools. We propose to let the Federal Government lend a helping hand to those local communities that are hard pressed to do it themselves, to create decent, safe school buildings for their children.

This is a national issue, Mr. President. I am strongly committed, and I know my other colleagues are too, to improving the quality of education of young people in this country. It starts right in the classroom and it starts by having a safe, modern classroom where a child can learn. Senator MOSELEY-BRAUN's amendment will move us in that direction. I commend her, and I hope the Senate will support her amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. I thank the Senator from Massachusetts for his eloquence and for his support.

I want to yield some time to the Senator from Minnesota, but first I want to point out a couple of things.

The Senator from Massachusetts talked about the classroom. It is a fact that in America, the rungs of the ladder of opportunity are still crafted in the classroom, and we now know that classrooms all across this country are falling apart and crumbling. The General Accounting Office told us in this report, ''Condition of America's Schools,'' that it is going to take $112 billion nationally to even bring our schools up to code. So this is no mistake, Mr. President. This is something that is documented by an exhaustive

study by the General Accounting Office.

They also then went on to tell us that in addition, ''America's Schools Are Not Designed or Equipped for the 21st Century.'' So they went on to tell us what these charts say and pictures say and all of us know: That you cannot use computers in a classroom with a broken window, with falling ceilings, with peeling paint with lead in it, with no electrical system. This has been confirmed by the General Accounting Office.

Then they went on to tell us, with ''Profiles of School Conditions by State,'' that this is a national problem. This is not just Illinois or Massachusetts or Minnesota, this is all over America, and each State has this problem.

Then they went on to tell us, ''States' Financial and Technical Support Varies,'' that ''America's Schools Report Differing Conditions,'' and that ''State Efforts to Reduce Funding Gaps Between Poor and Wealthy Districts'' are poor and inadequate.

I submit to you, Mr. President, that if all the States and cities, the local school districts, the rural communities all did their best in terms of property tax support for rebuilding our crumbling schools, they would have a hard time coming up with $112 billion without some assistance.

Mr. KENNEDY. Will the Senator yield for two questions?

Ms. MOSELEY-BRAUN. Yes.

Mr. KENNEDY. Is the Senator saying that the Finance Committee ought to be able to find that $5 billion over 5 years out of $2.3 trillion—$2.3 trillion—in tax expenditures, which include the billionaire's tax loophole and other egregious violations? Does the Senator think we ought to be able to find $5 billion out of $2.3 trillion in tax expenditures over the next 5 years?

Ms. MOSELEY-BRAUN. I thank the Senator from Massachusetts for his question, and he is exactly on the point. I absolutely agree. In fact, this is the cookbook; this is the book with the loopholes. It is called a loophole book instead of a cookbook. Here are the loopholes. The people who are billionaires can leave the country, renounce their U.S. citizenship and not pay a dime of taxes. In fact, they do it so they will not have to pay taxes on their money, and that represents more than we are asking for to rebuild our crumbling schools, and yet that is not taken out.

Mr. KENNEDY. Am I correct that this is not a partisan issue? Senator MCCAIN has been a leader in trying to close down some of the tax loopholes. So the idea of closing them is not just something put forth by the Senator from Illinois. This has been recognized across partisan lines that we ought to be able to close some of the tax loopholes in the interest of the American taxpayers.

Finally, I ask the Senator this question, and she touched on it so eloquently earlier: What is the message that we send to school children if we do not pass this amendment? We have been talking about the collapsing roofs, inadequate boilers, windows that have fallen out and haven't been replaced, schools in Boston whose heating systems frequently fail. But what does this say to the schoolchildren of this country about our commitment to them when we are trying to, either as parents or as community leaders, say that continued education, the quality of schoolteachers, and homework is important; that we want young people to apply themselves and develop their own skills to enhance their educational opportunities so that they will have good jobs in the future? What do we say when we impress on them that what the learn is what they are going to earn in the future? What message does it say to them every single day when they go to school to learn in dilapidated classrooms?

Ms. MOSELEY-BRAUN. I thank the Senator from Massachusetts for the question. And I think the message that it sends is that we are a bunch of hypocrites. I think the message that it sends is that everybody talks about education. We have an ''education everything.'' You can find probably an education dogcatcher somewhere in America that ran on a platform: I'm going to fix the schools. But we never seem to be able to get there.

And so after a while the children become cynical and begin to believe that we do not believe education is important, that we do not really put our money where our mouth is, that we are prepared to send them into classrooms that suggest a diminished support or diminished importance of what they do.

We send our children to classrooms every day in conditions that we would allow no worker to work in. We send our children to classrooms every day that we would not for a moment tolerate in our homes. And so if that is the case, then we say, well, we want you to go to learn somewhere that looks like this, that looks like the charts I have had. And we expect you to learn in that environment. What that says is learning is not really important.

As we stand up and make our pious speeches about the globalization of our economy and the information age and the brave new world—again, that is why I thought this cartoon was so funny. ''A computer in class opens a whole new world for us!'' ''Look! A picture of a school with no leaking roof, no peeling paint, with textbooks for everyone * * *.'' That is a whole new world, because the world we give them is one with peeling paint and leaking roofs and no textbooks. I think it is just outrageous and shameful.

Mr. KENNEDY. Finally, how does the Senator address the question that this is going to be a budget buster, a deal breaker? We fully offset the amendment through corporate tax loopholes. If we pass this amendment of $5 billion with an offset of $5 billion, therefore making it revenue neutral, is it challenging to find $5 billion out of $2.3 trillion in tax expenditures to spend on the renovation and repair of the Nation's crumbling schools? That looking out for the children of this country is a deal breaker? I do not find that as a very persuasive argument.

Ms. MOSELEY-BRAUN. That is right. Out of $2.3 trillion, $5 billion pales in comparison. It is just a start. It is not a budget buster by any means. In fact, if anything, it keeps the bottom line constant and just says we are going to give out a little less in tax breaks, we are just going to do a little less on the tax side, we are going to be a little more moderate in how many chickens we try to put in every pot and instead focus on our priorities and provide our youngsters with an opportunity to learn. That is all it does, I say to the Senator from Massachusetts.

Mr. KENNEDY. I hope that the Senator's amendment is approved.

Ms. MOSELEY-BRAUN. I thank the Senator from Massachusetts.

I want to pick up with one other point the Senator made. And that is, there is no reason why this should be a partisan issue. Politics should stop at the schoolroom door. There ought to be Republican legislators and Democratic legislators alike standing up saying, we are prepared to help our States and local governments fix our crumbling schools.

This should not come down to being: The Republicans are for crumbling schools and the Democrats want to fix them. This should not come down to being: Republicans do not care about their States having to meet 112 billion dollars' worth of need that the General Accounting Office has documented State by State.

And I suggest to my colleagues, I know your staffs all have them, but we have sent around copies of a State-by-State analysis. Take a look at what your State has in terms of the cost of bringing the schools just up to code.

We are not talking about bells and whistles here. We are not talking about putting computers in the classrooms here. We are not talking about curtains. We are not even talking about new paint jobs. We are talking about taking care of the foundation, the electrical wiring, the plumbing, the roof, the windows, the basics, the floors.

There was a school in the southern part of our country where the roof caved in altogether, a few minutes after the children had left the classroom; a school in my State where the track team had to use the prison because the gymnasium was so rotted away. It is an outrage and a shame, and we have an opportunity to address this problem on a bipartisan basis this morning.

The Senator from Minnesota has been kind enough to wait here.

I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me also thank Senator MOSELEY-BRAUN for bringing this amendment to the floor of the Senate. And I am very proud to support her and be an original cosponsor.

Mr. President, I am just going to build on a few remarks that have been made. There are 14 million children learning in substandard schools; and 7 million children attending schools with asbestos, lead paint, or radon in the ceilings or walls.

Mr. President, this really is a scandal. This is really unconscionable. And this amendment goes to the heart of the question of priorities. What this amendment says is that rather than continuing to spend the hundreds of billions of dollars in a variety of different loopholes and deductions, billionaire tax breaks and all, transfer $5 billion over 5 years and put that into investing to rebuild our schools that are crumbling all across America.

I suggest to my colleague from Illinois, Senator MOSELEY-BRAUN, or Senator DURBIN, that I really believe that in many ways this is the priority vote. I really do, because it is just too dear a price to pay to refuse to go after some of these loopholes and deductions, never mind the fact that behind the loopholes and deductions are the heavy hitters and the people who are connected and the people who have the clout.

This is all about who gets represented in the Senate. It is too dear a price to pay to not ask for a little bit of sacrifice over here and plug some of these loopholes or deductions and not make this investment.

As I look at this budget agreement right now—I will be speaking about it more this afternoon with an amendment that I have on the floor of the Senate; so I want to stay within the framework of Senator MOSELEY-BRAUN's amendment—I just ask the question, where are the funds to rebuild schools that are crumbling all across our Nation? There is not one penny.

Where are the funds—we went through this yesterday—to get health care coverage to every child who lacks it? We are still not willing to do that.

And I say that any budget that does not provide at least some funds to begin to rebuild some of the schools in our country, schools that are crumbling all across the Nation, is hardly a budget that represents a bridge to the next century. This is not a budget that represents a bridge to the next century. Not one penny is invested in our crumbling schools.

Mr. President, this is wrong. I wish we could just do an instantaneous poll and get the results in, because I know that people in the country would say it is wrong that 14 million children learn in substandard schools, it is wrong that 12 million children go to school under leaky roofs, it is wrong that 7 million children attend schools with asbestos, lead paint.

How well could we do our jobs if we were here and the toilets did not work and the heating systems did not work or the air-conditioning did not work, and we were cold during the winter, hot during the summer, if there was asbestos or lead paint, the ceilings and the walls were decrepit?

It is not that way here. This is splendor. And thank God that it is. This is the Nation's Capitol. Can't we have some of this splendor for children in America?

In all due respect, we are getting way ahead of the curve with $35 billion that goes to tax credits, deductions for college. I was a college teacher. Fine. But we have to get our children to the point where they are able to attend higher education. That does not happen unless we make this investment.

This is the amendment. Do we continue to just fork out lavish subsidies to billionaires and large multinational corporations that do not need them or do we at least begin to make the investment in the schools that are crumbling all across this country?

This speaks to the very issue of justice and fairness. This is a critically important amendment. I hope we will pass it.

I thank the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator from Minnesota for his eloquence and for his passion and support as well.

To the Senator from Florida, Senator GRAHAM, I yield——

Mr. GRAHAM. Five minutes.

Ms. MOSELEY-BRAUN. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you.

Mr. President, I appreciate this opportunity to rise on behalf of the amendment that is being offered by our distinguished colleague from Illinois.

Frankly, my own criticism of her proposal is that I think it is too modest in relationship to the challenge that we face as a Nation. As she has pointed out, our own General Accounting Office has indicated that there is a need in this Nation to bring existing schools up to a standard of basic safety, health, and educational adequacy of over $100 billion. What is not included in that number, Mr. President, is what is required to build the new classrooms for the exploding student population.

If I could use my own State as an example, Mr. President. Last year we had over 55,000 new students enrolled at the public schools in the State of Florida. That number will continue, in terms of angle rate of growth, for the foreseeable future.

Similar numbers are true in States across America, as the baby boom population is now having babies and those babies are reaching school age. So we have a crisis not only in terms of rebuilding our older schools, but also in assuring new schools in order to avoid overcrowded classrooms.

If I could tell a personal story, my own daughter was a kindergarten teacher in Dade County, FL. Her last year teaching in a brand new elementary school she had 38 5-year-olds in her kindergarten class. My daughter is a wonderful teacher. I would defy anyone to truly educate 38 5-year-olds in one classroom.

I might say, she went on from that experience. She was married, she taught for a brief period in Virginia, and now is a mother. In fact she is not only a mother, she is a mother of triplets. And so she said she was the only mother of triplets who ended up with 35 fewer children to deal with.

Mr. President, that personal story underscores what is happening in too many classrooms to too many of our young Americans. And that is, that because we have fallen so woefully behind in maintenance as well as new construction, we are not providing the educational facilities that students need.

The question is asked, ''Well, that's a State and local responsibility. Why are you here in Washington talking about this? You, a former State legislator, a former Governor, you certainly understand where the responsibility for education lies.'' Absolutely.

I would defend the right and the importance of maintaining our tradition that States and local communities especially be responsible for those things that happen inside the classroom, curriculum, personnel policy, teacher relationships. But, Mr. President, there is a role for the Federal Government in the physical facilities of schools.

We have demonstrated this for a long time in higher education. There is probably not a major college or university in America that cannot point to a substantial number of its physical facilities having been built with totally or in part Federal funds. We have recognized that distinction of concrete and steel from what happens inside the classroom and the appropriateness of a Federal role in meeting those facilities challenges.

If we are serious about the proposition that the key to a competitive America in the 21st century is going to be how well our Americans are educated, and how well they will be able to compete in the increasingly globalized economy, certainly the Federal Government has a role in seeing that the physical places in which that preparation is going to take place meet acceptable standards. They do not meet those standards in too many communities in America today.

And we, Mr. President, are about to exacerbate that situation. One of the reasons that we have 55,000-plus new students in the Florida public schools is because of Federal immigration policy.

The Federal Government has adopted policies which have resulted in tens of

thousands of young people who were not born in the United States now being in the United States and being educated in our public schools. I think the Federal Government has a moral responsibility to assist when it is the precipitator of a significant amount of the challenge that school districts face.

We are about to consider some substantial enhancements in the opportunity for young people to go to college through credits and deductions toward that tuition. Mr. President, that could have a significant effect on college tuition.

I have a letter from the Assistant Deputy Secretary of the Treasury which indicates that the estimate of enrollment which will increase substantially in higher education as a result of the proposal for credits and deductions for college tuition is between 120,000 and 1.4 million. So we are about to consider a proposal which has the potential not only of creating a substantial surge in additional enrollment in higher education but would have a spillover effect in terms of the number of students and the kinds of educational opportunities that would be expected, particularly within our secondary schools.

Mr. President, the Federal Government has a second responsibility because we are a significant part of the policies which are causing the demands that are occurring on the physical facilities of our public schools.

Finally, one of the reasons that the reports are as dire as the General Accounting Office report states is so many States and local school districts are against the wall in their capacity to finance the maintenance of their schools and new construction. It has not been people at the local level that are indefinite, it is not that they are blind to the problem, it is that they are in many cases out of options as to how to deal with the problem, either because of statutory or economic limitations.

I believe there is an appropriate Federal role to be a partner, and I underscore the word partner, with States and local school districts in meeting their school construction needs. This proposal is a beginning toward that new very important relationship.

I commend the Senator from Illinois for her leadership in this matter. I hope her voice will be heard by our colleagues. I can tell you it is being heard out in America. They understand the importance of this issue. They understand the need to have Washington respond in a meaningful and tangible way. The question is whether we hear those voices here in this Chamber.

The PRESIDING OFFICER. The time allotted to the Senator from Florida has expired.

Ms. MOSELEY-BRAUN. The Senator from Florida raises a very good point that I did not touch on but I think it is important to mention and that is that we at the national level do not even pay for the Federal mandates. We are not even paying or giving the States and local governments the assistance they need to pay for the things we have told them to do.

Small wonder that the resources get diverted, and so we wind up with crumbling roofs and classrooms that look like this. Small wonder. We put this burden on them, and now we are saying in terms of what you need to do, we are not going to help.

Well, I hope that is not the message this morning. I hope that Republicans and Democrats alike will come together on behalf of giving our children a decent environment in which they need to learn.

Less than 1 percent of this budget, less than 1 percent goes to support elementary and secondary education. Less than 1 percent. So we stand up and we have education this, that, and the other—the education Senator, the education President, the education Governors, the education mayors, and less than 1 percent of this budget goes to education. None goes to fix our crumbling schools unless we pass this amendment.

(At the request of Ms. MOSELEY-BRAUN, the following statement was ordered to be printed in the RECORD.)

● Mr. HARKIN. Mr. President, as the Bible says, ''To every thing there is a season, a time to break down and a time to build up.''

The unfortunate truth is that too many of our Nation's schools have broken down. It is long past the time for us to build our schools back up—literally.

You have heard my colleague from Illinois cite some of the details—$112 billion is needed across this country to rebuild, repair and renovate schools. Some 14 million children attend school daily in facilities that are unsafe and inadequate. To put this in some perspective, this is almost five times the population of the entire State of Iowa.

This as a national problem and needs a national response. A Federal program to assist needy communities in rebuilding schools will not and should not circumvent the primary local and State control of education. However, I firmly believe the Federal Government needs to become a better partner for States and local communities with respect to education, in general, and construction of school facilities, in particular.

Senator MOSELY-BRAUN has done a good job talking about the need nationally. I want to take a few moments to talk about the state of school facilities in my State.

Iowans take great pride in education. Our State has a long tradition of placing a high value on education. In fact, Iowa students often lead the Nation in performance on national and even international assessments. This is a tribute to the teachers, families, school boards, administrators, and State policymakers who have made education a top priority for decades. I applaud the commitment that Iowa has made to education. However, we still have much to do.

The General Accounting Office report found that 79 percent of Iowa schools report a need to repair or upgrade buildings to bring them up to overall good condition.

Like many of my colleagues, I frequently visit schools in my State. I am often struck by the fact that many schools have not changed much since I was a student. We won't talk about how long ago that was.

However, our homes, offices, shopping centers, cars and just about every thing else has changed radically. However, reinvestment and renovations have not been made to our Nation's schools. As a result, we are trying to prepare our children for the 21st century in facilities that hardly make the grade in the last one. We can certainly do better than that.

In 1994, Senator MOSELY-BRAUN secured legislation to authorize funding for school infrastructure. At that time, I served as chairman of the education appropriations subcommittee and provided $100 million for new school infrastructure. I was very disappointed when that modest downpayment was rescinded the following year.

A problem that was a critical need then, has gotten even worse. In 1995, Iowa State University conducted a comprehensive survey about the condition of school buildings in the state and estimated that $3.4 billion is needed to repair and rebuild these facilities. This survey was updated a few months ago and the tab has risen to $4 billion.

This is a problem that gets worse by the day and the impact on high quality learning is significant. It is long past time for the Federal Government to step up to the plate and help remedy this problem.

The amendment I am offering with the Senator from Illinois is a very important response to this urgent national concern. We believe that children in a nation as rich as ours should not have to attend schools that look more like they belong in the third world. We implore our colleagues to help us provide a modest sum to rebuild our crumbling schools.

Mr. President, I am fully aware that many of my colleagues will say that this problem is just too big for the Federal Government to handle. Our critics will point out that the need is enormous—$112 billion and we are proposing a $5 billion solution. However, this plan will generate $20 billion in newschool construction. To provide this additional funding we simply call for closing additional tax loopholes.

Our amendment continues to build on the positive aspects of this budget. The underlying legislation increases funding for activities related to education and training by 13 percent over the next 5 years by calling for expanded access to Head Start and increased funding for Pell grants. In addition, the budget makes changes to the Tax Code to help Americans pay for college by providing tuition tax credits and deductions for postsecondary education. These investments are vital to

the future of the United States and our ability to remain competitive in the international marketplace.

The problems facing school facilities across our Nation are enormous and will not be solved overnight. However, as they say, Rome wasn't built in a day. Further, if we had that attitude in the 1950's we would not have built the Interstate Highway system or put a man on the Moon in 1969. As we know, every journey begins with one step.

This is a very important step for us to take. One that will help provide safe, sound learning environments for millions of children. I urge my colleagues to support the amendment.●

Ms. MIKULSKI. Mr. President, I rise today to support the amendment offered by my colleague, Senator CAROL MOSELEY-BRAUN, to help rebuild our Nation's schools.

This amendment would ensure that any budget agreement that we reach will include funding for school construction. I believe that we must ensure that we meet the needs of our local communities to help them upgrade the Nation's schools.

I am an original cosponsor of S. 456, the Partnership to Rebuild America's Schools Act. This bill would provide $5 billion over 4 years to subsidize up to 50 percent of the interest or other financing costs for school construction.

These funds would help States and localities leverage scarce resources to help upgrade, repair, and build new schools.

In my State of Maryland, school enrollment is at an all time high. Many of the counties in Maryland like Prince Georges and Montgomery are rapidly expanding and the school districts are struggling to keep pace.

I hear from parents, students, and teachers about the need to upgrade the schools. Our children must be in environments which are conducive to learning. Over one-third of the schools in Maryland are in desperate need of repair.

Under S. 456, Maryland would receive approximately $57.9 million in Federal funds to support $231.6 million for school construction. Baltimore public schools would receive $31.4 million.

I believe that funding school construction has to be a priority for our Nation. Children cannot learn in schools with leaky roofs, poor ventilation, crumbling walls, and other problems. This problem is especially acute in rural areas and inner cities. Many of these schools fail to meet even minimum local health and safety codes.

I urge my colleagues to support this amendment. Our Nation's school children deserve no less.

Mr. DODD. Mr. President, I am pleased to rise in strong support of the amendment offered by Senator MOSELEY-BRAUN to begin a vital undertaking—the rebuilding of America's crumbling schools.

Mr. President, we all talk a good game here about children. We say time and time again that America's children are at the center of our efforts—be it education, job training, or tax policy. However, this amendment asks us to support more than rhetoric, it asks us to support the actual foundations of our schools.

Unfortunately, our schools are in desperate need of help in this area. In the richest Nation in the world, we have schools without adequate heat or plumbing and leaky roofs. One-third of all students in this country go to school in buildings that are considered inadequate, and 60 percent of American students attend school in buildings that are in need of repair. There are schools just minutes from us here today, where whole sections of the school are unusable because they are too dangerous for children to be in. Beyond basic repairs, schools are also lacking electrical and telephone capabilities necessary to install computers in the classrooms.

These problems are everywhere, but here are a few examples from my State. Seventy-seven percent of Connecticut's schools report a need to upgrade or repair on-site buildings to reach a good overall condition. Sixty-eight percent of schools report at least one unsatisfactory environmental factor, 32 percent inadequate roofs, 23 percent inadequate exterior walls or windows, and 29 percent inadequate electrical systems. One of the stated goals of our national education policy is to connect every school in the country to the Internet and teach every student to use the Internet by the age of 12. Well, I have heard from principals in my State who can only dream of computers in the classroom, and they simply hope to obtain a few telephones with voice mail capacity to improve communications with parents.

Mr. President, this is a national travesty. We expect children to be ready for the 21st century, and we encourage them to stay in school, go to college, and work hard. But we are not keeping up our side of the bargain. Schools with no heat, plumbing that doesn't work, windows that don't open, and no capacity for technology—these are schools that fall short of anyone's expectations, particularly the expectations of our students.

The amendment we are debating here today takes a modest step to begin to address this serious challenge. The General Accounting Office has estimated that over $110 billion is needed to repair our schools. This amendment would dedicate an additional $5 billion that would be significantly leveraged at the State and local level to $20 billion to begin this task and lead the way in this effort. I am pleased to be an original cosponsor of this amendment, and I urge my colleagues to join me in supporting it.

Mrs. MURRAY. Mr. President, I rise today to support the amendment offered by my colleague, Senator MOSELEY-BRAUN. I want to thank her for her tireless efforts to educate the Senate and the American people about the tremendous problems in our nation's school facilities.

People talk about the role of the Federal Government in local school policy. By championing this issue, Senator MOSELEY-BRAUN has pointed out quite accurately that the Federal Government does have a role in K–12 education in this country. That role is not in passing down curriculum or trying to tell teachers how to teach. The role is guaranteeing certain minimum standards for health, safety, and quality—and that is what this proposal is all about.

There are schools in our Nation that are rundown, have falling plaster or open holes in floors or ceilings, schools with water leaks or no air-conditioning in hot climates. There are schools, like Lewis and Clark High School in Spokane, WA, an 85-year-old urban high school, that are badly in need of improvements. There are school districts in places like the small town of Raymond, WA, which the General Accounting Office has previously identified as needing help with school construction funding—which cannot renovate all their schools due to local economic factors. This amendment could have as much as a $40 million cumulative impact on my State.

This amendment is absolutely critical to the students, parents, and families in our country who think education is of primary national priority. How can we say that we truly care about public education, when our school rooms smell of mildew, or are far too cold or hot or crowded? How can we say that we care about students learning that all Americans are equal under law, if their track meet across town is at a much nicer school?

Senator MOSELEY-BRAUN showed a cartoon on the Senate floor, in which students were using computers to look at other student's much nicer school buildings. This problem is symbolic. Students in this country deserve decent places to learn. We must make sure that the Moseley-Braun school construction amendment is included in this budget.

Ms. MOSELEY-BRAUN. Mr. President, I will reserve the remainder of my time. I understand that Senators TORRICELLI and DURBIN will speak with time yielded from the budget resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Parliamentary inquiry. What hour are we supposed to vote on the amendment of the Senator from Illinois?

The PRESIDING OFFICER. The Chair would observe that there is no agreed upon time to vote. The Senator from New Mexico has 9 minutes and 43 seconds, the Senator from Illinois has 5 minutes and 30 seconds, and the vote will occur after that time expires pending any other agreements reached on the Senate floor.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I would very much appreciate it and I will do the same for you if we could keep the debate on amendments to a minimum—not taking away the prerogatives but not adding to the time. I assume that you all could live with that.

If you need, on this particular amendment, an extra 5 minutes off the bill—but after that we ought to try and stick to a limited amount.

Mr. LAUTENBERG. I agree, Senator DOMENICI, that we have to start constraining time because the list is long and unless we get after it we will not have a chance for everybody to be heard on the amendments that they care about.

I suggest, however, we give 5 minutes to the Senator from New Jersey and after that, 5 minutes to the Senator from Illinois, who has requested time, as well, and we will try to button it up. I know the sponsor of the amendment has a few minutes that she will complete.

Mr. DOMENICI. How much time, then, would the Senator desire?

Ms. MOSELEY-BRAUN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes and 30 seconds remaining.

Mr. DOMENICI. So that means three Senators with essentially 5 minutes each, and then you are finished on your side.

Mr. LAUTENBERG. Five minutes each from the resolution.

Mr. DOMENICI. She will use hers off of the bill. She has 5 minutes left.

Mr. LAUTENBERG. Will that be enough time to finish your remarks, the 5 minutes you have remaining?

Ms. MOSELEY-BRAUN. Yes, it will.

Mr. LAUTENBERG. Thank you, Mr. President.

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

Mr. DOMENICI. Mr. President, first of all, there is no precedent for Federal involvement in the construction of elementary and secondary institutions except the Education Infrastructure Act of 1994.

It has an interesting history. The program had a total appropriation of $100 million and that was rescinded in 1995, no funding was provided in 1996, and no funding was requested by the President of the United States in his 1997 budget. No funding was provided in 1997. In fact, it is very interesting, the President, in his fiscal year 1996 Department of Education budget said the following: ''The construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction.'' That was the President of the United States speaking not too long ago.

The justification for this initiative is a 1995 GAO report which was based on a national sample of schools and school officials who were surveyed about construction and renovation needs. These schools estimated the Nation needed about $112 billion to repair and upgrade America's schools. The GAO concluded that if that is the case, if that is their conclusion, I say this money will not even make a ripple of positive effect on the horizon on the difficulties that are out there.

Scarce resources would be better spent on clear-cut Federal priorities, clear-cut education priorities, clear-cut issues like children with disabilities. This budget resolution assumes $5 billion increase for special education and for programs which there is a very clear Federal role.

Now, from what I understand of this amendment, the amendment would be paid for by, once again, reducing the level of net tax reductions allowable for the American people. It seems to me that every time we turn around somebody wants to say, ''We want to give the American people less of a tax cut.'' We have this great need for something so we will just take it out of the tax-cut package that was going to Americans, including a $500 child care credit to American families who are raising children and having a difficult time getting them through school.

So when the time is up, while I laud my colleague for her efforts here on the floor, I will move to table this amendment. I hope there would be broad support to go along with the conclusions which the President of the United States so brilliantly stated in 1996 when he said that the Federal Government should not be involved in the construction and repair of public school facilities, that that was the responsibility of local government. I paraphrase, but nonetheless I do state accurately what the President of the United States thought just about 18 months ago.

I reserve the balance of my time.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from New Jersey.

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

Mr. TORRICELLI. I thank my colleague for yielding me the time.

Mr. President, in my brief tenure in this institution I have never felt more motivated on an individual amendment and in addressing a higher national priority than endorsing and speaking today on the amendment of CAROL MOSELEY-BRAUN regarding school finance. She has made an enormous contribution to this institution.

Mr. President, like every Member of this Senate, I share the priority of balancing the Federal budget. It is due, it is required, and it is essential.

We do no service to the country, however, if in our desire to balance the Federal budget we also lose sight of all other Federal priorities. Balancing the Federal budget is important, but it is not the only business of this country. It is noteworthy that the principle contribution in reducing the Federal debt in recent years has come from neither reducing spending nor raising taxes. It is the unmistakable result of a growing, expanding economy.

The amendment before the Senate is relevant and not an obstacle to reducing the debt of the U.S. Government because education is the foundation of an expanding economy. My goal is not simply to see us balance the Federal budget for the next few years but for the next generation. That is unachievable in a Nation with a $100 billion inventory of crumbling schools, schools which cannot teach modern technology, where children cannot even sit safely in a classroom.

The GAO has reported that 14 million of our own children are in schools with extensive need of repair or requiring total replacement. Half of our schools are unable to take advantage of the latest technology because of inadequate wiring. Mr. President, 74 percent have outlived their usefulness.

Recently, I toured some of the most troubled schools of my own State of New Jersey. In Perth Amboy, Newark, Jersey City, and Paterson, I saw students sitting in classrooms trying to learn the latest of mathematics and science with buckets next to their desk to collect the rain, classrooms that were being held in school corridors because science classes were not safe, gymnasiums used for lecture halls because of inadequate space.

It may be that what we do today involving the Federal Government and the rebuilding of our schools is a precedent. So be it. There was a time when the Federal Government had no role in the building of roads. It was local. Then we built a national economy. There was a time the Federal Government was not involved in transportation. Then we saw the need for expanded interstate commerce.

Today there can be no misstating that this country will go no further and no farther in the education of our children and their preparation for the future.

I respect my colleagues who may have a different view. But I would ask this: If you believe that this is not a crisis, that there is no Federal role, and that we can build a modern economy, pay our bills and balance our budget into the future without rebuilding these schools, come to New York, Los Angeles, Chicago, Newark, or Camden and stand in those schools. Look those children in the eyes. Tell them they have a future and they can play a role in expanding the American economy competitive with other students around the world without rebuilding these schools. Tell them and convince yourselves that there is a strong and stable American economy without this effort.

Mr. President, only a few months ago the President of the United States came to this Congress with a single new domestic initiative. He too recognized that we live in times of limits. The budget must be balanced. He provided the leadership that got us to this

day in sight of a balanced budget. But his single new initiative, his single promise to this country for the next year, was the rebuilding of these schools.

There is a $5 billion program represented today by the Senator from Illinois that will allow $20 billion worth of construction across America by reducing the local costs of borrowing; $20 billion will not solve the problem with a $100 billion inventory. But it is a real contribution. It is a real beginning by having this country address this extraordinary and deep problem.

Mr. President, I, too, support the tax cut provisions of the balanced budget plan. I do not want to see it lessened or diminished in any way. That is why it is significant.

The provisions by the Senator from Illinois will allow the Finance Committee to either eliminate some tax loopholes or provisions of corporate welfare to compensate so that we can reach a balanced budget and keep the current tax reduction plan.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes. The time allotted to the Senator has expired.

Mr. TORRICELLI. Thank you, very much. I urge support for CAROL MOSELEY-BRAUN's amendment.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DURBIN] is recognized.

Mr. DURBIN. Mr. President, I yield 5 minutes to myself to speak in behalf of the Moseley-Braun amendment.

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

Mr. DURBIN. Mr. President, yesterday we had a vote that was very important about health care for children. I thought it was a watershed vote, because it is an issue which very few American families would quarrel with. Children were not insured. They weren't receiving adequate health care. A suggestion was made by Senators HATCH and KENNEDY that we have a bipartisan response and raise the cigarette tax, take the money and ensure the children. We lost. We called it for a vote and we lost. Health care for children failed yesterday.

So we start this morning with another challenge. If you won't provide health care for children, how about education? Let's test that question before the U.S. Senate. Have we provided in this great Nation the resources for education for our children?

Senator MOSELEY-BRAUN of Illinois brings that challenge to the floor this morning. She says to the U.S. Senate, let's test this theory. If we are committed as a nation to education, are we committed enough to cut tax loopholes that some of wealthiest Americans enjoy, take the money and put it into building our crumbling schools? She is not talking about carpeting schools in America. Senator MOSELEY-BRAUN is not talking about air conditioning for every school in America. She is talking about the basics: safety in the schools and a learning environment so that our children can walk into a clean classroom, heated in the winter, cool in the hot days of summer, and have the ability to learn.

If you go to your State, whatever it is, and look around, you know what you are going to find. The Government is spending money today for that very type of room: A clean, comfortable room for young people. Is it a classroom? No. It is a prison cell. It is a juvenile detention center. We are building them in Illinois at a record pace. And I will bet you that in every State of the country you will find the same is true.

As juvenile crime increases, we are building more boot camps, more detention centers and more prisons. If you visit them, many of them are not luxurious. But they are a heck of a lot better than the school building just a few blocks away.

Should we have clean and adequate facilities for the detention of young people? Of course. But think about it for a second. We drive past a high school that is falling down, a junior high school that is totally inadequate, an elementary school where they don't have heating, where the windows are busted out and the ceilings are falling down, and, a few blocks beyond that, see a detention center all brand new and shiny and modern. What is the lesson there for the children, or for us as taxpayers? Where is the priority? Wouldn't we say that we would have at least as high a priority in providing a school building that is good for children? That is what Senator CAROL MOSELEY-BRAUN has proposed.

Let me add another element that is very important as far as I am concerned. In the old days, a school building opened up at 7:30 or 8 o'clock in the morning and closed up at 2:30 or 3 in the afternoon, and that was it. Kids went home to mom and dad in the ''Ozzie and Harriet'' setting of cookies and milk, or ''The Partridge Family,'' whatever, you name it—good, old American values. That isn't what the American family looks like today. Those kids coming home at 2:30 or 3 in the afternoon are lucky to find anybody at home. The parent or parents are usually out working. And they sit around for 2 or 3 hours waiting for an adult to show up. Their choices in life at that point are television or trouble. Sad choices.

So we are expanding the concept of schools beyond just learning, to be community centers so that at the end of the ordinary schoolday the kids stay there in a safe learning environment. They would stay there until the parents were home in the evening, and they would have a positive experience.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. If we are going to use our schools so that kids have a better chance in life, don't we want them to be decent, safe buildings? Honest to goodness, if we fail, if these kids go out in the street, get in trouble at the malls, or wherever it happens to be, and get arrested, they are going to head off to a public facility that is better than the school they left. Does that make sense? What does it say about America?

So, today, we are going to test a new premise. If we cannot afford, as America, health care for children, which we voted yesterday, we will have a chance today on Senator CAROL MOSELEY-BRAUN's amendment to see whether or not we can afford adequate schools for our children.

I yield the floor.

The PRESIDING OFFICER. Who yields time—hopefully, within the appropriated time by the Chair?

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. How much time remains on this side?

The PRESIDING OFFICER. The Senator has 5 minutes and 30 seconds remaining.

Ms. MOSELEY-BRAUN. I reserve my time until 5 minutes of 11.

Is the vote scheduled to start at 11 o'clock?

The PRESIDING OFFICER. The Chair would observe that the Senator does not have a right to specify the time in regard to 5 minutes and 30 seconds. The time will run equally between the two managers of the bill. But the Senator from Illinois does have 5 minutes and 30 seconds remaining on her time.

Ms. MOSELEY-BRAUN. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The time will count equally between the managers of the bill.

Who yields time?

Mr. DOMENICI. I would like to know why the Senator wants to do this. This is not the normal way. She has to get consent from the Senate. Her time is running right now. As soon as I sit down, it is running. I don't understand.

Ms. MOSELEY-BRAUN. I yielded the floor. And my time is not running if I yield the floor.

Mr. DOMENICI. I wanted to ask, why does the Senator want to break up the time? We don't break up time. People use their hour. I am asking. It isn't normal.

Ms. MOSELEY-BRAUN. At the outset, I ask: Is this conversation on my time or not?

Mr. DOMENICI. Let the Senator speak on my time.

The PRESIDING OFFICER. The time is being utilized by the Senator from New Mexico.

Ms. MOSELEY-BRAUN. I say to the Senator from New Mexico that I would just as soon have a slot at the close of the debate. Is my understanding that the vote was scheduled at 11 o'clock? If we can use the intervening time—you have not. No? I would like at the moment to consult with the Senator from

New Mexico, because it is my understanding the vote was scheduled for 11.

Mr. DOMENICI. I am so sorry. We had a misunderstanding. There is no time set. So we will vote as soon as the time of the Senator from Illinois has been used.

Ms. MOSELEY-BRAUN. That is wonderful. Then I would like to do that.

Mr. DOMENICI. If the Senator would let us to do something for about 2 minutes, then we will get back to her and the Senator can use her time, I will use mine, and then I will move to table.

Ms. MOSELEY-BRAUN. And then we will vote. Thank you very much.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 355

Mr. DOMENICI. Mr. President, last night Senator BOXER introduced an amendment. We agreed that we would accept that amendment without a rollcall vote.

I would like to ask unanimous consent that the Moseley-Braun amendment be set aside temporarily while we move back to the Boxer amendment, at which time Senator DURBIN would like to speak for a couple of minutes, and then we will accept it.

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

The question pending is Boxer amendment No. 355.

Mr. DURBIN. Mr. President, I am happy to sponsor this amendment with Senator BOXER. I am happy that the chairman of the committee has agreed to accept the amendment and make it part of this budget resolution. I would like to speak for a very brief period about this amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask unanimous consent that I be added as a cosponsor of amendment No. 355, and that Senator KENNEDY be added as well.

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

Mr. DURBIN. This amendment, so it is understood by the membership, is very straightforward. I can read it in two sentences and describe it as well with these words.

''A substantial majority of the tax cut benefits provided in the tax reconciliation bill''—which is a part of this agreement—''will go to middle-class working families earning less than approximately $100,000 per year, and the tax cuts in the tax reconciliation bill will not cause revenue losses to increase significantly in years after 2007.''

Senator BOXER and I are trying to establish as basic principles that the tax cut package that will emerge from this budget agreement will do one thing and avoid another. The thing that it will do is to gear more than a majority—a substantial majority—of the benefits to middle-income families. We think, if this ends up becoming a tax cut for wealthy people, that it is not in the best interests of sparking this economy and helping working families cope with the expenses of life that they face every day.

Second, we want to make certain in this resolution that we make it clear that any tax cut package will be measured not only to the year 2002, when we hope the budget will be in balance, and 5 years beyond to 2007. We have great fear and concern by reports that have come out recently from the Center for Budget and Policy Priorities that some of the tax cut provisions that are being debated will literally explode in cost in the outyears, causing great dislocation in terms of the Federal budget and a great burden to Federal taxpayers.

Let us make sure these tax cuts are affordable and they are targeted to families that need them. Then, I think we can say to the American people that we have not only balanced the budget, but we have given you a tax cut that is responsible for the future of our economy.

I yield the remainder of my time.

Mr. DOMENICI. I yield any time that I have.

The PRESIDING OFFICER. If there is no objection, the Boxer amendment is agreed to.

The amendment (No. 355) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 336

Mr. DOMENICI. Mr. President, we are going to return quickly to Senator MOSELEY-BRAUN for her wrap-up. I have a couple of minutes, then we are going to ask Senator WARNER—we are notifying him now—if he would be ready for his highway bill. That would occur after the vote. Obviously, if the motion to table is not agreed to, then Senator WARNER will have a little more of a wait. But, other than that, that is the sequence we have asked for.

The PRESIDING OFFICER. The question recurs on amendment 336.

The Senator from Illinois has 5 minutes remaining on her time and is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I would like to respond at the outset to my friend, the Senator from New Mexico, who says this is the first time we have ever been involved in trying to repair our Nation's schools, that it is a new initiative, that we have never done this before. In fact, between 1933 and 1939, the Federal Government aided 70 percent of all new school construction. Mr. President, a lot of our children are attending those very same schools.

In fact, in America today, 74 percent of the schools are over 25 years old and a third of the schools are over 50 years old. So there is no question that if you do not repair a 50-year-old building, it is going to begin to look like this. This is one of the reasons why we have the troubled-school phenomenon.

The second issue that has been raised has to do with the contributions of State and local governments. Again, I would point out this is not looking to take over anything. We just want to have a partnership to help State and local governments meet the $112 billion amount it is going to take to repair their crumbling schools.

The President did, in fact, support this in his State of the Union Address. He said our children cannot raise themselves up in schools that are literally falling down around them. Similarly, the Department of Education has a long letter talking about the leveraging and the financing assistance that we will give the States should this amendment be approved.

But let me say to my colleague, in the final analysis, really, this modest contribution is not about setting a precedent. It is about whether or not we will allow for elementary and secondary education to get up to 1 percent of our total budget we are voting on here to help begin to tackle 112 billion dollars' worth of rot in our schools. We are asking that it come out of the tax breaks that we are giving in this budget, in some instances to the very wealthy.

I thought it was kind of ironic; in yesterday's New York Times there was a headline talking about ''Tax Breaks Costly for Schools in Cleveland.'' I want to point out that tax breaks are going to be costly for schools all over America because we are giving tax breaks at a time when we are saying we do not have the wherewithal to provide a modest amount to help States and help local communities meet the challenge of repairing their crumbling schools.

I hope that on both sides of this Chamber, Republicans and Democrats alike will send a message that we are willing to help, we are willing to help States and local communities provide an environment that is suitable for learning by our children. They are, after all, the children of all. They are America's children. Just as the generation before us stepped up to build new schools and provide environments for learning for our time, I believe our generation has an obligation to step up to the plate to assist in meeting this $112 billion challenge and help rebuild the crumbling schools which we ask our children to attend.

I have already made the point it is a national issue. It is in every kind of community—urban, suburban and rural. It is all over America. Mr. President, $5 billion is just a contribution, a contribution to the States and local governments so they can borrow the money they need to meet what is a national challenge.

Senator DURBIN actually hit the nail on the head when he made the analogy to our roads. If we just built roads based on what a local community could do, you could not get from one end of this great Nation to the other. But we cooperate and collaborate with each

other to build a highway system so that we can have transportation that serves our national interests.

Mr. President, crumbling schools are not in our national interest. Crumbling schools hurt our country. Crumbling schools hurt our children. If we are going to give our country the ability to be competitive in this global economy, if we are going to give our children the capacity to command information technologies that are so much a part of their time, we cannot expect them to learn in environments like this.

We can make this modest contribution, recognizing that it is an appropriate Federal role to provide this kind of support and help. I hope that when this vote happens, we do have bipartisan support; that this does not become a matter of Republicans saying they are not willing to provide this assistance to State and local governments to help provide children, our children, with an environment suitable for their education. I hope my colleagues on the other side of the aisle will see that this is something we can do within the context of this budget; that we can do this without causing harm to anyone. We ought to be able to close a few tax loopholes so we can provide modest support for our children and for State and local government efforts to repair our crumbling schools.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I yield 4 minutes——

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

Mr. DOMENICI. I thank the Chair. I yield 4 minutes to Senator NICKLES of Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 4 minutes.

Mr. NICKLES. Mr. President, with great respect for my colleague from Illinois, I urge our colleagues to vote no on this amendment.

This amendment basically says, taxpayers, you pay $5 billion more in taxes and now we are going to have a new Federal program designed to build new schools or to renovate schools.

Is that really a Federal responsibility? I do not think so. We already have the Federal Government involved in education in many areas; as a matter of fact, a lot more than I was quite aware of. I asked my staff to find out, and they told me. I heard originally the House said there were 760 programs. We find out now there are 788 programs. I asked my staff, how much does it cost? And they said about $100 billion, and I sent them an E-mail and said, ''That can't be right.''

It is right. I will insert it into the RECORD. It is $96.8 billion that we spend on these 788 programs. We have a little program for construction. The total cost of it is $627 million, I might mention. I am going to guess that is for military schools and Indian schools, and so on. But this says, well, let us have a $5 billion education building program, a new program, one that would have to comply with Federal rules, like Davis-Bacon. In other words, if a school is going to be built in South Dakota—they may have to build a new school in South Dakota because of the floods—they would have to build according to Federal rules, and that includes Davis-Bacon. That means the Federal Government is going to determine what the wage rates are. In all likelihood the wage rates might be 30 percent more than they are in South Dakota. So you get a lot less school built for the same amount of money.

My point is that this really is not a Federal responsibility, and $5 billion cannot come close to scratching the surface of the need. I do not doubt that you could have a lot of pictures of dilapidated school buildings. Is that really the Federal Government's responsibility? I do not think it is. Even if we had a surplus, I do not think that is a Federal Government responsibility.

How in the world could we in Washington, DC, decide which State, which school, which local area should have their schools fixed or renovated? If we made this available, I could see just for the District of Columbia or just for any State—New Mexico, Oklahoma, Illinois, any State—a lot of schools. A lot of cities have real needs. Are we going to be the superintendent? Are we going to be deciding who should get the renovation and who should not? We will not come close; $5 billion would not scratch the surface. I am sure $5 billion could not take care of all the public school needs in the State of Illinois or in the State of New York.

So, my point being this is not a Federal responsibility. It is not a Federal obligation, and I think it would be a serious mistake for us to start down this line of new spending which would have an ever-growing demand that we would never be able to fill, so I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. DOMENICI. Could I just make an announcement off the bill because I want to discuss something with the Senate.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. A short while ago, when the Senator wanted to reserve the time until 11, I said there is no agreement to vote at 11, and there is none. But I have understood now that the Republican leadership had agreed with the Democratic leadership that because of a conflict on the other side we would not vote until 11. So we have about 3 minutes of a hiatus here. I was speaking what I knew and the Senator was speaking about something she had understood, and I apologize for whatever discomfort I might have caused.

Ms. MOSELEY-BRAUN. I thank the Senator from New Mexico. It is very nice of him to mention that, but I was prepared to take his word that he knew what the agreement would be.

Mr. DOMENICI. I thank the Senator. I will use time off the amendment which I understand is just a couple minutes. I want to quote—yes, Senator NICKLES.

Mr. NICKLES. I ask unanimous consent a couple of charts be inserted in the RECORD accompanying my statement.

Ms. MOSELEY-BRAUN. Reserving the right to object, charts having to do with this issue?

Mr. NICKLES. I am going to insert a couple documents in conjunction with my statement.

Ms. MOSELEY-BRAUN. I think that is inappropriate if we have not seen them. I think it is appropriate for us to see them, and obviously, then, there would not be an objection.

The PRESIDING OFFICER (Mr. BURNS). The Chair asks that the Senators address the Chair.

Mr. NICKLES. Mr. President, if the Senator will yield further, I would like to ask unanimous-consent three pieces of paper, a chart showing the 788 Federal school programs, and the $98.1 billion that we currently spend on educational programs, be inserted in the RECORD accompanying my statement.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. No objection.

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

FEDERAL EDUCATION PROGRAMS BY CATEGORY

Category	Number of programs	Funding
Construction	9	$627,096,000
Education Research	14	841,534,000
General Education	52	684,250,501
K12	181	25,920,623,342
Libraries	9	249,869,103
OMB 1&2	33	577,929,000
Professional Development/Teacher Training	60	731,528,342
Postsecondary	259	44,765,196,759
Preschool	17	5,770,992,000
Research	27	1,711,255,000
Social Services	42	6,790,978,287
Training	79	8,178,372,048
Set Asides	6	19,719,038.
Total	788	96,869,343,420

DEPARTMENTS, PROGRAMS AND FUNDING

Department	Number of programs	Federal funding
Appalachian Regional Commission	2	$2,000,000
Barry Goldwater Scholarship Program	1	2,900,000
Christopher Columbus Fellowship Program	1	0
Corporation for National Service	11	501,130,000
Department of Education	307	59,045,043,938
Department of Commerce	20	156,455,000
Department of Defense	15	2,815,320,854
Department of Energy	22	36,700,000
Department of Health and Human Services	172	8,661,006,166
Department of Housing and Urban Development	9	81,800,000
Department of Interior	27	555,565,000
Department of Justice	21	755,447,149
Department of the Treasury	1	11,000,000
Department of Labor	21	5,474,039,000
Department of Transportation	19	121,672,000
Department of Veterans' Affairs	6	1,436,074,000
Environmental Protection Agency	4	11,103,800
Federal Emergency Management Administration	6	118,512,000
General Services Administration	1	0
Government Printing Office	2	24,756,000
Harry Truman Scholarship Foundation	1	3,187,000
James Madison Memorial Fellowship Program	1	2,000,000
Library of Congress	5	194,822,103
National Aeronautics and Space Administration	12	153,300,000

DEPARTMENTS, PROGRAMS AND FUNDING—Continued

Department	Number of programs	Federal funding
National Archives	2	5,000,000
National Institute for Literacy	1	4,491,000
National Council on Disability	1	200,000
National Endowment for the Arts/Humanities	13	103,219,000
National Science Foundation	15	2,939,230,000
Nuclear Regulatory Commission	3	6,944,000
National Gallery of Art	1	750,000
Office of Personnel Management	1	0
Small Business Administration	2	73,540,000
Smithsonian	14	3,276,000
Social Security Administration	1	85,700,000
State Department	1	0
United States Information Agency	8	125,558,000
United States Institute for Peace	4	3,371,000
United States Department of Agriculture	33	13,339,630,410
U.S. Agency for International Development	1	14,600,000
Total	788	96,869,343,420

Mr. DOMENICI. Did you get that resolved, Mr. President?

Mr. President, I just want to end this debate by saying that the President's thinking in 1996 was much better than his thinking in 1997, because in 1996 in submitting his budget, the President made the following statement:

The construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed—

Continues the President in 1996—

to the creation of a new Federal grant program for school construction.

Now, I understand the President has the right to change his mind in 12 months, but I submit his thinking was much, much better in 1996.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. DOMENICI. I only have 30 seconds remaining.

Ms. MOSELEY-BRAUN. Is it not a fact that that statement was associated with the rescissions of the appropriation for a grant program, whereas this amendment relates to a leveraging approach to give States and school districts assistance—different approaches to the issue?

Mr. DOMENICI. It is obvious that it is about a different program, but I am merely mentioning that the President was firm of mind in 1996 when he quite appropriately said that this is not a responsibility of the Federal Government, and I just quoted the President. Now, he has a right to change his mind about another way to help build schools, but I submit that we also should share with the American people that that change occurred over a 12-month period and, frankly, I believe we ought to agree with the President in 1996, not the President in 1997.

Now, having said that, has my time been used up?

The PRESIDING OFFICER. The majority managers' time is 50 seconds.

Mr. DOMENICI. Since we have until 11 to vote and time is finished on this amendment, my colleague from New Mexico desires to speak, if Senator LAUTENBERG would concur, for the remainder of the time until 11 o'clock.

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

Mr. BINGAMAN. Mr. President, I ask that I be permitted to speak for up to 4 minutes, if that is possible, the time yielded off the bill.

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

Mr. BINGAMAN. Mr. President, let me first say that I am an original cosponsor of the amendment by the Senator from Illinois for funding for school construction. There is a great need in this country for this. In my view, one failure, one defect of the budget resolution before us is that we give great emphasis to higher education and very little emphasize to elementary and secondary education. The needs are great in my State for school construction funding, and I think this is a beginning. I grant it is a modest beginning, but it is a step in the right direction. I commend the Senator from Illinois for offering this amendment, and I intend to support it.

I rise as an original cosponsor of the Mosely-Braun amendment to restore funding for school construction to the resolution.

The lack of school construction funding is one of the many ways that this resolution reveals its strong emphasis on higher education rather than improving elementary and secondary schools.

In fact, the lack of funding for the repair and construction of schools is perhaps the most obvious and compelling gap in this resolution.

I believe this is especially true since New Mexico is facing such a serious problem with its schools:

As of 1994, 94 percent of our schools needed to upgrade or repair onsite buildings, and 29 percent had crumbling roofs.

In 1996, 44 percent of districts in New Mexico had at least one building in need of serious repair or replacement—much higher than the 33-percent average nationwide.

Over 70 percent of high school students in my State attend schools of 900 or more students, a size that is too large to be an effective learning environment, some studies say.

There is a $475 million backlog in school construction and repair for BIA schools, of which there are 45 in New Mexico.

Meeting the demand to repair and build schools is difficult because New Mexico is one of the fastest growing States in the Nation, and 47 percent of its student population attends school in rural areas.

Small and isolated communities such as these simply cannot generate sufficient funding to pay for repairing and building new schools required by skyrocketing enrollments.

Over the last 10 years, student enrollment in New Mexico has jumped by 57,000 students, 23.7 percent.

In just 3 years, enrollment will grow by another 20,000 students—the same number of students as are in Las Cruces, the State's second largest district.

Having visited and heard about schools that are crumbling, incapable of handling modern computers, and overcrowded, I know

Let me also say on the resolution more generally that clearly a balanced budget is an important component of the fiscal health for the Nation. It is very important that we pursue this. I do believe, however, that before we complete the process, before we complete a reconciliation bill and tax legislation, we need to look at the details as they will impact on the lives of average citizens in our country.

Obviously, in my State, we have a very high rate of poverty, a high rate of inadequate health care coverage, great needs in education, great problems with unemployment. I want to be sure that the implementing legislation, particularly the tax provisions that we wind up adopting, is consistent with the needs of average citizens in my State.

I intend to support passage of the budget resolution. I do believe it is extremely important that we are closing in on a balanced budget. That has been a goal that many have pursued, myself included, for a long time here in the Congress, and we need that type of fiscal responsibility. But I am concerned that when we get into implementing legislation, if we are not careful, we could adopt some tax provisions which would institutionalize in the next century, in the first and second decades of the next century, a new and increasing disparity between what we raise and what we spend.

I pledge my best efforts to work with the leadership here in the Congress and in the Senate to see that that implementing legislation is acceptable and is fairly balanced. I hope that is the case, and I hope I am able to support the reconciliation bill as I intend to support this budget resolution.

Mr. President, I yield the floor and I thank the managers for the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I move to table the pending amendment.

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 occurs now on the motion to table the amendment (No. 336) offered by the Senator from Illinois. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

I further announce that, if present and voting, the Senator from Iowa [Mr. HARKIN] would vote ''nay.''

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

The result was announced, yeas 56, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—56

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

NAYS—43

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Johnson	Robb
Byrd	Kennedy	Rockefeller
Campbell	Kerrey	Sarbanes
Conrad	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—1

Harkin

The motion to lay on the table the amendment (No. 336) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GORTON. 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.

Can we have order?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I have talked with Senator LAUTENBERG about this. I ask unanimous consent that we permit Senator COATS of Indiana to proceed for 10 minutes to speak on the bill. He has a conflict this evening and would like to explain that to us, along with his words about the effort. Then, if Senator LAUTENBERG has a Senator who wants to speak on the bill rather than on an amendment, if they are here before the end of that 10 minutes, that they be allowed up to 10 minutes, and then at the expiration of that, we proceed to the Warner amendment immediately thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, with reference to the Warner amendment, Senator WARNER has agreed that the time that we use on his amendment will be 1 hour equally divided. He will control the time on his side, and I will control the time in opposition.

Mr. WARNER. I wish to thank the distinguished chairman and the distinguished ranking member. This is an amendment on behalf of the distinguished Senator from Montana and myself. While the control will be under the Senator from Virginia, it will be jointly shared with the distinguished Senator from Montana [Mr. BAUCUS]. We will control 30 minutes under our time jointly. I thank the Chair.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, thank you, and I thank the Senator from New Mexico for his courtesy.

I regret that I probably will not likely be in the Chamber when the final vote comes on the resolution, though the schedule has been changed so much, I do not think anybody is sure when that vote will come. If I am not, it is because of a priority of mine, the only priority I think, that would exceed voting for something as important as the budget resolution.

My good wife, who has supported my efforts in Congress for 17 years now, who has missed many events, and has done a lot of waiting for me to vote and to come home, is graduating this evening with a master's degree from Johns Hopkins University. It is the result of 3 years of strenuous effort. She is a star student. It is something that I very much want to attend.

I had thought and had been told that we would be finalizing the budget agreement last evening. We were not able to do that, and it looks like action on the resolution will go through the day.

This is a priority I want to keep, and I think that, as important as the budget agreement is, I want to be there and honor this important date, and celebrate her achievement. As I said, she has done a lot of waiting around for me, made many sacrifices, and missed a lot of things because of our uncertain schedule here. There are times, however, when I think we have to establish priorities in life, and this is a priority.

[Applause.]

Mr. WARNER. Hear, hear.

Mr. COATS. Mr. President, I also want to use this opportunity to explain why I would have, if I am to miss the vote, opposed the budget resolution. I have examined this very, very carefully. In fact, I have tried to come up with sufficient reasons to support the budget.

I know that the leader, Senator LOTT, the leadership of our Congress, of the Senate, the work of Senator DOMENICI has been honest, it has been an honest effort at finding a true balanced budget. They have toiled for hours. There have been compromises that have had to be made as a consequence of not controlling the executive branch and the turmoil that will result for the rest of the year if a budget agreement is not reached. This budget clearly makes some important steps in the right direction, and there is much to commend about the efforts of those who have put this together.

However, I have been here since 1981, and there have been a lot of promises about balancing the budget. When I first ran for Congress, one of my top three priorities was to balance the budget. I felt that it was unconscionable, immoral to pass on to future generations a debt burden so that this present generation could enjoy benefits without having to pay for them. I have toiled now for 17 years to attempt to achieve a balanced budget in the Congress and have not been able to do so.

My greatest disappointment is, probably, our failure on two occasions by one vote to pass a constitutional amendment in this body and send it to the people of the United States to let them determine whether or not they think we should be held constitutionally responsible for balancing the budget. We were not able to do that.

This budget, like all the previous six budgets, promises a balanced budget in 5 years. I have gone home after the passage of these budgets, spoken to my constituents and said, ''We balanced the budget.''

And they said, ''We're skeptical of that.''

''No, no, no, we have put in place a mechanism to balance the budget.''

Well, six times we promised that, and six times we failed. This is the seventh. Our Policy Committee, which I support, tries to put the best light on this budget. I have here a report published by the committee, it says, ''Balanced Honestly by 2002, First Time Balance Will Be Achieved Since 1969.'' I have seen that phrase written over and over again. I have uttered it myself. It has not come true. It will not come true this time.

People need to understand that 5-year, 7-year agreements really only commit us to the first year, and even with that, with supplementals, failure to enact rescissions, contingencies that come up—in fact, we have already seen a proliferation of attempts to change this budget, to add money to this budget, to change the spending priorities—Congress has the right to waive this agreement any time it chooses.

We actually increase the deficit in this budget in the next 2 years from the current level estimated at $67 to $90 billion in fiscal year 1998 and 1999, and like all of our budget gimmicks in the past, all of the deficit reduction comes in the outyears, in 2001 and 2002.

All of the tough decisions come after the next midyear election, after the next Presidential election. I have announced my resignation, so I will not be here. I will not be here to protest that ''Here we are again. Remember back in 1997 when we promised a balanced budget?''

Here we are at 2001 putting together the next promised balanced budget which pushes us out now to 2006 or 2007.

All the rosy scenarios about the assumptions of no economic decline in the next 6 years, I hope and pray it happens. I doubt very much that it will.

The other thing that distresses me is that in this budget we had the opportunity for meaningful entitlement reform and we once again took a pass on it. It seemed to me that everything was lined up in order for us to do this.

We had a Republican Congress that had gone on record as supporting meaningful structural changes in entitlements, changes that we know we are going to have to face for if we don't, we are going to find ourselves in severe economic distress in the future. We had a President who had just been re-elected and was not going to run again. He did not have to worry about getting re-elected or pleasing certain constituencies. And we thought he would step forward and provide real leadership on this. And he took a pass.

Congress took a pass because somehow we materialized some additional revenue because of the economy, not because of anything we have done to hold down spending, but because of the good economy that we have in this country. And revenues were flowing in. And at the last minute we came up with $250 billion and said we can take a pass again.

So when we say we have averted the crisis of Medicare's imminent bankruptcy until 2007, yeah, we have done that. We have done that with a gimmick of shifting home health care from part A to part B and applying more revenues to cover the deficit that is coming instead of implementing reform and giving the windfall in revenues back to the American people to whom it belongs.

We have had to narrow our tax cut because we have not exercised the discipline on spending. I can go on and on. But I am going to abbreviate my remarks here so we can keep moving on this.

It is worth pointing out that, rather than taking the $255 billion in unanticipated revenues and using it for deficit reduction or tax reduction, we have used it to increase spending. Rather than capitalize on the momentum that we had for meaningful entitlement reform, we used budget gimmicks and price controls to delay the crisis and postpone the tough decisions once again. Rather than reduce the size of the Government, baseline budget tactics are used, tactics which Republicans used to criticize—assuming automatic increases in the baseline and then making reductions in that baseline and calling it a cut when it is not a cut, it is an increase. This deceptive practice is continued in this resolution, and now Republicans have bought into that practice.

In the end, this resolution simply postpones deficit reduction into the next millennium and lets everybody off the hook on tough decisions that ought to be made now.

As stated in an article in the May 10 issue of the National Journal called ''The Easy Way Out'':

Historic the deal may be, but not so much because of what it includes as because of what fell out: just about anything unpleasant for incumbents of either party. From a political point of view, it may indeed be a triumph; certainly, at a minimum, it is clever. From a reformer's point of view, however, it is a washout.

We need reformer practices. We have said that; many have, since I have been here. I am now in my 17th year. We have not used reformer practices. Once again, we have used tricks and unexpected revenues to postpone the tough decisions.

I have said from the beginning, and will continue to say it, we will not make the tough decisions until we are constitutionally forced to do so. We will not achieve meaningful reform in our budget until we are constitutionally required, by raising our hand and pledging to support that Constitution, that we will honestly balance the budget and not create deficits and not pass on debt to future generations.

I am ashamed of the fact that during my watch, while I was here, the national debt has grown from less than $1 trillion to approaching $6 trillion. That is a national disgrace. And it has happened on my watch. I tried everything I could to keep that from happening. I think my voting record indicates that. Nevertheless, it happened on my watch.

So for me, someone who will not be here to protest in future years, I cannot in good conscience support this budget. Is it an improvement? Yes. Is it probably everything that the Budget chairman could have achieved under the circumstances? With divided Government and an administration bent on spending more and making a mockery of their statement that the era of big Government is over, I think the Budget chairman did everything he could under the circumstances. I commend him for his work and commend the leadership for their work.

But let us not pretend. Let us not pretend. And let us not pass on to the American people that we are giving them an honest balanced budget by the year 2002. I do not believe that is going to happen any more than the previous six promises on balanced budgets in the last 15 years have proven to be true to the American people.

I regret that I have to vote against this, but I, in all honesty, cannot support this budget resolution.

The most glaring problem with this budget resolution is that the deficit actually increases dramatically next year, from an estimated $67 billion for fiscal year 1997 to over $90 billion in fiscal year 1998, and does not begin to come down until 2001. The deficit then drops precipitously by nearly $84 billion between 2001 and the end of 2002.

This rosy scenario is hard to believe. In fact, the only years that really count in this budget agreement are the next 2, when Members and the President can be held accountable to abide by their commitment. The heavy work of deficit reduction is postponed, and becomes someone else's problem. Even then, 97 percent of deficit reduction included in this package is based upon economic assumptions that seem implausible at best. They are based on sustaining the current state of the economy for another 6 years.

This resolution fails to address the looming crisis in entitlements. Rather, it delays dealing with the issue through budget gimmickry.

The resolution purports to secure $115 billion in Medicare savings. However, the overwhelming majority of this savings is secured through price control gimmicks that have failed in the past. Even then, the preponderant majority of this savings comes after the year 2000, when there is no guarantee of enforcement.

The plan calls for further reducing payments to health care providers. We have tried this many times before with no success. In fact, costs have continued to rise while the quality of health care for our seniors has continued to be diminished.

In addition, the current proposal shifts the Home Health Care Program, the fastest growing Medicare program, from the Medicare part A fund, to part B. This trick postpones the collapse of the Medicare trust fund from 2001 to around 2008, and serves to delay having to confront the long-term Medicare crisis.

Failure to implement meaningful reform in Medicare represents the greatest single missed opportunity in a budget proposal rife with deferment and missed opportunity. In fact, the resolution creates a $16 billion health care entitlement for low-income children. It is important to note that this entitlement goes beyond covering poor children already covered under Medicaid.

The key to busting the logjam in negotiations on this budget agreement was a midnight-hour $255 billion windfall from the Congressional Budget Office. This money came from larger than anticipated revenues from a robust economy. However, rather than using this money to both reduce the deficit and reduce the tax burden on the American people, negotiators went on a spending binge.

The result of this is that the budget resolution actually increases, not decreases the size of the Government. For fiscal year 1998, spending is increased over fiscal year 1997 projected spending levels by an estimated 4.32 percent, or $70 billion above the freeze. This is the largest increase of the Clinton Presidency, $5 billion more than the President requested in his original budget proposal, and outpaces inflation by nearly 1.5 percent.

This dramatic increase in domestic spending is based upon the concept that spending on these programs has been limited in recent years. In fact, according to economist Stephen Moore, over the past 10 years, 1988–97, Federal domestic spending has soared from $622 billion to $1.116 trillion. After adjustments for inflation, this is an increase

of 40 percent. And now, under this agreement, we will be increasing this spending by a rate of 1.5 percent above inflation.

There are no spending reductions in the budget. The savings are actually reductions in projected baseline spending. This type of baseline gimmickry is something that conservatives have long rejected. However now, for political expediency, this plan is based entirely upon it.

James Glassman writes in his column entitled ''Bad for Everyone'': ''The reason that the Federal deficit is projected at zero under the new budget is not that Government will be smaller, but that revenues from taxpayers will be larger—much larger.'' Mr. Glassman goes on to point out: ''According to the President's February budget, the Treasury was expected to collect $1.5 trillion from citizens and businesses in 1997. According to the new bipartisan budget, that figure will rise to $1.9 trillion in 2002. Meanwhile, spending will rise from $1.6 trillion to $1.9 trillion. And there you have it: A balanced budget.''

Is this what reform is all about? Rather than use windfall tax revenues as an opportunity to decrease spending and accelerate the path to a balanced budget, this resolution gobbles up taxpayer money with substantial spending increases and postpones the tough decisions for another day.

If there is anything hopeful in this budget resolution, it is some progress toward tax reduction. There is roughly $135 billion set aside for tax cuts. However, $50 billion of that number is offset by tax increases elsewhere in the budget, leaving a beginning net tax cut of $85 billion. This represents just 1 percent of the $8.5 trillion in estimated tax revenues over the next 5 years.

Even then, the President's tax priorities for education, totaling $35 billion, is locked in, leaving Congress to spread the remaining benefit between a $500 child tax credit, capital gains reduction, expanded IRAs, and estate tax relief. The $85 billion net tax cut comprises about one-third of the money needed to offset all of these tax cuts fully. In fact, the Heritage Foundation estimates that the full cost of the $500 dollar-per-child tax credit alone is $105 billion over 5 years.

However, the game doesn't stop there. A key aspect of the agreement is the assumption that the Bureau of Labor Statistics will adjust the CPI downward by approximately .3 percent. The result would be a hike in income taxes by approximately $6 billion dollars. Thus, the real total net tax cut under the agreement is $79 billion or less. Again, according to Heritage Foundation estimates, Americans will receive a grand total of 67 cents in tax relief for every new dollar of spending on Government programs contained in the agreement, or less than one cent on every tax dollar sent to the Federal Government.

In fact, the entire net tax cut contained in the Resolution is less than one-fifth of this $255 billion dollar windfall discovered by CBO, and used to blow the ceiling on spending. The result is that much needed tax relief will have to be phased in, with the bulk of it falling, once again, in the out years. The child tax credit, touted as middle class tax relief, will likely have to be limited to low income families.

Already, discussions regarding a capital gains tax cut have gone from an early 50 percent reduction proposal, to a cut of 10 percent, and is now moving toward a limited maximum rate of 21 percent. This is hardly the type of capital gains tax cut needed to free the hundreds of billions of dollars in encumbered capital in our economy.

I do not believe that this is what the American people have in mind. And I have no confidence that future Congresses, faced with the skyrocketing spending and rosy economic assumptions contained in this agreement, will follow through on fully implementing tax relief.

This budget is full of missed opportunities. Rather than taking the $255 billion in unanticipated revenues and using it for direct deficit and tax reductions, it has been used to increase spending. Rather than capitalize on momentum for meaningful entitlement reform, budget gimmicks and price controls are used to delay the crisis and postpone the tough decisions. Rather than reduce the size of Government, baseline budget tactics are used to simulate smaller Government.

In the end, this resolution simply postpones any deficit reduction into the next millennium and lets everyone off the hook on the tough decisions. As stated in the May 10 National Journal article entitled, ''The Easy Way Out'':

> Historic the deal may be, but not so much because of what it includes as because of what fell out: just about anything unpleasant for incumbents of either party. From a political point of view, it may indeed be a triumph; certainly, at a minimum, it is clever. From a reformer's point of view, however, it is a washout.

I thank the chairman of the Budget Committee for allowing me this opportunity to speak. I regret that I might not be here this evening. But I think I identified the right priority in my life. And I am looking forward to being, for once, not the person in the limelight in our family but the person applauding the one that is in the limelight, which is my wife who will be receiving the degree which she worked so hard for.

Mr. President, I yield the floor.

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

The Senator from Nebraska is recognized.

Mr. KERREY. Pursuant to the previous unanimous-consent request, I ask unanimous consent that 10 minutes be taken off the resolution so I can speak.

The PRESIDING OFFICER. The Senator is correct.

Mr. KERREY. Mr. President, before I talk about the resolution itself, what it does, what it does not do, I do want to go back to 1993, as many of my colleagues have done, and discuss the Deficit-Reduction Act of 1993.

Since I only have 10 minutes, I will not go into detail about the one that happened in 1990 under President Bush's watch. Both of those were very unpopular budget resolutions. I noticed when I went home, in both cases, there was substantial criticism from people who did not like various aspects of it.

One of the unique things about this particular budget resolution compared to those is that I do not expect to find a similar sort of outcry against it. I think it tells us a lot about what is in this one as well as the progress that we have made toward reduction over the last 4 years.

That resolution, Mr. President, that act, OBRA, 1993, brought the deficit down by 77 percent, a substantial reduction in the deficit. It occurred, it must be said, as a consequence of the economic recovery that had begun in 1992. It did not produce all of the growth by any measure. I do not argue that the economy turned around as a result of that Deficit-Reduction Act, but there is no question that we had demonstrated in 1993 that there was a connection between growth and deficit reduction, that it is possible for us to take action with our budget to produce good things out in the private sector.

I would argue that the greatest victor in this Deficit-Reduction Act of 1997, the Deficit Elimination Act of 1997, the greatest victor is economic growth. Four percent real growth in the first quarter is what has really enabled us relatively easily to take the last step.

There were a lot of terrible things that were said were going to happen as a result of the 1993 OBRA. People said it would result in lost jobs. We stood here on the floor and said, if we voted for OBRA 1993 there were going to be higher deficits and there was going to be higher national debt, so on and so on. About the only dire prediction that turned out to be true was that people who voted for it were not reelected because, as I said, it was very unpopular. It was very difficult deficit reduction, very substantial deficit reduction.

We have evidence, in short, that if we are willing to cast a tough vote, if we are willing to reduce spending and reduce our deficit, that not only is there economic gain coming as a consequence, but that that political risk can pay off long term. We can stand and say that though we have asked people to take a bit less, there will be benefits coming as a consequence of this reduction in the rate of growth of spending that is contained in this budget resolution.

So I stand here today to say, where do we go from here? And I have to confess, there is a part of me, Mr. President, that says, ''Well, now that we've gone from a Democratic majority to Republican majority,'' in part, if not in large part, as a result of the unpopularity of the 1993 Deficit-Reduction Act, ''maybe we ought to hold our

breath on this side and let you all figure it out on the other side, let the distinguished occupant of the chair and the other guys on that side of the aisle, let you all address it and cast the tough votes this time around.'' I do not think that would be responsible of us, Mr. President.

There is a lot I do not like in the budget resolution. There is a lot I did not like in 1993 and in 1990. But given the benefits that occur as a consequence, I do not think that it is good for the country for me to stand here in a petulant fashion and say I am not going to participate as a consequence of what happened politically in November 1994.

I do believe that the budget resolution in front of us today will, on balance, produce economic growth, and I do believe that it will balance the budget in the year 2002, if Congress keeps its eye on the ball and keeps its attention focused on what is going on outside of these Halls, and that is to say what is going on in the private sector, and what is going on with our economy.

If our tax, our regulatory, and spending policies produce economic growth, all the rest of it gets relatively easy, as we are learning indeed with OBRA 1997.

We need to start thinking about economic growth. We need to start asking ourselves the question, what do we do, not only to produce the growth, but when is the growth good for us and when are we willing to step in and say the growth is not good?

I mean, all of us, I suspect, universally would say, I do not care if it does produce jobs, I am not in favor of pornography, and I am not in favor of spoiling our environment, and I am not in favor of making our streets unsafe. There are lots of examples where we would step in and put a law in place even though it might prevent somebody freely from being able to produce jobs. We will say that those particular jobs are not good for us and thus we are going to put a law in place to prevent that activity from happening.

There is a larger problem as well, Mr. President. I do think, though, growth lifts all boats, that a rising tide will tend to lift all boats. As we have seen with the dramatic narrowing of economic inequality and income inequality that has occurred in the last 4 years, that there is still going to be large sectors of our economy, large sectors of our population, individuals and their families that are going to be left out of the benefit of that growth.

That is especially true if you take the position, as I do, that we ought to put in place laws that say the United States of America is going to lead the effort to lower trade barriers, that we believe that generally speaking we are better off competing in a global economy. In that global economy with technology, with immigration, with the welfare-to-work programs that are going on, people at the lower end of the wage scale are going to suffer. They are going to be under a lot of pressure.

People making $5.15 an hour, $6, $7, $8, $9, $10 an hour are going to be under a great deal of pressure. They are going to be working more than one job. They are going to be paying child care. They are going to have lots of other problems they are going to face.

It is important for us to pay attention to our capacity to give them the opportunity to get a good education, get retrained, go to college, if they choose to. We have to look at those sorts of things, and keep our eyes open to special problems that exist today that did not exist 30 years ago.

Perhaps the most dramatic difference is that in the 1990's the amount of debt accumulated to go to college exceeds all the debt that was accumulated in the 1980's, 1970's, 1960's combined. By the end of the century $50 billion of new debt will be acquired by American youth who are trying to go to college; graduating today with an average of $10,000 debt, growing by some 14 percent a year.

The President's response to try to direct some additional resources for education, I believe, is good. I also think it is important for us to try to come up with mechanisms and enable Americans, using the laws of the land, to acquire the wealth that they need to make those kinds of purchases not just for education, but for retirement as well.

This balanced budget will produce, in short, economic growth. But I do not believe that this balanced budget will take us in every single instance in directions that we need to go.

I think that we are still going to have problems with our schools. I think we still have problems with fighting the war on drugs. I think we still have problems in a number of other areas where our current policies are inadequate to the task. They are going to require us to reach down and look for different ways of doing things if we want to change our future.

The three areas that I would like to address here this morning, Mr. President, where this law does not change our future adequately is the percentage of our budget that is going for entitlements versus discretionary, the amount of wealth that individuals have in order to be able to plan for their retirement, and, Mr. President, I also believe we need to look at the mix of people over the age of 65 versus under the age of 20. I still do not believe we adequately adjusted to the problem that we are going to face when that baby-boom generation begins to retire.

I would like, Mr. President, just to run through a couple of charts here very quickly. You all probably have seen them before. It is what everybody wants to do—look at another chart here on the floor of the Senate.

This is a line that shows the births in the United States from 1910 through 1920. I bring this to the floor because it is a demographic problem that we face, not a problem that was caused by Ronald Reagan or George McGovern or Phyllis Schlafly, or secular humanists. This is a problem that was created as a consequence of 77 million Americans who were born between the years of 1945 and 1965. And then the birthrate dropped for about 15 years afterward.

Thus, what that has produced is a relatively small number of people who will be supporting a much larger number of people who will be retired out there in the future.

This is a dramatic change, Mr. President, that Congress needs to factor into our thinking because this is our future. This is where we are going. As I said, I am confident 5 years from now, 1997, we will have a balanced budget, but we have not addressed this problem. This is the future for America:

In 1997, 29 percent of our population is under the age of 20; 13 percent is over the age of 65; 79 million in one group, 34 million in the other group. In 2030—all the speeches we give about children, 4 million babies born in America this year, those babies will be 33 years of age in 2030, and all of us understand how quickly 33 years go by. In 2030, when those babies are now out there working, there will be 24 percent of our population, down from 29 percent, under the age of 20. The under-20 population will only have grown by 4 million. But the over-65 population, Mr. President, will have doubled, going from 34 million to 68 million. If you look at the number of workers per retirees, it is even more dramatic, a doubling of the population over the age of 65 and a 20 percent increase in the size of the American work force.

Mr. President, we have simply got to address this problem. The only way for us to do it, in my judgment, is to look at the mix of our budget that is going to mandatory versus discretionary. In 1963, 30 percent of our budget went to mandatory spending, 70 percent went to discretionary spending. At the end of this budget resolution it will be exactly reversed, 70 percent mandatory, 30 percent discretionary. Mr. President, in about 10 or 12 years after that it will be 100 percent mandatory and 30 percent discretionary.

A much bigger and more difficult problem for us to face as a Congress than balancing the budget is balancing the mix of mandatory and discretionary spending. It is not a mathematical formula, Mr. President. If we do not take action on this, people who will retire 15, 20 years from now—and again, this is a problem for the baby-boom generation; this is not a problem for the current generation. There are enough workers in the workplace today to support current retirees. But those people who will be retiring out in the future, Mr. President, they are not going to like that future as a consequence of the kinds of choices that will be forced upon them later, unless we take action earlier to accommodate.

Mr. President, I would like to see this budget resolution changed. I am hopeful we can build some bipartisan

consensus to change it. Senator LIEBERMAN and I, Senator BREAUX, and a number of others have been working on a proposal called Kids Save that would alter the child care credit in this resolution that would enable us to help working families acquire wealth. Unless you expect to hit the lottery, unless you expect to inherit the wealth, the only and the best and most reliable way to generate wealth is to save a little bit of money over a long period of time. Kids Save enables us to do that. It enables working families to have that wealth. If they want to use it for education, if they want to use it, preferably, for retirement, they will have it when they get there.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator WARNER of Virginia is recognized at this time.

AMENDMENT NO. 311

Mr. WARNER. Mr. President, I call up an amendment at the desk by the Senator from Virginia.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. BAUCUS, proposes an amendment numbered 311.

(The text of the amendment is located in the RECORD of May 21, 1997.)

Mr. WARNER. Mr. President, we ask now 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. WARNER. Mr. President, the Senator from Virginia, throughout my career in the U.S. Senate, has fought for the balanced budget as hard as anyone. I say that with humility. I am sure the distinguished Senator from Montana has a like record and a like commitment.

We are also entrusted with the responsibility, in my case as chairman and the Senator from Montana as the ranking member of the Subcommittee on Public Works and Environment, to see that our Nation's infrastructure of highways, and to a certain extent mass transit—although that is primarily in another committee—constantly is administered in such a way as to promote growth in this country.

Talk about a balanced budget. That balanced budget is dependent on the ability of Americans to get to their place of work, to return safely, to provide for their families, and every Member of this body knows that we are falling behind every minute in our ability to keep in place the infrastructure of roads and bridges, much less modernize it to make it safer and more efficient. We are steadily falling behind. But as we fall behind in providing the necessary dollars, the dollars that they are paying in the tank are accumulating in the Treasury in an account called the highway trust fund.

Now, Mr. President, I like to do homework. I learned it as a child under the supervision of two good, strong parents. So I went back to 1955 when in this very Chamber resonated the voices of the chairman of the Environment Committee, Mr. Chavez, and incidentally, the chairman of the subcommittee, Albert Gore, Sr., the father of our distinguished Vice President. When they came forth with the legislation to establish the highway trust fund, they picked the name ''trust.'' They could have called it the highway fund. They could have said there is a line in the Treasury for just where to put the tax dollars, but they called it a trust fund.

Today the Congress, together with the executive branch, are using it as an escrow account—not a trust fund, but an escrow account—to hold these dollars almost as if they were poker chips to play with them as we see fit, not in keeping with the intention of the founders of this piece of legislation.

I read from the 1955 CONGRESSIONAL RECORD, page 6716, of May 20—is that not interesting, May 20, coincidental in time, Mr. President, 42 years ago—in which Senator Gore concluded by saying, ''Had the committee thought it advisable to recommend a more vigorous program than that which is contained in S. 1048, I am sure it would have done so. The sentiment in the committee, if I interpret it correctly, was to act as fast and as energetically as we could while still ensuring that the taxpayer received a dollar's worth of road for his [and I insert her] tax dollars.'' There it is, a commitment by the U.S. Senate, right in this Chamber, the origin of that legislation, and we are breaking that trust, that fiduciary relationship today.

Mr. President, 18.3 cents is paid by every American and all those using petroleum at the local gas station; 4.3 is taken out for the deficit. That is another argument. We are not dealing with that today. Fourteen cents remains, of which 12 cents is for the highway and 2 cents for mass transit.

We have another piece of legislation under the auspices of Senator BOND and Senator CHAFEE, which I support, saying a dollar in, a dollar out. That is what this does. This amendment is designed to put every Member of this body on record when he or she goes back home that, ''I fought to see that your tax dollars that you pay are returned to you and you can apply them to improve that infrastructure to strengthen America's economy.''

Critics say, well, Senator WARNER and Senator BAUCUS, you did not provide offsets. Well, we did not have to provide offsets, I say to my colleagues, because the offset is there in the word ''trust.'' That is what it means—trust means exactly that. The people of this country trust the Congress of the United States, and in this instance, more specifically, the Senate, trust them to find the necessary means to balance the budget without a breach of trust to those who contribute at the gas tank, consistent for 42 years, given by the U.S. Senate.

I say to my colleagues, weigh heavily when you cast this vote. Put this amendment on. Let it go to conference. Let the distinguished chairman and the distinguished ranking member in the context of a conference decide how to continue the preservation of the balanced budget but at the same time keeping trust with the American people to return their dollars, their hard-earned dollars, submitted at the gas tank.

I yield such time as my distinguished colleague desires with the caveat that I would like to reserve for the Senator from Virginia 2 minutes at the end and 2 minutes for the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to first commend the chairman of the Budget Committee, the ranking member, the President, and negotiators for putting together a bipartisan agreement. I know it was not easy. It was difficult. But I think the American people are very gratified that the President and the Congress put together the outlines of a budget agreement which brings the budget deficit down to zero.

One of the provisions in that agreement is the amount we will spend on highways and transit for the next 5 years. Under the budget agreement, the highway and transit programs will receive funding levels equal to the estimated revenue collected each year.

But Mr. President, I would suggest we need to do better.

That is why the Senator from Virginia and myself are offering this very simple amendment. Under the amendment, whatever comes into the trust fund through gasoline taxes and diesel fuels, et cetera, plus interest on what is earned on the balances in the trust fund, is available to be spent. In otherwords, whatever revenue comes in, will go out. This is truth in budgeting. It is a very modest amendment.

Mr. President, current balances in the highway account of the highway trust fund is $14.3 billion. If you look at this chart, you will see that the balances in the highway account will almost double by the end of the 5 years covered by the budget resolution. Under the resolution, the balance in the highway trust fund will grow to almost $27 billion. It just seems to me, Mr. President, and to all of us who are concerned about the balances in the highway trust fund, that it is wrong for that balance to continue to grow or double when those are dollars being contributed by motorists who expect to see transportation benefits.

I might add, Mr. President, that motorists are already paying 4.3 cents a gallon which goes to deficit reduction. Over the 5 years of the budget resolution will amount to about $35 billion.

If our amendment does not pass, there are serious consequences. If our amendment does not pass, I must tell

Senators that they are not going to receive funding levels close to the highway funds or the mass transit funds that their States expect. That is what is shown in this chart. I apologize for the small print on this chart, but we have after all 50 States and it is difficult to get every State on the single chart.

This chart shows what will happen to a State's anticipated funding under the various highway bills that have been introduced, such as STARS 2000, STEP 21, NEXTEA and ISTEA Works. Senators have signed onto those bills anticipating certain funding levels. If the Warner-Baucus amendment does not pass, each State will receive a reduction in funding.

I look at the Presiding Officer. New Hampshire—as an example, New Hampshire signed up for the ISTEA reauthorization bill. If New Hampshire thinks it is going to get $142 million a year, that is wrong. If my amendment does not pass, New Hampshire is going to receive $30 million less. If my amendment passes, New Hampshire will get the $142 million.

That same example holds for every single State.

So it is very clear that Senators are not going to get the money they think they are going to get if this amendment does not pass.

I want to also add that there are other reasons to increase transportation spending.

Our Department of Transportation says that we need about $50 billion dollars annually to maintain our highway system. The $26 billion provided for under this amendment is a little more than half of that. That is all.

Think of the competition in the world. The Japanese spend four times what we do as a percentage of GDP than the United States. The European Union, spends twice as much.

We are hurting ourselves in not keeping our transportation system up to snuff.

In addition, if the budget resolution becomes the law, areas that are experiencing growth or areas with an aging infrastructure will not get the money they need. And programs that mean a lot to Members, such as the Congestion Mitigation and Air Quality program, or enhancements and bike trails, will not have the money they need.

Our proposal is very simple: That we pass this amendment, which will increase the deficit in the last year from a $1 billion surplus to about a $2 billion deficit. That is all. Over all 5 years, $12 billion. It does not go to the core of the agreement. It does not touch Medicare or Medicaid and does not touch taxes. It does not touch any of the provisions that Senators have been arguing about over the past few months as to what should or should not be in the bipartisan agreement. It doesn't touch those at all. It just says let's spend the interest, plus what comes into the trust fund as revenue each year. That way we can prevent further deterioration of our highways and bridges.

If this amendment should pass,—the Senator from Virginia and I will work with the managers of the Budget Committee and with the administration to try to find some way to accommodate this $12 billion increase in conference.

I want a balanced budget. I think every Senator wants a balanced budget. Fifty-seven Senators have written the Budget Committee asking for more money in transportation. In fact, what they asked for was a full $26 billion every year for 5 years. We are only asking for a ramp up to the $26 billion level over the 5 years. This is very modest and nowhere close to the request made by 57 Senators who have asked for a full $26 billion to be included in transportation for every year.

This is a very small change in the agreement which the budget and administration negotiators put together. It can very easily be accommodated in conference.

I might add, to those Senators from the Northeast who are concerned about mass transit, this amendment also—the $12 billion increase in outlays I mentioned—includes increases in mass transit.

So, Mr. President, it is really very simple. I grant that it is technically an increase in the deficit by $12 billion. I am also saying that we as Senators should not be caught in a box. We should not be rigid. We should not be knee-jerked. We are elected to be thoughtful. We are elected to do what is right. We are elected to be creative.

What do the American people think is right? First, balance the budget; second, do it in a way which is fair to our country and our country's needs.

It is clear that we can balance the budget, including the framework agreed to by the budget negotiators, the administration, and the leadership, and still meet our States' infrastructure needs.

It is a very modest amendment. Again, it just says spend what comes in, plus interest, to the trust fund. In fact, even under our amendment we end up with a $17 billion balance in the trust fund. So under our amendment, we are not spending anywhere near the amounts the trust fund could sustain. But the Senator from Virginia and I are trying to be modest.

So, I again urge Senators, just go the extra mile. Vote for this. We will all work together to balance the budget in a way which also does not hurt the core provisions of the agreement but addresses the very serious transportation needs of this country.

I reserve the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I commend my distinguished colleague. We worked together as a team on this. He has spent a good deal of his career in the U.S. Senate fighting to improve America's infrastructure and transportation.

I am going to place at the desk at the time of the vote a letter signed by 66 Members of this body supporting precisely what it is we have before them today in this amendment, together with letters from each of the Governors. All 50 Governors support a higher level of funding for our highways.

Senator BAUCUS and I, as we worked on this amendment, decided not to take the top dollar. As Senator BAUCUS clearly said, $17 billion remains in the trust fund. We tried to take a reasonable amount of increase.

This chart shows the green line of what this budget resolution does in terms of highways—flat. Our amendment takes this up at a gradual increase to where we reach the $26 billion, that figure subscribed to by 66 Senators, that figure subscribed to by all 50 Governors.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that we temporarily set aside the amendment that is pending and permit Senator PAT ROBERTS to speak for up to 10 minutes on the bill, after which we return to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object.

Mr. BAUCUS. Reserving the right to object. I am sorry. I did not hear the request.

Mr. DOMENICI. I had checked with Senator LAUTENBERG. All we did was ask that the Senator set aside his amendment for 10 minutes and return immediately to it after PAT ROBERTS speaks for 10 minutes.

Mr. BAUCUS. How much time is remaining on the amendment?

The PRESIDING OFFICER. Twenty-nine minutes on Senator DOMENICI's side and 12 minutes on Senator WARNER's side.

Mr. BAUCUS. Thank you. No objection.

Mr. INHOFE. Mr. President, I rise on a point of personal privilege.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I ask unanimous consent to be allowed 2 minutes to count against either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLARIFICATION OF PRESS REPORT

Mr. INHOFE. Mr. President, I was shocked a little bit this morning to read in the Washington Times a story by Ralph Hallow in which he quotes a statement that was supposedly attributed to me by Mr. Paul Weyrich. I would like to read it.

Hallow writes that:

Mr. Weyrich said that at his regular Tuesday meeting for conservative leaders, Senator James Inhofe, Oklahoma Republican,

accused Mr. LOTT of having ''betrayed the national-security interests of the country.''

I have to tell you, Mr. President, that I don't think anything like this has ever happened to me. Even though I don't have thin skin—I have been beat up by the liberal media quite often—this is not the case. I never made such a statement.

I even checked the tape of a TV show that I had with the gentleman, Mr. Weyrich recently, and I find nothing but compliments which I made about Mr. LOTT. I did say on a couple of occasions that I disagreed with him on the chemical weapons stand. I disagreed with him on his suggestion in terms of potential punishment for Lt. Flynn. However, I was very complimentary of him.

Just a few minutes ago I received a memo from Paul Weyrich which clarifies the matter. I want to read into the RECORD the first half of that memo, dated this morning.

Once again Ralph Hallow has caused a problem. He called me on my private line and asked my views on Lott and Lt. Flynn, which I was happy to give. He asked me about the rest of the movement, and I told him that at the Wednesday lunch we gave Senator Inhofe a message to take back to the Steering Committee which was supported almost unanimously by the 65 or so in attendance. I then quoted Frank Gaffney as saying that twice in a month Senator Lott had betrayed the security interests of the United States. Instead, he attributes this quote to Senator Inhofe, who refrained from criticizing Lott even though he disagrees with him. Believe me, Hallow did not misunderstand what I told him because he even called me back and said he had interviewed Inhofe and he—Inhofe—refused to be critical of Lott.

Thank you, Mr. President.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. ROBERTS. I thank the Chair. I thank the distinguished chairman of the Budget Committee.

Mr. President, I rise in support of the overall balanced budget plan and rise expressing some reservations in regard to many of the amendments that we are considering, the pending amendments; some 45 of them, as a matter of fact.

If nothing else, I wanted to pay a personal tribute in behalf of the taxpayers of Kansas and thank the chairman of the Budget Committee for his leadership, his perseverance, his patience. He has the patience of Job. I must confess, having come from the lower body, as described by Senator BYRD, and being the chairman of the House Agriculture Committee, I am not sure I had the patience of Senator DOMENICI. We now spell ''persevere'' D-o-m-e-n-i-c-i.

How many hours, I ask of the chairman, if he could respond, how many days, even years, have been involved? Does he have any estimate in regard to the hours he has spent late, early—he and Chairman KASICH of the House? If he gives me an estimate, what is it? 10,000?

Mr. DOMENICI. On this agreement itself, just this year, I would estimate 1,000 hours.

Mr. ROBERTS. 1,000 hours. I said hours and minutes; even years.

This has been the third year on this particular budget plan. This is the culmination of 3 years of hard work that the Senator from New Mexico has put in, all members of the Budget Committee, as well as the staff. This has been a Lonesome Dove Trail ride. I hope we get through the tall grass and balanced budget with all of our body parts intact. If we do, the chairman will get most of the credit.

In the last session of the Congress we had two balanced budgets. We worked very hard and very diligently. They were vetoed by the President. We even came to a Government shutdown. Nobody wants to repeat that. I understand that when you are doing a budget for the U.S. Government, you have many, many strong differences of opinion. After all, for better or worse, the Congress of the United States reflects the diversity we have in this country and the strong difference of opinions. Goodness knows, we have good diversity and strong differences of opinion. The House, the other body, just the other night stayed until 3 a.m., and, finally, by a two-vote margin, succeeded in defeating an amendment that was a deal breaker. It involved highways. As a matter of fact, it involved transportation, the very issue we are discussing on the floor at this very moment other than my comments. Two votes was the difference. Goodness knows, everybody in the House of the Representatives, everybody in the Senate cares about transportation and cares about highways and the infrastructure.

We came within five votes of a deal breaker on the floor of the Senate. I think it was five votes in regard to health care for children. Who can be opposed to additional funds for health care for children? As a matter of fact, the chairman has worked very hard to provide $16 billion in regard to that goal.

So we had highways, health care, and we had a situation in regard to the construction of our schools, to fix the infrastructure of the Nation's schools—$5 billion—with a $100 billion price tag, which set a very unique precedent.

I don't question the intent. I don't question the purpose nor the integrity of any Senator, nor, for that matter, anyone who would like to propose an amendment or a better idea in regard to the budget. But I would suggest that the high road of humility and responsibility is not bothered by heavy traffic in this instance.

Most of the amendments—I have them all here. Here is the stack, 45 of them. Most of the pending amendments right here are either sense of the Senate or they have been rejected outright as deal breakers.

Sense of the Senate means it is the sense of the Senate. It has no legal standing, has no legislative standing. It is just a Senator saying this would be a good idea in terms of my intent, my purpose, what I think we ought to do. And there are a few that are agreed to that obviously will be very helpful.

But here are the 45. Most of them are simply not going anywhere but raises the point. I took a little counting here. There are 8 Democrats and 11 Republicans—11 Republicans who have decided that they will take the time of the Senate, take the time of the American people, take the time of the chairman of the Budget Committee and staff and go over and repeat their priority concerns in regard to the budget.

There is nothing wrong with that. I understand that. Each Senator is an island in terms of their own ideas and their own purpose and their integrity. I do not really question that but in terms of time, I mean after 3 years of debate, after hours and hours and hours of careful deliberation between the President and the Republican leadership and 45 pending amendments.

I have my own amendments. I have my own amendments. I should have had some sense of the Senate amendments. I feel a bit left out. I thought we had a budget deal. I thought we were going to vote on it. I thought that we were going to conclude. And then during the regular appropriations process, during the regular order, if you will, of the rest of the session, why, perhaps we could address these things that I care very deeply about.

Maybe we ought to have a sense-of-the-Senate resolution introduced by Senator ROBERTS that all wheat in Kansas should be sold at $6. That is a little facetious, to say the least, but I do have concerns about crop insurance, a child care bill I have introduced, along with a capital gains bill, capital gains and estate tax. I think capital gains should be across the board. I think estate tax should be at least $1 million. I want a sense-of-the-Senate resolution or amendment declaring that. Or maybe an amendment—I tell you what we ought to have, if the chairman would agree. I think you ought to make a unanimous consent request to consider an amendment that all Senators who offer an amendment on the budget process must be required to serve 6 months on the Budget Committee. Why not? Perhaps in the interest of time, since all of the time that is being spent by the 11 Republicans and the 8 Democrats—oh, I forgot my sense-of-the-Senate resolution on defense. I do not think we have enough money committed to our national defense with the obligations we hear from the Secretary of State, the Secretary of Defense, the administration and everything else. So add that one in Roberts' sense of the Senate.

Maybe we ought to have a unanimous consent request, to save time, to get

this business done, to accept the responsibility for the budget, I could just ask unanimous consent that all amendments pending be laid on the table and considered en bloc and ask for the yeas and nays and we could get the budget deal and go home. I have not made that unanimous consent request. That would be untoward. That is the mildest word I could use for it because it would violate agreements the distinguished chairman has made with other Senators.

So let me say this to all the Senators who introduced all these sense-of-the-Senate amendments, fell asleep, issued a lot of press releases back home and got a lot of credit. And I laud their intent, laud their purpose. What about breaking the deal? What about the law of unintended or intended effects? What about the responsibility of delaying the Senate and possibly delaying 3 years of work, 3 years of work to get to a balanced budget?

As you can see by the tone of my remarks, perhaps my patience as a new Member of the Senate is not near the patience of Chairman Job, Chairman Job DOMENICI, in regard to the Budget Committee.

Now, I had intended on reading the names of all the Senators, their amendments and lauding their intent in behalf of all the things that we would like to see done. As I say, I have them all here. They range from everything from highways to education to defense to making sure that we have proper tax relief across the board. I will not do that. But I would at least ask my colleagues in the Senate to consider the job and the mission and what our distinguished chairman and members of the Budget Committee have brought to the floor of the Senate. And if we could, if we could plead for a little bit of expeditious consideration, because you know what is going to happen. Time will run out and then we will engage in what the Senate calls a votearama, and the votearama is like ''Jeopardy'' or any other game you play on television. You will not even hear what the amendment is. We will just hear an amendment by X, Y, or Z, Senator X, Y, or Z and then we will vote on it and obviously that will make a good statement back home and we can consider that very serious bill, that serious legislative intent during the regular order which should have been considered that way from the first.

Again, I thank the chairman so much.

Mr. ASHCROFT. Will the Senator yield?

Mr. ROBERTS. I will be delighted to yield.

Mr. ASHCROFT. I appreciate the Senator's remarks. When the Senator holds the stack of amendments, is he suggesting there should be no amendments or is he just focused on sense-of-the-Senate amendments?

Mr. ROBERTS. I think if I could further clarify that, of the 45 amendments there are about 6 deal breakers, if my conversation with the chairman is correct. Most of them are sense of Senate. And there are others that have been agreed to. But my basic premise is—and goodness knows, this new Member of the Senate is not about to say that we should change the process of the Senate. And this Member of the Senate is not about to preclude any Member from offering any amendment.

The point that I am trying to make is that every amendment, every sense-of-the-Senate amendment, every deal-breaking amendment also to some degree interferes with the process and the conclusion of a balanced budget which has taken us 3 years. And I know because I have been sitting in the chair presiding, listening to the same speeches that are made today in the Chamber during morning business, and people can make them in their districts; they can make them on the steps of the Capitol; they can make them here, and that is quite proper of the Senate and is advisable.

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

Mr. ROBERTS. Could I have an additional minute?

The PRESIDING OFFICER. The Senator seeks an additional minute. Who yields him time?

Mr. DOMENICI. How much time does the Senator desire?

Mr. ROBERTS. One additional minute.

Mr. DOMENICI. I yield it.

Mr. ROBERTS. I find it rather untoward or awkward after talking 10 minutes and expressing concern of the time here I would go on and on about this. I think the point is well taken. I know the Senator from Missouri has a very laudable amendment in regards to something I would agree with and I would not deny him that opportunity. But can we not get on with it after 3 years?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 311

Mr. DOMENICI. Mr. President, let me make it very clear to everyone in the Senate, first of all, I have nothing but the highest respect and admiration for both the sponsors of this amendment, the distinguished Senator from Virginia, who has worked diligently to try to create the transportation programs in the committee he serves and do it in the best interests of our whole country, and believe you me, he has had a tough job, and so has Senator BAUCUS in doing a great job, whether working on the committee or with transportation infrastructure.

Their job is very difficult because they have to balance frequently the interests of all 50 States or those that are rural versus those that are very dense in terms of population and thus roadway needs are very different in his State or mine as compared with New Jersey, if you just take into account how much gasoline tax is taken in because we are small, with small populations, but we cannot get from one place to another without roads, so we are in a different category. And over the decades we have all worked very hard to figure out how to do that balancing act. And then it turns out when it is all finished, the House does it differently than the Senate because the Senate is represented two Senators to each State. So Senator BAUCUS and his co-Senator represent a very small population but they are two. In the House, they always load the bills with the heavy populated States and over here we try to do it with a little more fairness, more fair play.

They have had to be referees over that. In fact, I might tell the Senators, they probably do not remember, but I was a referee on that once as a conferee, and that was pretty interesting, how we found a formula that year.

I might say, in spite of these accolades, this is a very, very strange amendment, to say the least. Here we have been for all these days discussing a balanced budget, and as a matter of fact even those who would break this budget did not unbalance the budget. Or even those who had deal breakers because they would take the principal components of the budget and change them, as our leader said yesterday, pulling the wheels out from under the cart so it would break down. This amendment makes no effort to try to offset the $12 billion that they add to this budget.

In other words, Mr. President and fellow Senators, this amendment is bold enough to say it just does not matter about a balanced budget. We just want to put in $12 billion more for highways. Frankly, I am sorry we do not have the money in this budget for that. But we did in fact, we did in fact increase the President's proposal by $10.4 billion. That is $10.4 billion more than the President had in mind, and we balanced the budget. We offset it somewhere or in some way reduced the amount of tax cut we were going to have in the overall sense of putting the package together.

But this amendment just comes along and says, well, we just want this additional money spent on highways, and we will wait until another day to worry about the balance. Frankly, we had a very meager surplus in the year 2002. This particular amendment costs $4.5 billion in the year 2002, and that will bring us out of balance by over $2.5 billion.

So I urge the Senators who want to support this amendment or this concept, they ought to come down to the floor and cut $12 billion out of this budget so it is still in balance. Then we would understand what would be hit—education and everything else we have been trying to fund.

So I must say on this one the administration supports us. We were not so

sure yesterday morning, I say to my good friend from Kentucky, but they support us. They sent a letter up here saying they do not support this amendment. They support our efforts to see that it does not pass.

Frankly, I would be less than honest and less than fair with the cosponsors—it is clear we are going to have to do something when the ISTEA Program comes along in the not too distant future. We are going to have to make some serious, serious adjustments. And I think those are going to happen. Perhaps the Senators will help expedite that a bit today by calling to the attention of the Senate the situation as you see it.

But essentially, we have many trust funds in the United States, many trust funds. I used to know how many. But I think it is probably fair to say we have 100 trust funds. I think that is low by 50. I think we have 150. But let us just say we have 100 of them.

Frankly, we do not spend every penny that comes into those trust funds every year, nor do we take them and set them out on the side and say whatever comes in goes out. We have put them in the unified budget. I am not sure—people argue on both sides of that concept. Should you break Government up into 150 pieces and then find some more pieces and have no central government running things, no unified budget, I should say. Forget who runs it, just a budget representing them all. And I have come down on the side of putting them all in and leaving them in, and if there is surpluses take credit for the surpluses. As a matter of fact, it is pretty clear that at some point we are going to have to change the way we are doing business, not perhaps spend more. But I would urge Senators not to vote for this amendment today. I will move to table it. I think it breaks the budget. It unbalances the budget. The intentions are very, very good, but this is not quite the way to do it.

Now I yield to Senator LAUTENBERG—

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

Mr. DOMENICI. Of course.

Mr. WARNER. I thank him for the courtesy. Let's clarify a little bit just how the Senator as chairman of the Budget Committee—and certainly we commend him for the hard work he has done. What is the meaning of a trust fund?

Let's be honest. You are keeping $26 billion, according to my calculation, holding it back, of the revenues paid at the gas tank, as if it were poker chips to play where you so desire elsewhere in the budget. We specifically did not put in offsets because the offset is there in a trust fund established 42 years ago with a legislative history which clearly said that it belongs to the people and should be returned to the people. That is why we did not have an offset. The offset is there in the form of the money in the highway trust fund. Shall we rename that budget deficit fund?

Mr. DOMENICI. Senator, you will be writing the new ISTEA law. If you will care to rename it, it will be renamed under your direction, not under mine. But I would say, from what I can find out, this $26 billion trust fund surplus—we spend about $20 billion each year and they have done that for a long time. This $26 billion that is referred to is made up of two things: $20.6 billion of it is compounded interest, and $5.9 is committed to projects. Frankly, that does not mean we have an awful lot of money to spend. As a matter of fact, we probably do not have very much. But, from my standpoint, this trust fund balance is a very reasonable balance to keep in the fund. If at some point we can get to a better plan and do it over a period of time, you are going to find this Senator on your side.

Mr. BAUCUS. Will the Senator yield?

Mr. DOMENICI. Did Senator LAUTENBERG want to speak now?

Mr. LAUTENBERG. I do.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes left; the other side has 12 minutes.

Mr. BAUCUS. Mr. President, we all deeply appreciate the amount of work the Senator from New Mexico has made to try to put this together. It is an almost impossible task. He made an interesting statement, though, that I would just like to follow up on a little bit. He turned to the Senator from Virginia a few minutes ago—if I heard you correctly; I do not want to put words in your mouth—and said something to the effect: Yes, you are right. At some future time when we take up ISTEA we are going to have to deal with deficiencies that are otherwise going to be available to be spent on the highway bill, ISTEA.

If I heard him correctly, if that is what he meant, I would just like to explore with the chairman where we might find some of those additional dollars if it's not in the context of this budget resolution.

Mr. DOMENICI. Senator, you did not quote me so incorrectly that I would say you didn't quote me right. But, in essence I am just expressing the notion that is pretty rampant, that outside of this budget resolution, at a later date, that in various committees we will be working on what do we do with this highway trust fund and what do we do with the new formula, where there will be a new formula.

All I am suggesting is at some point that debate is going to occur, but I don't believe it should occur here on the floor of the Senate, taking $12 billion and just adding it to this budget and saying we are just going to go in the red because we have not figured out any other way. There is going to be another way to look at this situation.

Mr. BAUCUS. But again I ask you, at what time, at what point would we begin to find the additional dollars that we all know we need for transportation?

Mr. DOMENICI. Senator, look, the committees in the U.S. Senate are marvelous institutions, and how you work out problems that are complicated and difficult and frequently of longstanding—the Senate is historic in its wise ways of doing this.

Mr. BAUCUS. I understand.

Mr. DOMENICI. All I am suggesting is there is going to be a way.

Mr. BAUCUS. I understand, but I bow to the mighty power of the Budget Committee, when we see the limitations that otherwise are incumbent upon us—

Mr. DOMENICI. I might suggest, I served on that committee for a long time, Senator WARNER. In fact, I would have been chairman three times over with the longevity I would have if I would have been there.

Mr. WARNER. Mr. President, we want the Senator where he is. Please stay. By the way, I volunteered three times to serve on the Budget Committee, and my name will be on there one of these days.

Mr. DOMENICI. All right. Now, how much time do we have left?

The PRESIDING OFFICER. The Senator from New Mexico has 17 minutes left.

Mr. DOMENICI. I wanted to yield to Senator LAUTENBERG, who is my ally here on the floor on this issue, and then find a little time of mine out of it to yield to the Senator from Rhode Island.

Mr. LAUTENBERG. I am not going to take that much time, Mr. President. I think the chairman of the Budget Committee has fairly directly and succinctly made the arguments. The fact of the matter is that none of us are happy with the level of funding that we have for our investments in highways and our transportation needs. We are more deficient, in many ways, than countries down the Third World list. I think we rank about 55th in per capita spending for infrastructure.

So, one would not disagree with the distinguished Senator from Virginia or the distinguished Senator from Montana in terms of the need, the need to correct the situation. But unfortunately, and it is unfortunate for me because I have long been an advocate of more spending on transportation in this country. I think it is common knowledge that the Senator from New Jersey has been an advocate of mass transit, of rail transportation, improving our highway system, of fixing our deficient bridges, which number in the thousands. But we have a proposal in hand that takes a priority, unfortunately, for the moment. That is, to complete the work we started on a balanced budget. We are committed to it.

Believe me, this is not a place I enjoy being, because I do not agree with everything that is in the budget resolution. But I agree with it enough to say that there is a consensus that we fulfilled an obligation that we talked about to children, children's health, to the senior citizens, to try to make

Medicare solvent, to try to not further burden the impoverished in terms of Medicare, to try to take care of those who are in this country legally and become disabled. We fulfilled those obligations.

The economy is moving along at a very good rate and we are still running the risk, in my view, with some of the tax cuts that have been proposed, of taking us away from the direction that we are moving in, which is to continue to reduce the budget deficit until the year 2002, when there will be none.

So we have an imperfect, but pretty good, solution in front us. And, now what we are discussing, in terms of transportation—and this is like me talking against motherhood—but the transportation funds that are there are inadequate because of the structure of our budgeting structure, the budgeting arrangement that we have in our Government. The fact is that we have unified budgets. If one wants to start, as has been claimed here several times, establishing truth in budgeting, under that nomenclature I think one would have to start with Social Security.

Are we prepared today to say we are going to add $70 billion to our deficit each year? We certainly are not. Yet I think, when you talk about a trust fund, there is no more sanctified trust fund than Social Security, something people paid in, they are relying on for their future, for their ability to get along. But we nevertheless still have the unified budget. That problem, I assure you, is going to get intense scrutiny over the next several years.

Senator ROBERTS said something—I don't know whether you were here, Senator DOMENICI, when he said: Everybody, in order to have the budget fully understood, every Senator should be sentenced to 6 months on the Budget Committee. I thought immediately, there is a constitutional prohibition against cruel and inhuman punishment, so we could not do that, even if we wanted to. I am on the Budget Committee by a quirk of circumstance. When I came here, a fellow I had known who was a Senator said that he would do me a favor and that he would vacate his seat on the Budget Committee for me. And I will get even.

The fact of the matter is, we complain and we gripe, but the money is where the policy is, the money is where the direction is. We take this assignment with a degree of relish, because we want to do the right thing. None of us want to throw the taxpayers' money away. But we are where we are.

It is with reluctance that I am opposing this amendment because both Senators, Senator WARNER and Senator BAUCUS, have been very actively involved in highway funding and highway legislation as a result of our mutual service on the Environment and Public Works Committee. But we are spending more than we did last year. We are spending more than the budget resolution of just 2 years ago.

I was able, with a lot of hard work and with the support of the chairman of the committee, to get an $8.7 billion increase over the President's budget request for transportation. I had asked that transportation be included as one of the top priorities in the budget. Unfortunately it is not there. But there is a plan, that we expect to be fulfilled, to have a reserve fund that would allow significantly more funding for some of the transportation needs.

But I want to point out one thing about the trust fund. That is, there is a slow payout in highway projects. I think everybody is aware of that—5, 7 years on many of these things. If we shut down the revenue source now, interest alone would not carry the obligations that are already out there. The obligation ceiling as contrasted with the contract authority are quite different things. We have these obligations that have to be fulfilled, they are there and one day must be met. The balances in the fund, I think, will start coming down with the adjustments that are expected to occur in ISTEA. We have the chairman of the Environment and Public Works Committee on the floor. That will be opportunity to make some of the changes that are being contemplated here.

I just think it is a terrible time to say we ought to burden the budget deficit by $12 billion, roughly, right now, when everybody has worked so hard, and this budget has been scrubbed, reviewed, rewashed, rehashed—you name it. We are where we are, in a fairly delicate balance, I point out to my colleagues. There are very delicate opportunities that will, I think, upset the balance that has been achieved. So, again, I repeat myself when I say with reluctance I am going to vote against it.

Mr. WARNER. Will my colleague yield for a brief question?

Mr. LAUTENBERG. Sure.

Mr. WARNER. Mr. President, the distinguished Senator, a member of our committee, Environment and Public Works, is, according to my records, a cosponsor of a piece of legislation called ISTEA—NEXTEA. Am I not correct?

Mr. LAUTENBERG. That is correct.

Mr. WARNER. In that, it is interesting, there are three bills put in by Members of the Senate. I am coauthor—Senator BAUCUS, Senator GRAHAM of Florida; STEP 21, Senator BAUCUS is 2000, you are with Senator CHAFEE.

Mr. LAUTENBERG. Right.

Mr. WARNER. ISTEA. Look into that bill. Right in there is a provision saying we want $26 billion each year, far more than what the Senator from Virginia is asking. I build up to $26 billion in the fifth year. You want it beginning this year. In other words, you are saying to the Senate, in a cosponsored piece of legislation together with the distinguished chairman of the committee, you want $26 billion. Now you stand on this floor and talk in direct opposite. That is what leaves me at a loss. So the question is, you are a cosponsor and——

Mr. LAUTENBERG. Mr. President, in response to the question, before the speech, I would say this—yes, I sponsored that legislation.

My heart is in more funding for transportation, and no one here can say differently. The problem is that we are in a different point in time, and if you want to take it out of highways and say forget the children's health care bill, if you want to take it out of highways and forget the pledge we made to the senior citizens, or take it out of this bill and forget the pledge that we made to those who might be disabled, let's do it, let's talk about that. Let's talk about balancing the budget, because I know the distinguished Senator from Virginia has been a proponent of a balanced budget almost from the day the words were invented around here.

So now we have a different occasion. We are not talking about transportation; we all agree that transportation is definitely underfunded. What we are talking about is at what price do we make this change, and the price is at, again, children's health or otherwise, because we are committed to balancing this budget. And this is strange talk for a fellow like me.

Mr. DOMENICI. I think it is right on, and I hope you make it about five or six times in the remaining couple hours. I look forward to hearing it more times than one.

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

The PRESIDING OFFICER. The Senator from New Mexico has 7 minutes; the Senator from Virginia has 10 minutes, almost 11 minutes.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island, the chairman of the full Committee on Environment and Public Works, Senator CHAFEE.

Mr. CHAFEE. Mr. President, I thank the distinguished manager of the bill.

I rise in opposition today to the amendment offered by the Senator from Virginia and the Senator from Montana. I might say, these are two Senators for whom I have tremendous respect. I have worked with them. The Senator from Virginia, I think we first started our association in 1969, and the Senator from Montana, I started working with him the first year he came to the Senate, which I think was 1978, 1979, and we have been closely associated ever since.

However, this amendment, which would increase outlays for transportation spending above the levels provided in the resolution before us, I find to be inconsistent with the achievement of a balanced budget by the year 2002.

The Senator from Virginia just said it went beyond the bill, the so-called NEXTEA bill that goes beyond this, and that is absolutely right, but that was before we had a target from the Budget Committee. I believe strongly in the budgetary process we have set up. I voted for it, and I support it.

I think we all can agree that the Nation's roads and bridges are in need of repair. No one argues with that. Transportation plays a critical role in our Nation's economy. We recognize that. In the United States, more than 12 million people, more than 11 percent of the gross national product, is involved in transportation.

Earlier this year, I cosponsored a measure to increase, within the context of a unified budget, the level of transportation spending from the highway trust fund. I am pleased that the budget agreement, crafted by the Senator from New Mexico and the Senator from New Jersey, increases the spending levels implicit in that proposal, the so-called Bond-Chafee proposal. It is $13 billion over a freeze baseline. That is pretty good.

Would we like more? Sure we would. But I think it is terribly important to recognize that any proposal that boosts highway spending or transportation spending without corresponding offsets is something I personally cannot support. So, I agree with Senators WARNER and BAUCUS that transportation spending should be increased, but not in a manner that would undermine the careful agreement reached by the Budget Committee.

Do we like everything in this budget? No, but it is the best we can get. I am supporting that agreement. It seems to me we simply cannot afford to retreat from our efforts to eliminate the Federal deficit.

So that, Mr. President, is the reason I cannot support this amendment that is before us today. I thank the Chair and thank the manager and thank the distinguished chairman of the subcommittee that deals with these matters. He has worked on them, and I know his heart is in this. As always, he argues his case with vigor and considerable force.

Mr. WARNER. Mr. President, might I ask a question on my time of my distinguished chairman?

There are three bills pending before the Senate relating to the reauthorization of ISTEA. I mentioned that. Seventy-four colleagues have signed one of those three bills. Each one of those bills has the higher level of $26 billion. I say to my colleague, he also is a cosponsor of the Bond-Chafee/Chafee-Bond legislation. The principle that Senator BAUCUS and I are arguing today precisely is the Chafee-Bond bill. I ask the Senator, does he feel there is any difference in principle?

Mr. CHAFEE. Yes. First of all, I am pleased to call it the Chafee-Bond proposal.

Mr. WARNER. Call it what you want.

Mr. CHAFEE. We call it that in Rhode Island. What the Chafee-Bond proposal does is it says that what came in in the previous year—we do not deal with the interest, we do not deal with——

Mr. WARNER. Mr. President, I do not need an explanation. In principle, pay it in, take it out, isn't that right, in simple English?

Mr. CHAFEE. That's right.

Mr. WARNER. Fine, that's all I need to say.

Mr. CHAFEE. What comes in this year goes out next year, and that principle is in this budget.

Mr. WARNER. That principle is in this amendment. I thank the distinguished Senator. That is all we are asking. But it is interesting we are asking for less than what is paid in to come out, recognizing the challenge before the Budget Committee.

So I say, once again, 74 colleagues have signed on to legislation. We are going to have to answer to our constituents, Mr. President, on this vote. You say one thing in sponsoring the bills, and we will see how consistent you are. I will put a letter on the desk signed by 56 Senators as to how they spoke to this. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Will the Senator from Virginia yield for a few minutes?

Mr. WARNER. Mr. President, I yield all but a minute and a half, 2 minutes I have reserved.

Mr. BAUCUS. Mr. President, we heard today from both the chairman and the ranking member of the Budget Committee that we need to address this problem; the problem that there is a deficiency in highway-mass transit-infrastructure spending that must be dealt with at sometime. But they are also saying they feel constrained to say they cannot deal with it here because they feel constrained by the budget resolution, a resolution agreed to principally between the White House and the leadership.

They talk about an $8 billion increase. That does not include interest. And because the country is growing, because of additional needs we have and the crumbling bridges, if this resolution is adopted, Senators should know that they will receive less in dollars than they will need for their State's infrastructure.

The Senators, the chairman and ranking member, say, ''Well, we will deal with it in the future at sometime,'' acknowledging that there is a problem and we need more transportation dollars. I must remind Senators that we have a difficult problem ahead of us. When we in the Environment and Public Works Committee in the coming weeks write a bill dealing with CMAQ, dealing with formulas, donor States, donee States, so on and so forth, what do we look at? We look at the number that the Budget Committee sends to us. We are constrained by that number. We must then write a 5- or 6-year bill which locks in the spending limits that the Budget Committee prescribes for us. We are locked in for 5 or 6 years.

Those lower levels cannot be changed next year by a new budget resolution, cannot be changed until or unless this Congress writes a new highway bill. I am not so sure this Congress is going to want to write a new highway bill every year. So I am saying that this is the time to deal with this problem. It is now. Otherwise, we are locked in for 6 years to inadequate numbers.

We want to make an adjustment of less than one-tenth of 1 percent of our Federal budget, less than one-tenth of 1 percent of our Federal budget, which I am fully confident can be dealt with in conference. It is critical that this amendment be adopted so that we are not locked in over the next 6 years to inadequate numbers. We will be locked into these numbers if this resolution is adopted. We can make adjustments in all the other accounts and still maintain the core provisions of the bipartisan agreement.

So I urge Senators to, therefore, vote for this so we can do what we know is right.

The PRESIDING OFFICER. The Chair notes 2 minutes remain for the Senator from Virginia.

Mr. WARNER. Mr. President, is that all the time that is remaining?

The PRESIDING OFFICER. That is correct. The Senator from New Mexico has 2 minutes; the Senator from Virginia has 2 minutes.

Mr. WARNER. Mr. President, I commend my distinguished colleague. He, in his concluding remarks, gave the clarion call: When we cast the vote, we simply cast a vote to say to the Budget Committee, ''Go back and look for that very small fraction so we can avoid this flat green line which is correctly represented on this chart, and allow our several States to build that infrastructure necessary to compete in this world market.''

What we have left out, my distinguished colleague and myself, are pages and pages of added requests by our colleagues. I totaled over $7 billion in addition to what is to be allocated under the formulation for superb programs that are badly needed by the country: Appalachian highway system; for the Indian reservation roads; for expansion of the intelligent transportation system; for innovative financing initiatives; for new funding to meet infrastructure—on and on it goes.

We want to, Senator BAUCUS and I together with other members of our subcommittee and full committee, try and do this, but those we haven't even discussed today. We will never get to one nickel of this unless we are given some additional flexibility.

So we say, with all due respect, we are simply asking a voice mandate in support of our constituents to the Budget Committee, ''Go back and reexamine the desperate need of America for these dollars.''

I thank the Chair. I yield back all time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Do I have 2 minutes and that is it?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, let me suggest, again, to Senators who might be listening or those who might be listening in their stead, in this budget, we

have tried to do many things. We have tried to cut taxes for the American people; we have tried to cover little children who are uninsured with $16 billion; we have tried to cover the National Institutes of Health with a 3.5-percent increase.

We heard from people what America had to be doing, and, in each instance, we had to get rid of something. In fact, I have not said it yet, but the President gave up 50 percent of his initiatives in the compromise that was made, and every time we did it, we said, ''Let's balance the budget; let's balance the budget.'' We would come back and say, ''Well, we want to add this, what do we take out?'' And we would take something out. What we have here today is $12 billion as if it just flopped out of the sky; no effort to balance the budget, no effort to offset it with expenditures so we can all see where do you pick up the $12 billion that is needed for highways?

Everybody understands that highways are very much needed in America, but this budget, for the first time, will permit us to spend every cent of new taxes that comes into that fund every single year. We are moving in the right direction. Every cent of new gasoline tax that goes into this fund under this budget agreement will be spent in that year that it comes in, obligated during that year. That is a giant stride in the direction that we have been asked to go by many people in our country.

Frankly, every Governor in America sends a letter in. They want more money. And then some of them get up and criticize that we do not balance the budget right. The lead Governor in America, the head of the association, he wants every penny of highway funds, but this budget resolution just does not get the job done right.

The PRESIDING OFFICER (Mr. ENZI). All time has expired.

Mr. DOMENICI. I yield back the balance of my time, and move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—51

Allard	Coverdell	Gorton
Bennett	Craig	Gramm
Biden	D'Amato	Grassley
Bond	Daschle	Gregg
Breaux	Domenici	Hagel
Brownback	Durbin	Hutchison
Campbell	Enzi	Kohl
Chafee	Feingold	Kyl
Cleland	Feinstein	Landrieu
Cochran	Ford	Lautenberg
Collins	Frist	Lieberman
Lott	Murkowski	Santorum
Lugar	Nickles	Smith (NH)
Mack	Reed	Smith (OR)
McCain	Roberts	Snowe
Moseley-Braun	Rockefeller	Stevens
Moynihan	Roth	Thompson

NAYS—49

Abraham	Graham	McConnell
Akaka	Grams	Mikulski
Ashcroft	Harkin	Murray
Baucus	Hatch	Reid
Bingaman	Helms	Robb
Boxer	Hollings	Sarbanes
Bryan	Hutchinson	Sessions
Bumpers	Inhofe	Shelby
Burns	Inouye	Specter
Byrd	Jeffords	Thomas
Coats	Johnson	Thurmond
Conrad	Kempthorne	Torricelli
DeWine	Kennedy	Warner
Dodd	Kerrey	Wellstone
Dorgan	Kerry	Wyden
Faircloth	Leahy	
Glenn	Levin	

The motion to lay on the table the amendment (No. 311) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. History was made with this vote, by two votes, and two votes in the House—that resonates all across this land. It is a wake-up call to all those entrusted with the responsibility of keeping America's infrastructure modernized and safe so we can compete in this one-world market. This is but the first of a series of battles that will be waged on this floor on behalf of America's transportation system. It is my privilege to be a part of that team.

I thank the Chair.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes. I want to compliment those who offered the amendment for the way they have handled matters and to tell the same American people that were listening to the distinguished Senator from Virginia that there will be additional highway funding in years to come, there is no doubt about it, but it will not be done at the expense of unbalancing the budget. It will not be done at the expense of just saying we will spend some money even if the deficit goes up. I look forward to the day we do it in such a way that it is balanced and that, as a matter of fact, if we increase, we cut some things to make up for the difference so we stay in balance.

Mr. STEVENS. Will the Senator yield?

Mr. DOMENICI. I yield 2 minutes to Senator STEVENS.

Mr. STEVENS. As chairman of the Appropriations Committee, I want to tell the Senate that those of us who are voting against some of these amendments are doing it because there is no money to fund these sense-of-the-Senate resolutions. I say to any of you that want to offer amendments that change this budget, that authorize additional funds—show me the money. Show me where the money is when you offer amendments that change the budget plan agreed to with the President.

I have discussed this with the distinguished Senator from West Virginia. We will have the obligation to allot money within the budget among 13 subcommittees. A sense-of-the-Senate resolution does not give us any more money but it gives us the problem that you have sent a message to America that there is money in this budget to do something the Senate votes for in a sense-of-the-Senate resolution.

When the budget resolution, just before, was voted I asked for a chance to come to the floor again, and I ask for you to reserve some time and we will show where a commitment has been made by the Senate to fund items where there is no money. I urge the Senate to wake up. We are voting against these matters not because we are against highways or aid for children who need insurance. We are voting—the Senators from New Mexico and New Jersey have brought us a resolution. We had a budget that has been worked out with the President and we have a chance to vote for a balanced budget. I do not want to be accused of being a tightwad when we allocate the money under 602(b) of the budget act and then we do not cover the sense-of-the-Senate Resolutions.

Again, if anyone is going to accuse us of being tightwads and not following the sense of the Senate, I tell you, if you vote for one of these things, you show us where the money is and we will allocate it. We will not be misled by these attempts to gain publicity and to gain some credit at home on a bill like this. This is a very serious bill. The two of us are going to have a horrendous job trying to meet our duties even within this budget, so do not give us any more of this funny money. You show me real money and I will allocate it to your function.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I yield.

Mr. BYRD. Mr. President, I wish to associate myself in considerable measure with the distinguished Senator from Alaska [Mr. STEVENS]. We have been voting for a lot of sense-of-the-Senate resolutions. I think we had one yesterday, 99–0. We know it is not going to be paid for.

On this business about infrastructure, we hear it said that there is no money. I am from a State that needs infrastructure. We say there is no money. I shall state why I supported the Warner-Baucus amendment. We do not need a tax cut in this country right now. We do not need a tax cut. I say that with respect to the Republican tax cut and with respect to the tax cut that is supported by the Administration. We do not need a tax cut. When we see what we are doing in this budget resolution with respect to cutting taxes—cutting taxes at a time when we are within reach of balancing the budget, if we were to use that money that is going for the tax cut, we would balance this budget much earlier than it is expected to be balanced now and we could also use some of that money for infrastructure. If we want to know where we

can get the money, that is where it can be found. Let's vote against the tax cut.

I am going to vote against this resolution if we have the tax cut tied with it.

I thank the distinguished Senator.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I yield myself 2 minutes off the resolution.

Mr. President, I don't like being put in the position that appears to be developing here, that I am against investment in infrastructure. I stand on my record of having fought as hard as anyone in this body to invest more money in highways, in mass transit, in rail and aviation, whatever was called for. I never met a transportation project I didn't like if it was a well-founded and well-thought-out project. But the insinuation by our distinguished friend from Virginia to caution us and to lay down the scare that we will be counted upon or we will be looked upon by the Record and by the voters, I want to say this: The Senator from Virginia took the liberty yesterday of voting against the funds for crumbling schools, against schools that are tattered and falling apart, where children can't possibly learn. That was OK to vote against. And the appeal wasn't made, and there was no threat that if you vote against this, you are committing those kids to an even more difficult assignment to try and lift themselves up.

I have defended investments in transportation as chairman of the Subcommittee on Transportation of the Appropriations Committee. Without fail, I have defended investing more. But the onerous comparison is that we neglected our responsibility. It is almost as if you are unpatriotic.

I don't really like everything in this budget resolution. But I am committed by my constitutional responsibilities. If I take the assignment, I have to work on it. We negotiated in good faith, and I don't like some of the tax concessions we have in there. But I think middle-class people in this country are entitled to some tax relief. I think those who want to send their kids to college are entitled to some help to get them the first step up on the economic ladder.

No, I don't like it all. But I have my duty to do, and I did it. It wasn't pleasant. It wasn't pleasant when I went into the Army in World War II, either, but I did it. And the insinuation that somehow or other I have deserted my responsibility is one that really offends me.

We did what we thought was best, each one of us, whatever the vote was.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KERRY. Mr. President, it is my understanding that I was to be able to call up an amendment at this time.

Mr. LAUTENBERG. That is in the order. That is true.

Mr. KERRY. Mr. President, before I use any of that time, just as a matter of courtesy and parliamentary process, my distinguished colleague is also standing for recognition.

If I could ask the Chair what the Senator's intent might be, we might be able to work out an arrangement.

Mr. DORGAN. Mr. President, my intention, having talked to the ranking Member, was to seek 10 minutes for debate on the resolution. Whatever fits with the schedule of the Senator from Massachusetts will be fine with me.

Mr. LAUTENBERG. It is a commitment that was made, I say to the Senator from North Dakota. But the Senator from Massachusetts did have a priority and was on record as being next in line. If an accommodation can be made between the two—if not, the Senator from Massachusetts has an opportunity to offer an amendment.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator from North Dakota be permitted to proceed for 10 minutes, and subsequently, when he completes, that I be recognized for the purposes of calling up my amendment.

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

Mr. DORGAN. Mr. President, I thank the Senator from Massachusetts for his courtesy. I wanted to speak for a couple of minutes on the resolution itself that is brought to the floor of the Senate. I want to talk just for a moment about what it is and what it is not.

This piece of legislation is a budget agreement that I intend to vote for on final passage. I think a substantial amount of work has been done by the chairman of the Budget Committee, the ranking member, and many others in the House and the Senate and in the White House. They have negotiated in very difficult circumstances the terms of a budget agreement. But, as I said, I want to talk about what this is and what it is not.

This is a budget agreement that provides a balanced budget of the unified budget. Is that something that has merit? Yes, it is. Is that something that moves in the right direction? Yes, it does. But it is not a balanced budget amendment that balances the budget without the use of trust funds, such as the Social Security fund. I want everybody to be clear about that.

On page 4 of this budget resolution, which is on the desks of all Senators, it says ''deficit.'' On line 24, it says ''deficit'' in the year 2002, ''$108 billion.'' Why does it say that?

It says that because this piece of legislation balances what is called the unified budget. Many of us believe there is another step to be taken after that. That is to balance the budget without the use of trust funds, especially without the use of Social Security trust funds.

For that reason, I voted for the initiative offered yesterday by the Senator from South Carolina. It got very few votes, I might say. But he said, let us balance the budget and not do tax cuts and not do added investments at the start so that we balance the budget completely without using the trust fund, and then, as the economy strengthens and as we have extra money, let us provide for the tax cuts and let us provide for the added investments. Obviously, that proposal failed.

I will vote for this budget agreement. But it is not truly a balanced budget. It moves in the direction, and it moves the right way. But it will leave this country, still, with a deficit. That must be the next step following action on this document.

There are several steps here in climbing a flight of stairs to get to the point where we make real progress. One step we took in 1993. I was one who voted for the budget in 1993. I am glad I did. I said at the time it was a very controversial vote. It passed by one vote in the U.S. Senate—a budget agreement to substantially reduce the Federal budget deficit. It passed by one vote, the vote of the Vice President of the United States.

Some paid a very heavy price for that vote because it was controversial. It cut spending. And, yes, it raised some taxes. But what was the result of that vote in 1993? The result was a dramatically reduced budget deficit.

In that year, the unified budget deficit was close to $290 billion. Again, using the unified budget, the Congressional Budget Office now says the unified budget deficit is going to be, at the end of year, $67 billion.

What has caused all of that? Well, a good economy and a 1993 budget act that a lot of people here had the courage to vote for, that passed by one vote, that says, let's put us moving in the right direction; let's move us in the right direction to substantially reduce the budget deficit. And only with that vote, and only with the progress that came from that vote, are we now able to take another very large step in moving toward a balanced budget.

What was the result of that vote? It was interesting. We had people in 1993 on the floor of the Senate who said, if you cast a ''yes'' vote and pass this budget, the economy will collapse; the country will go into a recession; it means higher deficits and a higher debt; it means the economy goes into a tailspin.

It passed with my vote—and, yes, the votes of some of my colleagues who decided to say to this country that we are serious, that we are going to move this country in the right direction even if the choice is painful for us to cast this vote.

What happened? What happened was 4 years of sustained economic growth, inflation coming down, down, down, and down, and unemployment coming down and down for 4 years in a row. We have more people working. This country now has 12 million more people on

the payrolls that we did in 1993. We have an economy that is moving ahead, a deficit that is moving down, and inflation that is at a 30-year low.

I wonder if those who predicted doom from that vote now won't join us and say, ''You did the right thing. It wasn't easy to do. But because you did it, we stand here today now able to take the next step.'' The next step is a step in which we now try to choose priorities.

What do we make investments on in our country, and where do we cut real levels of spending?

That is what this document is about. It is a compromise between Republicans and Democrats, between a President and Congress, that tries to establish priorities. Frankly, while it reduces spending in some areas, it cuts out entire classes of spending in others. It also increases some investment in spending in yet other areas.

What are those? Education: It makes a lot of sense for us even as we attempt to move toward solving this country's fiscal problems to say that we don't solve the problems of the future by retreating on things like educating our kids.

So this piece of legislation says education is a priority—more Pell grants, more Head Start, more investing in education, from young kids to college age and beyond. It says we are going to invest in education.

Then it says the environment and health care. It says these areas are priorities. They are areas that make this country strong, and we will continue to invest in those areas even as we move to reconcile our books so that we are not spending more than we take in.

That is why this is important, and it is why it is successful. I am pleased, frankly, after all of these years, to be on the floor of the Senate saying this is something that is bipartisan. Finally, Republicans and Democrats, rather than exerting all of their energy to fight each other and beat each other, are deciding there are ways that we can join each other and pass a piece of legislation that moves this country in the right direction. I think the American people probably think it is a pretty good thing that bipartisanship comes to the floor of the Senate in the form of this budget resolution.

I started by saying I would talk about what this is and what it isn't. I am going to vote for this. It moves this country in the right direction. It preserves priorities that are important to preserve, and investment in this country's future. It represents a compromise. Many of us would have written it differently. We didn't get all we wanted. But it moves this country in the right direction while preserving the kinds of things most of us think are important as investments in our country's future.

This is not a balanced budget, not truly a balanced budget. It balances something called the unified budget. But it is a major step in the right direction. I hope we will take the next step beyond this to say that, on page 4 of the next budget resolution, line 24, we will say ''zero'' in a future year. That is when we will truly have completed the job.

But the choices here are not always choices we would like. The choice that we now ask ourselves is, does this move us in the right direction with respect to the things I care a great deal about—one, fiscal discipline; a more deficit reduction; investment in education, health care, the environment—things that make this country a better place? The answer, unequivocally, is yes. This moves America in the right direction.

Is it an exercise between the President and Congress, between Democrats and Republicans, that will give this country some confidence that the past is over, that the reckless, the irresponsible fiscal policy of saying let's spend money we don't have on things we don't need and run up trillions and trillions of dollars of debt for our kids and our grandkids to assume? Is it a message to the American people that we are beyond that period and have moved on to a new day of bipartisanship to decide together we can plot a better course and move this country toward a brighter future? The answer to that is yes.

If the past is any experience, since 1993, the vote we took then to put us on the road to balancing this budget is a proud vote and one that I am glad I cast. I will be glad I cast this vote as well, because this is the next major segment of the journey to do what the American people want us to do on their behalf and on behalf of so many children who will inherit this country. They will inherit a better country because of what we will have done in this Chamber this week.

Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, it is my understanding that we have under normal regular order an amount of time at this point.

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I thank the Chair.

I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has no time. The Senator hasn't called up his amendment.

AMENDMENT NO. 309

Mr. KERRY. I call up amendment No. 309.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. ROCKEFELLER, Mr. KOHL, Ms. MOSELEY-BRAUN, Mr. WELLSTONE, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BINGAMAN, proposes an amendment numbered 309.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. KERRY. Mr. President, I now yield to the Senator from Minnesota 4 minutes.

Mr. President, before I yield let me just take 1 minute to explain. This is an amendment to hold out a possibility—I yield myself such time as I may use—to hold out the possibility that when we come back in the appropriating process, we may be able to find some money to deal with the issue of early child development. We do not spend money now. We do not trade money. We do not have an offset. We do not spend. We simply want to be able to reserve the capacity to come back at a later time to deal with this issue. I will explain why I feel that is so important, as do the other Senators joining me. This is an amendment that is cosponsored by Senators KOHL, MOSELEY-BRAUN, WELLSTONE, ROCKEFELLER, MIKULSKI, MURRAY, and BINGAMAN.

I now yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. WELLSTONE. Mr. President, I will be very brief.

I see the Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield

Mr. DOMENICI. How much time is the Senator going to use in total? I am trying to be accommodating. Use as much time as you like. Do we have any idea?

Mr. KERRY. Mr. President, I cannot tell the Senator precisely, but I can absolutely tell you I am going to yield back time. I think it will be somewhere in the vicinity of a half-hour.

Mr. DOMENICI. My problem is, Mr. President, I have to go to an important meeting with the minority and the majority leaders, and I have not had a chance to speak to the Senator about this amendment. I want to speak to him about it. I am wondering, if the Senator does use his whole half-hour, could we then get another amendment ready and call it up and set the amendment aside?

Mr. KERRY. I will be delighted to set this aside for whatever period of time the manager would like. I do want to engage in a dialog on it.

Mr. DOMENICI. Will the Senator agree when he is finished——

Mr. KERRY. I will agree to request that this be set aside.

Mr. DOMENICI. When the Senator is finished, will he suggest the absence of a quorum and I will return as soon as I can?

Mr. KERRY. Mr. President, I will be happy to agree with the Senator from New Mexico.

Mr. DOMENICI. Then I ask unanimous consent that when they are finished with the argument, the quorum call be called for and I will then attend the meeting and return as quickly as I can.

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

Mr. DOMENICI. We cannot do that. We all understand.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will have an opportunity to have an amendment and speak on it a little later this afternoon, so let me be very brief.

I rise to support this amendment that Senator KERRY has introduced. I think more than anything else it is an amendment that almost asks us to engage in some reflection. It does not call for spending any additional money. It asks us to pause and think deeply about our priorities and at least consider the possibility that we might eventually be able as we go through this reconciliation process to make some significant investment in these very critical and very important early years.

As a former college teacher, and I think more importantly as a parent and grandparent, I am absolutely convinced from my own experience and from spending time in a school in Minnesota about every 2 or 3 weeks during the school year we have to get to the point where every child who comes to kindergarten has been read to widely, that we have to get to the point where every child who comes to kindergarten knows the alphabet and knows how to spell his or her name, knows colors, shapes, and sizes. And we have to get to the point where every child who comes to kindergarten comes with that sort of wonderful readiness to learn.

The critical challenge for all of us, which kind of speaks to what we are really about, speaks to what our goodness is, is to make sure that each and every child enters kindergarten with this wonderful readiness to learn. The problem is that for all too many children this does not happen. I am sure that Senator KERRY has referenced so much the neuroscience evidence that is coming out now. I think we know what to do. I do not think it is true we do not know what to do. And we just have to get it right. There is sort of an interconnection of the nutrition part and the health care part and the intellectual development and child care part and we have to do much better for children in this country.

Hopefully this amendment will be an amendment that will generate bipartisan support. I think it is a plea. I think it is a call upon all of us to reflect. It is an effort to say to all of us, think deeply and let us, at least, hold out the possibility as we move through this reconciliation process we can invest in these children and their opportunities.

I yield the floor.

Mr. KERRY. Mr. President, I thank the Senator from Minnesota not just for his support for this but especially for his long-term commitment to it and his enormous understanding as a former teacher of how important these ingredients are.

Mr. President, I yield 5 minutes to the Senator from Wisconsin.

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

Mr. KOHL. I thank the Senator from Massachusetts.

Mr. President, I rise today as a supporter of this budget and as a cosponsor of the Kerry amendment.

This budget deserves the support of the Senate for several reasons. It is bipartisan and it is centrist. It funds priorities like education and child health that transcend party lines. It includes reasonable tax relief targeted toward families and economic growth. It balances the budget by the year 2002 and it produces surpluses to reduce the debt in the years after that.

This good deal will be made better by adopting the Kerry amendment which makes clear the Senate's commitment to very young children. A compelling amount of research on the brain has confirmed what scientists have long talked about for years, that the most significant period in a child's development is between the years of zero to 3. Unfortunately, the Federal commitment to early childhood education has not caught up with our understanding of how important the first 3 years of life are. Early education and child care receive fewer resources for teacher training, salary, and even respect than the rest of the education system.

According to data compiled by the Rand Corp., while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children.

And so, Mr. President, we are clearly missing a unique opportunity. A look at the current Department of Education budget shows the stark funding disparity against early childhood education. Of $29.4 billion in current estimated education expenditures, only $1.5 billion or 5 percent is spent on children from birth to age 5. A new commitment to quality child care is a necessary response to the fact that children between the ages of zero and 3 are spending more time in care away from their homes. Almost 60 percent of women in the work force have children under the age of 3 requiring care. Many of these working families will not be able to find quality child care for their young children. And while Federal, State, and local governments have helped build a strong education system for 5- to 25-year-olds, care and education for zero to 5-year-olds is largely unstructured, undervalued, and scarce. Resolving this inequity will require solutions through the public and private sector.

I proposed legislation to encourage the private sector to invest in child care for their employees through a new tax credit. I intend to work with Senator HATCH who is the primary cosponsor of my bill to see to it that this important child care incentive is included in the overall tax provisions of the budget.

The amendment before us now would give us the opportunity under this budget to enhance innovative early childhood programs focused on the educational needs of children in the zero to 3 age group. This initiative does not earmark a specific amount of money. It does not create any new bureaucracy and it does not threaten this budget. So, Mr. President, a solid and sensible commitment to early childhood education specifically focused on children from zero to age 3 is long overdue. I urge my colleagues to support this amendment, and I yield the floor.

Mr. KERRY. Mr. President, I am particularly grateful to the Senator from Wisconsin for his support because as a supporter of the budget—and he has long been an advocate of balancing the budget and reducing the deficit—he has taken some tough votes in the Senate in an effort to do that, sometimes separating himself from colleagues on this side of the fence, but he is supportive of this amendment.

My hope is that colleagues on the other side of the aisle will not see this amendment as a threat but, rather, see it as an opportunity for us to simply reserve the possibility that as we go into the process of reconciliation we may find that revenue expectations are better or that we are in a better position to take money from some other program that people have thought differently about and invest some of it in early childhood development and education.

I have been working to try to develop a way to do that with Senator COATS from Indiana, Senator MCCAIN, Senator BOND, and Senator DEWINE. We have not yet resolved exactly the methodology by which we would want to do it, but I think it would be a mistake were the Senate to preclude the opportunity, to have potential points of order and all kinds of parliamentary gobbledygook restrain us from coming back to this if Senators on both sides of the aisle can find a good means of coming together on this. I think there are enough people on both sides of the aisle who recognize why this is important and why we ought to do it, but my principal objection to this current budget that is in front of us is the absence of a sufficient commitment to our children.

We hear an enormous amount of talk in and out of the Senate, all around the country, properly so, about the implosion of family, about the absence of family values, the absence of community in many cases in our life.

If you look at the statistics with respect to the increase of juvenile violence and you look at the statistics with respect to the condition of some of our education system and schools, if you look at the absence of after-school programs, the absence of sufficient drug treatment and other problems, it is clear that in many ways what we are doing is running a national farm system for the trouble spots. We are running a national farm system for young people to move up the ladder of difficulty, ultimately to become $50,000- or $80,000-a-year wards of the State.

Now, that is not an exaggeration. That is a reality that is documented by facts, implacable facts that none of us can deny. The truth is that since 1969, the gross domestic product of the United States has doubled, but in that same span of time child poverty has increased in the United States of America by 50 percent. As I stand here today in this Chamber, all of us know that there is a huge problem in America with births out of wedlock. Some people may say all right, what does that have to do with this budget and where we are heading?

We are living in an age where 33 percent of all the children in America are born out of wedlock. One-third of America's children are born into a single parenting situation. And in a world where 60 percent of the mothers of children from 6 on down are at work in the workplace, we have got to stop and think about what is the availability of surrogate parenting, of care for those children when they are away. What you know is that if 33 percent of your children are being born out of wedlock without even measuring the difficulty that many two-parent families have, you know that the vast majority of that one-third are born into a state of crisis, a very difficult structure for parents to adequately be able to teach and adequately be able to instill those children with the values we talk about.

Now, some people may say, well, that is going to happen automatically. The fact is it does not happen automatically. I just share with you the results of that.

In our country, while the stock market is at the rate of 7,290 or so points, while chief executives of our corporations are earning a record 200-plus times the average worker, while we have a record level of employment and a record level of control of inflation at least for some 30 years, we find that an American child drops out of school every 8 seconds; an American child is reported neglected or abused every 10 seconds, is arrested every 15 seconds, is born with a low birthweight every 2 minutes, born into poverty every 34 seconds, is killed by gunfire—an American child is killed by gunfire every hour and a half and commits suicide every 4 hours.

The costs to our society of these children who are being raised without adequate supervision, without adequate input, are simply enormous. Business Week estimated, in a study that it released recently, that we are spending $425 billion a year annually on crime in the United States. The total annual economic cost to society of drug abuse is $67 billion. So we are just losing $67 billion out the door as the cost of people who wind up being part of the drug culture, largely as a consequence of their lack of capacity to make a better choice.

We have learned a lot in the last years. I used to be a prosecutor and I spent a lot of time, and I still spend a lot of time, talking to young kids, 14 and 15 years old, or 16 years old, who are in trouble. Almost every kid I have ever talked to, once they finally get into some kind of mentoring program, once they finally have some kind of adult supervision in their lives, has said to me: Senator, this is the first time in my life that somebody has provided a structure for me. This is the first time in my life that somebody has told me I am valuable. This is the first time in my life somebody said I can be somebody, I can do something. It is the first time in my life I had to get up in the morning and do chores and be responsible for myself.

Inevitably, anybody of good sense is going to stand back from that and say, wait a minute, why are we waiting until they are 15 or 16 years old for kids to be able to say this is the first time these experiences, which hopefully most normal kids get all through their lives, are experienced?

I have sat with my friends on the other side of the aisle and we talk about this. We talk about, what do you do if 33 percent of your kids are born into a situation where it is almost predictable that they are going to have trouble? I respectfully suggest it is not enough to simply say, oh, it's individual responsibility. Oh, it's up to the parents. Because, obviously, these are situations where the parents have already failed and where there is no individual capacity to make a difference.

The question for all of us here is, who is going to make a difference? Or, are we going to be so blind, and even sometimes so stupid, that all we are going to do is wait until they come down that track, get into trouble, and we are finally going to make great speeches and say, throw the book at them, send them away.

We have learned a lot in the last years about the science of brain development and of children. It is not altogether new to all of us, because the fact is that pediatricians and people of good sense, child psychologists and others, have been telling us a lot of this for a long period of time. But what we now know scientifically is that the brain of a baby develops almost fully in the first 3 years—almost fully. The brain of a child, when it is born, has about 100 billion neurons in it and those neurons are rushing around, making the connections that empower that brain to be able ultimately to create the capacity to relate to people, to do certain tasks, to learn.

Mr. President, this is a CAT scan of two brains. These brains were originally shown to doctors and the doctors were asked, ''What do you see there?'' The doctors said, ''Well, those are the two brains; one is an adult's brain fully developed, and the other is the brain of an adult with Alzheimer's disease.''

They were wrong. These are both the CAT scans of 3-year-old brains, both of them. One is the 3-year-old brain fully developed, with the area of red, yellow and green which represents the full development of that brain. Here in the dark areas of this brain there is nothing. It is blank. The scientists now tell us that the brain of a 3-year-old, properly stimulated so those neurons properly make connections, will be 25- to 30-percent larger than the brain of a child that does not receive that kind of stimulation.

I want to read to you what that is all about. This is from ''Nightline.'' Ted Koppel did an interview with the doctors who were involved in this. I want to share with you what Dr. Stanley Greenspan at George Washington University says. He said:

> Well, what we've learned is that a lot of commonsense makes common sense, but we've added a few little twists onto common sense. For example, we've identified the six kinds of experiences in the early years that will help promote not just our intelligence, but our morality and our sense of self. It starts with a baby learning to pay attention. We figured out that babies attend differently. Some babies like high pitched sounds, some low pitched sounds, some bright lights, some dull lights. So now we can cater the experiences to the baby's senses.
>
> We've also learned that babies fall in love, the second step, differently. Some babies need to be wooed. We need to pull them in. We need to smile a lot. Other babies reach right out and charm us.
>
> The third step in the building of our intelligence and our morality and sense of self, learning to be logical. By eight months, babies are capable of give and take games with smiles and smirks and head nods and back and forth, but some babies we need to woo into these interactions.

He goes on to say that, later on, at toddler stage, babies learn to be problem solvers and that one can develop the intelligence much further by encouraging that child in that problem solving, and so forth.

Unfortunately, when so many of our children are born into this state of crisis, when so many of our children are even the sons and daughters of children, of 15- and 16- and 17-year-olds, they do not have a clue about these interactions. They don't understand what parenting is at that stage.

And if we are not going to inherit a significant number of those children as children with learning disabilities, children with health problems, children with sociopathic problems, with the inability to adjust, the inability to relate—then somehow, if we are going to come back from this precipice, I respectfully suggest to my colleagues we need intervention in the place of that incapacitated parent. In the absence of the parent, who is going to provide the structure for that child to have the values that all of us want that child to have?

I am not here to suggest it should be the Government. I don't want the Government to do it. We've learned a lot about the downside of that. I am not here to suggest that it ought to be another big Federal program. We've learned a lot about that. I am here to suggest that we have to create a new model, a new way to think about this.

I think Senator COATS and Congressman KASICH and some others have

thought about that a lot. But I do not happen to agree with their methodology of how they get the resources for it. I do agree with the notion that there are thousands of efforts out there in this country, Boys Clubs, Girls Clubs, YWCA, YMCA, the Youth Build, the ABC mentor programs, Success by Six, Smart Start—North Carolina, by Governor Hunt—a host of efforts that are proving their capacity to provide grassroots, local, home-grown efforts that make a difference in the lives of these children.

But every single one of them is drowning in the demand, and there isn't a sufficient supply. I was in an early infant toddler care center in Boston the other day, the Castle Square Child Development Center. There are about 67 children in there, early infant toddlers, getting this kind of input. But for the 67 that are in there, there are 400 on the waiting list. And those 400 will never cross the threshold of that place because they will be 6 years old before there is room for them.

What I am respectfully suggesting is that there is an ability for us to reduce these costs that we are spending on drug abuse, on imprisonment, on the violence in our streets, on the back end, and rescue a whole generation from this problem of lack of sufficient input at the early stage, if we would think about how to empower those local entities directly; not with big Federal bureaucracy, but directly.

Mr. President, in the last 10 years, we have taken our prison population in America from about 450,000 to 1.5 million. So we are filling up our prisons, and we are building more prisons. There has been, I think it is, a 248-percent increase in prison spending in the last few years. I want to show you the spending on children, because it is absolutely inverse.

This blue line represents the line of brain development. It goes up, obviously, dramatically in the first 3 years. It grows a little bit as you go on from there, and when you reach about 14 years old, it flattens out, regrettably, and then for all of us who are getting older, at the back end, it starts to tail down.

Mr. President, a 15-year-old's brain versus the brain of a child, a baby, the brain of the baby is growing 1,000 times faster than the 15-year-old. The brain of a baby is growing 10,000 times faster than the brain of a 50-year-old.

Here is the line of expenditure of the United States. We are spending exactly inversely to the most important years of brain development. We spend the most money at the very tail end; we spend the least amount of money up front.

I want to underscore what we are trying to do here. This is not coming to the floor with a specific program. It is not coming to the floor saying money will go to early Head Start or money will go to the charitable institutions I talked about, although I would like to see that happen. We are merely trying to reserve the capacity to be able to agree in the course of the next months that we will do something to address this vital issue. I am confident that we will be able to find a bipartisan place to begin in order to be able to focus on what really works.

I would like to see us at least have some pilot projects that invest in the capacity to put some leverage directly into those charitable institutions so we can see the grassroots do a better job at the local level of being able to reach out and intervene. It is my hope that colleagues will recognize the wisdom of at least reserving a place in line so that we can argue about this at a later time.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer and I thank the Senator from Massachusetts. I was listening to his speech. It was very interesting.

Mr. President, I should say at the beginning, I am an original cosponsor, of Senator KERRY's bill, and proud to be the second on a distinguished list. I think there is a tendency in this body, when we do something for children—let's say we do a tax credit or we do something in Head Start or where we do something in health care—to say that we made a dent and we can go on the next issue in the next year. I think of all the areas of life that we deal with in the Senate, that is the most inaccurate assessment and approach. When it comes to what our children need to prepare for their futures and what they are going to be like as adults, we need to follow through. And we must begin in the earliest years.

I spent a number of years in Japan. In Japan, when a baby is born, and while the baby is growing to a certain age, they do not have cribs. They do not have cribs, because in Japan the baby sleeps between the mother and the father. Why is that so? That is so because they, as a matter of culture and history and instinct, know that bonding has to start at the beginning. That is about the clearest form of bonding that there can be.

But even before that, there is a Japanese word called taikeo, in which the pregnant mother talks to—and this is standard in Japan—they talk to the baby in the womb on a regular basis. That would make a fairly strange sight, I guess, walking down the streets of Washington, DC, or West Virginia. But the Japanese understand something that Senator KERRY showed with his graphics there about the two brains, that we clearly don't. They understand when you are looking at the raising of children and their future, you have to take a holistic approach. You have to start with early childhood development. You have to follow through, and keep providing the support, education and development support. And you must keep at it. That is both enormously frustrating, but, in a nation which purports to care about its children, it is absolutely essential that we understand that helping children and strengthening families is an unending job. The work on behalf of children is never finished, no matter how much we do. In the private sector, as individual parents, it is not good enough. No matter what we do in the public sector, there will be more that could and should be done if we are serious about the real definition of children's future—and we must be for their sake, and the sake of our society.

I spent, as I have said before, as this Senator said before on this floor, 4 years as the chairman of the National Commission on Children. We took a comprehensive look at children's needs—income security, health care, education, values, and the effects of media. We did everything, and we came out of it with a unanimous report. I picked the name for the publication that we put out. I liked it. It was called Beyond Rhetoric. That is what we have to come to terms with in this body, that we are very good at the rhetoric. In fact, on children—our rhetoric tends to be more bipartisan than other subjects which is good. And we actually do some good things, insofar as the public has any role in that, as apart from parental responsibility and even children's responsibility to themselves.

But we are in a huge new world of responsibilities as parents, which I am as a private citizen and concerned father. I am also public citizen and a Member of the Senate. I have obligations to children as both a private citizen and member of my community, and as a public official as well. We are just not going to get off easily if we accept the challenge to move beyond rhetoric and really do something for children.

So I think on this floor, we are going to have to start thinking about those graphs, about those two brains. They are studies of contrasts—both kids' brains, one kid getting attention, one kid not getting attention. What a difference it makes.

I will say another final thing. We do not purport or believe that we are doing everything for the future now with this amendment. What we are trying to do here is a reserve clause to capture the attention of the people. An argument that gets used here often, but not very effectively, is extremely compelling in this case—we need to take action because of the children, but we also need to act to save money for the taxpayers in the future.

We hear that a lot. People discount it. They say, ''That's nice that for Head Start, you save $10 for every dollar you put in now.'' But, we have to spend the money now, to save the long-term costs of neglecting our children's early development. That is what our problem is. We are in a budget resolution here.

But in the case of children, we are talking about spending billions and billions of dollars more on crime and remedial education, if we do not do the right thing in the early years for children.

Senator KERRY has focused on the zero-through-6 period. He is doing that

with an intensity, with a passion which is absolutely unmatched and which attracted me. I tend to be a Member who votes against amendments on this floor to protect the integrity of this budget deal, which I think we have to adopt. But I feel so strongly that he is on the right track and he is doing the right thing and that I support the Kerry amendment. We have to learn to discipline ourselves to exempt children from the way we ordinarily look at problems: Pass legislation, get the private sector to do something, and then go on to the next thing. Children, their problems, their growth, their development are vital and with us forever. The time to start thinking about children and their futures is right now.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I am particularly grateful to the Senator from West Virginia. His work as the head of the National Commission on Children was absolutely extraordinary. It was way ahead of its time. I am very honored to have him working as part of this effort.

I just say to him that the example about Japan that he raised, that in 1965, when PAT MOYNIHAN first talked about 27 percent then known as illegitimacy in America, the rate of illegitimacy in Japan was 1 percent. It is now 33 percent overall in America; that is up from 27 percent. He was referencing only African-Americans. It is now 69 percent among African-Americans in America; 49 percent among the Hispanics; and 27 percent among the whites. It is still 1 percent in Japan—1 percent.

What is interesting is the Japanese have an adage that the Senator is obviously familiar with. They say that the soul of a 3-year-old will be with you for 100 years. They have been way ahead of us; they have understood that. I am particularly grateful to Senator ROCKEFELLER for his participation and effort in this.

Mrs. MURRAY. Mr. President, I rise to speak on a topic which significantly affects every citizen in America. An issue that has consequences for every child and parent, and tremendous bearing on our Nation's economic status and welfare—early childhood development.

Recent research has proven that an infant's brain initially holds approximately 100 billion neurons. However, without the proper care, nurturing, love, stimulation, and involvement of adults—which most of us were lucky enough to receive—these neurons will not make connections essential for healthy development. The amount of brain development which occurs between the ages of zero and 3 has enormous consequences later in a child's life. Children who are rarely touched develop brains 20 to 30 percent smaller than normal for their age. The 2-year-old girl whose mother is too preoccupied with her job to provide the proper care will not be as likely to develop to her potential. This child might feel deprived and angry. The good news is that if parents are given up-to-date information on how to promote brain development, they will be able to raise healthy children. The result will be more productive young adults.

Clearly, we must do something as a nation to provide help when help is needed. The most practical, ethical, and cost-effective way to solve such problems as a nation is to increase funding for early childhood development.

Mr. President, a person's brain develops the most rapidly between the ages of zero and 3, by 350 percent. Ironically, we spend the least amount of Federal money on children during this period, only 20 percent of the public expenditures from which they will benefit prior to adulthood. Between the ages of 3 and 18, however, while the brain develops by another 50 percent, public spending on children increases by 800 percent. We need to change this discrepancy. Parents need more and better information about how to best care for their infants. They need the tools to provide this care most easily.

With greater attention to early childhood development, we will spend less money on children later in their lives. National studies have found increased violence and crime among youth when they do not receive adequate developmental care as young children. Furthermore, greater attention to early childhood development will help children avoid falling through the cracks. It will help them succeed. They will make important contributions to our country—instead of possibly ending up in jail, institutions, or on welfare. The Early Childhood Development Act makes investments now that will benefit our society later by saving money, keeping us competitive, and preventing needless suffering.

I personally know that this is a worthwhile investment. As a preschool teacher 15 years ago, I saw children in need of nurturing. For some children, I was their only source of such care. I knew that my assistance was helping these 2- and 3-year-olds to lead productive adult lives. As a parent educator, I had information to give parents the tools they needed to provide the best possible environment for their children. All parents have something to gain from learning these skills—we just need to make the tools available to everybody.

Senator KERRY's early childhood development amendment puts us on the road toward this goal. The amendment gives grants to States to establish State Early Learning Coordinating Boards. These boards give grant funds to community projects for child care improvement, including parent education and involvement in schools. The amendment establishes forgiveable loans for child care workers, who earn a degree in early childhood development and agree to work in early childhood development for 2 years. This will not only increase general awareness for early child care, but it will empower individuals to access quality care. This amendment also expands currently successful programs. The Family and Medical Leave Act is expanded to grant parents time to become involved with school. Early Head Start will also have increased funding, which will improve health and nutrition services for low-income infants and toddlers. In addition, this amendment will fully fund WIC, ensuring that every mother has adequate nutrition—and a healthy baby. This will save taxpayers tremendous amounts of money in health care expenditures avoided.

A child learns more from its experiences in the first 3 years of life than at any other time, and the dollars we invest in early childhood now save billions later in welfare, emergency room, and court costs. I have seen a tremendous amount of commitment to children, by many caring adults, in my own experiences teaching preschool. But in order to make a real difference, we need a widespread sense of commitment to improve early childhood development services everywhere. We need a national strategy for informing parents, so they can send their children to the right child care providers, and take an active role in their development.

This amendment is a catalyst for all of these desperately-needed improvements. As policymakers, we must encourage and allow America's children to grow into healthy adults. We need to positively influence the lives of young people right now. Let us change the message we are sending to children, by investing in their futures.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the quorum call be charged equally off the resolution.

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

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. 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. KERRY. Mr. President, I ask unanimous consent that my amendment be temporarily set aside and that the time remain as it is on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. No objection.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 331

Mr. BUMPERS. Mr. President, I call up amendment No. 331.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 331.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. BUMPERS. Mr. President, this amendment is very simple, and I will not belabor the Senate's time. It will just take me 4 or 5 minutes to explain it.

I have two amendments, incidentally, 331 and 332. I hope we can dispose of both of them right now.

Under this budget agreement, we assume $135 billion in tax cuts over the first 5 years of this budget. And of that $135 billion, $115 billion is in Medicare cuts.

Mr. President, I yield to the distinguished floor manager.

Mr. DOMENICI. Mr. President, I say to Senator BUMPERS, I inadvertently made a mistake. Our understanding was that we would just consider a Democratic amendment, and Senator SPECTER from the Republican side was entitled to make the next amendment, and then Senator BUMPERS was next. I think we knew that. It has been very difficult. Senator SPECTER has waited around a long time. I wonder if you would consider——

Mr. BUMPERS. Certainly I will accommodate the Senator any way I can.

Is Senator SPECTER here ready to go?

Mr. DOMENICI. We will send out word that if Senator SPECTER is ready, he should come down.

Mr. BUMPERS. I hope to dispose of mine before he even gets here.

Mr. DOMENICI. Maybe we can do that.

Mr. BUMPERS. I will proceed. If he comes, I will lay my amendment aside.

Mr. DOMENICI. I thank the Senator.

Mr. BUMPERS. So anyway, Mr. President, the budget resolution calls for a $115 billion cut in Medicare, ostensibly to provide some solvency in the Medicare trust fund.

The Finance Committee, in my opinion—in my opinion, we should not go forward with this budget and allow the people in this country who depend on Medicare for their very lives, we should not allow them to believe, as they have a perfect right to believe, that we are cutting $115 billion out of Medicare and, make no mistake about it, they will suffer.

We say we are going to take it out of providers', hospitals', and doctors' hides. They are going to take it out of the patients' hides and the patients are going to get fewer services.

So I do not want to go home and face my constituents and have them say, ''You cut $115 billion out of Medicare, and that's all laudable as long as it goes into the trust fund to make the thing more solvent. But did you do that, did you put this on the deficit?'' ''No.'' ''Did you put it on child health care?'' ''No.'' ''Did you put it into education?'' ''No.'' ''What did you do with it?'' ''We gave it to the wealthiest people in America in tax cuts.''

That is the accusation that every Senator should be prepared to face up to when he goes home this fall and in the election year next year.

So what I am saying is, it is a laudable thing to try to make the Medicare trust fund solvent, but what we are doing here is using that $115 billion to provide $135 billion in tax cuts. We say, ''Well, we're going to make up $50 billion of that; the net tax cuts will only be $85 billion.'' What I am saying in my amendment is we require the Finance Committee to come up with a total of $115 billion in offsets to offset what we are cutting Social Security by. Otherwise, we stand fairly accused of using Medicare funds to cut taxes for the wealthiest people in America.

Look at this chart. Here is the Medicare savings—$115 billion. That is the cut in Medicare. What we are going to do is we are going to use that as an offset to accommodate $135 billion in tax cuts. That is undeniable, unarguable, unassailable. We are using $115 billion of Medicare cuts to provide tax cuts.

So what I am saying is, let us instruct the Finance Committee not just to put the airline ticket tax in at $32 billion over the next 5 years, but come up with enough additional offsets to offset the entire $115 billion in Medicare savings. That is not hard to understand, Mr. President. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. If nobody wishes to debate that amendment further, I would like to call up amendment No. 330. I do not want to do this while the chairman's attention is diverted.

Mr. DOMENICI. I am sorry, I say to the Senator.

Mr. BUMPERS. I say to Senator DOMENICI, I will follow up with my other amendment and debate it right now unless you wish to speak on the one I just offered.

Mr. DOMENICI. The Senator wants to offer another one?

Mr. BUMPERS. Yes.

Mr. DOMENICI. Does the Senator reserve any time on the one he offered?

Mr. BUMPERS. I will be happy to have 10 minutes equally divided.

Mr. DOMENICI. On this one?

Mr. BUMPERS. I am finished on this one.

Mr. DOMENICI. You must have great confidence in it.

Mr. BUMPERS. I am hoping we can get back home and tell people how great it is.

Mr. DOMENICI. When Senator SPECTER comes, we will call on him.

I ask unanimous consent that we further set aside both the Kerry amendment and the Bumpers amendment No. 331 while Senator BUMPERS offers his second amendment.

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

AMENDMENT NO. 330

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 330.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. BUMPERS. Mr. President, my second amendment is one I feel strongly about—both of these—but I want you to listen to this.

It would delay the tax cuts that are provided in this budget resolution. We are going to face all of this later on in the reconciliation bill. I know that. But what we ought to do is delay the tax cuts until the year 2002. All I do in this amendment is I strike the first $63.3 billion of tax cuts over the years 1998 to 2001.

You know what that does, Mr. President? It does not balance the budget in the year 2002. It balances the budget in the year 2001. Now, why would we not, after reading the paper this morning and seeing that the Treasury Department reaped a gold mine in April—the surplus in April of income versus expenditures was $97 billion.

CBO has now said that the deficit could be as low as $65 billion come September 30. That is a remarkable achievement.

On this floor in August 1993, we passed a bill called the Omnibus Budget Reconciliation Act of 1993. I regret, Mr. President, not one single Republican voted for it. You know what the effect of that was? I told the President as far as I am concerned that is going to be his legacy. All these other things he is trying to accomplish, they are all laudable. I have no quarrel with them. But 5 solid straight years of real budget deficit reduction is going to be his legacy.

But I will tell you how that legacy can be destroyed. That is to proceed with a budget that we have right here which cuts taxes by $135 billion for the wealthiest people in America, and revenues go down every single year—every single year. If we were to postpone these tax cuts until the year 2002, we could balance the budget in the year 2001.

Let me tell you something else. If we do not strike while the iron is hot, we are going to regret it. I promise you, the assumptions in this bill that our economy is going to be as hot as these assumptions say it will be over the next 5 years is a very dicey situation. We have already had an unbelievable prosperity for the past 6 years. Nothing looks like it since Eisenhower was President. To assume it is going to continue another 5 years is the height of folly. You cannot depend on this budget to balance anything unless you agree with those economic assumptions, and I do not.

I have spent 22 years in the Senate standing in this aisle, screaming my head off about budget deficits. In 1981, when Ronald Reagan was riding the crest the likes of which has never been seen since Franklin Roosevelt, the herd instinct swept through this body and all my screaming was for naught. It did not do a bit of good.

I said—and I will send anybody a copy of the speech that would like to see it—you pass this budget and you are going to create deficits big enough to choke a mule. You cannot cut taxes, increase defense spending and balance the budget any more than you can lose weight on five chocolate sundaes a day. That is the five-chocolate-sundaes-a-day diet. And that is exactly what we are coming back to.

What does it take to educate this body? If you do not learn from past experiences, what are you going to learn from? When Ronald Reagan left office 8 years later, the national debt—which at that time was $1 trillion and took 200 years to get to $1 trillion—when he left, all his 8 years later, it was $3 trillion. He had tripled the national debt because of the folly, the political folly, the political herd instinct that swept across this body in 1981.

I am proud to tell you, Mr. President—a little self-serving—I did not vote for it. There are only 11 Senators who voted against the tax cuts. There were only three Senators who voted against the tax cuts and for the spending cuts. We could have balanced the budget by 1985 easily if everybody had voted the way those three Senators voted.

So here we are, back at the same old stand: It did not work before, but it'll sure work this time. We will cut taxes, are going to cut taxes, going to increase spending, and bring you a balanced budget.

While the deficit goes from $67 billion anticipated this fall, the fifth straight year, from $290 billion in 1992—$290 billion—to $67 billion this year, 5 straight years of deficit reduction, what does this budget do? Why, it takes it back up to $97 billion next year and $97 billion the following year and $83 billion the following year and $50 billion the following year. Then the following year a $1 billion surplus.

I have some great land in the Everglades I would like to sell you if you believe that is going to happen.

Mr. President, all we have to do is vote very simply to postpone the tax cuts. I am not saying do not ever cut taxes. But you are either for cutting taxes or for balancing the budget, but you cannot be for both and be economically sound in the process.

So I am asking my colleagues to say, postpone the tax cuts until the year 2001 and balance the budget at the soonest possible date. Then you can argue all the other economic nonsense. But our first priority is to balance the budget. You are not going to do it with this budget. If you assume that the economy is going to stay like it is right now for the next 5 years—I do not know whether I will be here or not. I would just like to be around at the end of 5 years so I can say, I told you so. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to Senator BUMPERS, I wonder if we could ask how much time the Senator used, and I would use the same amount of time, and then there would be no more time used.

Mr. BUMPERS. Mr. President, I will be happy to reserve 2 minutes.

Mr. DOMENICI. Two minutes.

Mr. BUMPERS. Of additional time.

If I may, Mr. President, I ask unanimous consent to add the Senator from Virginia [Mr. ROBB], as a cosponsor of this amendment.

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

Mr. DOMENICI. Mr. President, while I am having a great deal of difficulty discerning the difference between the two amendments, let me tell the Senate what I believe the sum total of the two amendments are.

The distinguished Senator from the State of Arkansas does not believe in tax cuts. It is just that simple. When you go to work on a budget, you ask the American people to let you reform some programs that are out of control, and you save some money.

When you ask the American people to let you reduce spending in some other areas, or at least keep it intact, when you do that, you come up with a surplus, and you say, we want to give that back to the American people. You know that is a tax cut.

We do not have any other way to give back to the American people what is theirs. We give the American people a lot of programs. But when you reduce taxes, you are giving them back what is theirs. They already earned it.

No matter how you cut it, both of these amendments—one says in this budget resolution you are permanently prohibited from giving any tax cuts. That is plain and simple. That is one of them. Now maybe my friend will explain it with relation to other things, but that is, plain and simple, what it is.

What we have done in the overall budget, we have restrained Government such that there is sufficient funding to give the American people a modest tax cut, a net of $85 billion out of a tax take in the trillions. It is not like we are giving them a huge tax cut. Well, let us give them something. Balance the budget and give them some kind of balance. What is the use of having a balanced budget if there is nothing in it for the people?

We are trying to get the economy running better, and to do that we want to get a balanced budget and to make sure the American people feel better about their day's work and their taking a chance on investing. You want to give them some back. To those mothers and fathers raising kids under 18 years of age, we would like to say to them, we understand your problem and we have enough savings in this budget we will give you a tax break. It is not pie in the sky.

The economic assumptions, and I know we are not supposed to talk about technicalities, but the distinguished Senator said he would not rely on any of these assumptions. Mr. President, let me tell you, there are literally thousands of American businesses who do economic planning, thousands of them, and the biggest of them in America rely on more generous economic assumptions than are in this budget resolution. The Office of Management and Budget has more generous economic assumptions. We have the most conservative set of economic assumptions you will find from any major institution or business in America. We did that because that is a way of saying if you should have a downturn, if you should have a downturn you have taken that into consideration by using very, very conservative economic assumptions. Nobody does it any differently. Nobody comes along and says, well, let's write a 5-year budget and in the third year, let's have a recession and plug it in. First, nobody wants to do that because they are frightened to death of such a concept, but what economists do is build in low economic assumptions. That is what we did.

Frankly, I do not want to be on the side that says there is no room in the Federal budget to balance it and give the American taxpayers a break. I believe there is. In fact, I believe, absent some untoward happening, something untoward happening, I believe we will be balanced ahead of 2002 because I believe the economic assumptions are so low that we will do better for at least 2 out of the next 4 years than are estimated here. I did not choose to put that in. I choose to use modest, conservative economic assumptions.

Now, the Bumpers amendment that tries to allude to Medicare has nothing to do with Medicare. The President of the United States joined with Democrats and Republicans and said to the senior citizens of America, we want to do something for you in this budget that is positive and good. Lo and behold, what we have done is make the Medicare trust fund solvent for 10 years. That is not bad. It is bankrupt in about 3 years if we do not do that. That is No. 1 on the positive side, we made it solvent for 10 years. We told the providers in America that they will get paid differently, and for the most part paid less. We told the Medicare people that run the program, give the seniors all kinds of options because there are options to get better service at cheaper rates. We also moved part of home health care out of the trust fund and said we will take care of it under a more generous program, all of which contributes to the senior citizens of America in a very mighty way.

Now nobody can kid anybody anymore. The tax cuts have nothing to do with that. Let me tell you, you wipe out the tax cuts—let's just do that. We will think it out here, take out the tax cuts. But also if you think through Senator BUMPERS's proposal—maybe we ought to wipe out all those reform measures that save money for the Medicare fund, or what I am saying in another way is that all of the savings for the Medicare goes back to Medicare. All of the savings for Medicare go back to Medicare. They do not go to taxpayers, they go back to making that program solvent. That is pretty logical, it seems to me, when you have done that, and balanced the budget and found room for a tax break.

We relish the idea of voting on these two amendments today. We Republicans want to vote on them. We hope a lot of people vote against it, but not a single Republican should. I hope they do not. Because what we are saying is, the modest tax cut in this budget resolution ought to be carried out, and it ought to be carried out in a manner prescribed in this budget resolution.

If I have additional time on the amendment, I reserve it but I do not think I will speak more than 1 minute on either of the two amendments. If Senator BUMPERS wants to use 2 minutes, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I remember a great lesson when I was a boy about Joseph having a dream. Everybody in this body knows the rest of the story. Joseph dreamed there was going to be 7 years of plenty and 7 years of starvation. So he told the King of Egypt, if you want to survive, you better start saving everything you can the first 7 years.

I want to relay that to every Senator in the U.S. Senate. I am telling you, if you have the 5 years, if you have the 5 years you are talking about here, do not assume that the deficit will continue to go down and we will start paying on the national debt, because we have never had prosperity for that length of time.

I give you Joseph's admonition: Strike while the iron is hot and while the economy is hot.

The Senator from New Mexico said I do not believe in tax cuts. I do not believe in using Medicare for tax cuts from the most vulnerable people in America, our elderly, who go to bed petrified every night fearing what their medical bills might be. I do not believe in using Medicare and I do not believe in tax cuts at the expense of balancing the budget.

Every poll I have seen has shown overwhelmingly that people will take a balanced budget to tax cuts, and that is the option. As far as my liking taxes or not liking taxes, the present small business exemption for people who invest in small businesses, which the President endorsed in 1993, was mine. I am the author of it, trying to help small business.

Right now, I have a bill up here in case we cut capital gains, and we are going to, to 19.8 percent—I reduced the capital gains on small business investments to half that, 9.8 percent.

Mr. President, I used to have a little dachshund, a female dachshund. Betty and I worshipped that little dog, but we had a problem. We could not train her, could not train her to go outside. The only perfect analogy to that is the U.S. Senate. We cannot seem to train the U.S. Senate that you cannot cut taxes and balance the budget. I do not care how many times we do it. We did it in 1981 and paid a disastrous price, and we are about to do it again, and we will probably pay another disastrous price. We cannot resist the siren song of tax cuts. Politically, it is wonderful to go home and say, ''Oh, yes, oh yes, I voted to cut your taxes, you bet.''

''How did you do it?''

And then you start obfuscating and trying to confuse the issue. You do not want to tell them you did it at the expense of a balanced budget.

Mr. President, this amendment makes eminent good sense and there is not a Senator in the U.S. Senate—I take that back, there might be a few—who does not know that what I am talking about is pure common sense. It makes common sense in your life. It makes economic sense for the Nation to save up and to balance the budget, something the people in this country have been yearning for as long as anybody can remember.

I have not announced whether I will run again or not. I do not mind telling you that two things that sort of make me want to be around here the next few years are that I would like to be here after investing 22 years in trying to balance the budget. I would like to be here when it happens. And the other thing I would like to be here for is when we change the way we finance campaigns. Why in the name of all that is good and holy we continue to cherish this absolutely outrageous system for raising money for campaigns, when every time you take a vote they rush and see whether somebody gave you money last year or the last time you ran, and how that affected your vote. Why would we not want to get rid of a system like that?

If anybody believes this great Nation, the greatest democracy on Earth, with the oldest Constitution on Earth, can continue to survive when the people we elect and the laws we pass depend on how much money we put in it, is daydreaming. It cannot last forever. Those are two things that I would give anything in the world to see happen before I leave the U.S. Senate.

So I plead with my colleagues, I plead with you, vote for common sense and vote to postpone these tax cuts and balance the budget in the year 2001. What is sacred about 2002? I have been hearing 2002 for I do not know how long. What is sacred about 2002? If you have a chance to do it in 2001, do it. That is what I am asking you to do.

I yield the floor.

Mr. DOMENICI. Has the time of Senator BUMPERS elapsed on the amendments?

The PRESIDING OFFICER. No formal consent——

Mr. BUMPERS. I am prepared to yield. I wish Senator SPECTER was here so we could get something going.

Mr. DOMENICI. We will be going, do not worry. We will be ready shortly.

AMENDMENT NO. 332 WITHDRAWN

Mr. BUMPERS. I have an additional amendment at the desk, I think 332, and I ask unanimous consent I be permitted to withdraw that amendment.

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

The amendment (No. 332) was withdrawn.

Mr. DOMENICI. The list is down to 70 amendments, I guess. I am just kidding.

Mr. President, I yield to Senator LAUTENBERG.

AMENDMENT NO. 330

Mr. LAUTENBERG. Mr. President, far be it for me to seek an argument with our distinguished colleague from Arkansas. I cannot argue the other side very effectively.

Tax cuts at this point in time, I do not think, are the best idea. What I think are some good ideas are the facts that we will, by virtue of this tax cut, we will be saving the middle-class families, those in more modest income circumstance. This will help pay for the insurance of your children. If they choose not to go to a 4-year college there is a program in here that will give them $1,500 worth of tax relief if their child wants to go to a 2-year college or a vocational school.

I find it hard to disagree totally with my friend from Arkansas. I do want to say this, and this may not be the appropriate defense, but I have to look at it as a member of the Budget Committee and also as a member of the Appropriations Committee as an advance toward something that we want to do. We would like to be able to pay down our deficit, and I think that one day in the not-too-distant future, half a dozen years, which is not much in the lifetime of a country, that we will be able to start paying down our debt, starting to relieve ourselves of the biggest costs we will soon have in the budget which is the interest on the debt. That will happen and it happens because there is a compromise that has been fashioned, and as usual, the compromise is a consensus of minds but not a consensus of hearts.

I do not really like everything that I am supporting here but there are things that I really love that I am supporting. I love the fact we will take care of 5 million children's health needs, and I love the fact we are not saying to those that are here legally if some accident or sickness befalls you that renders you disabled you will not be kicked off the rolls, which was an intent here for some time.

There is going to be some relief for the impoverished, up to 150 percent, approximately, of the poverty level for any increases in the part B premium necessary as a result of the switch from part A to part B of home health care. That will help make that part A more solvent. I think that is a worthwhile objective.

Meanwhile, we see that the economy is boiling, as you suggested, and that there is some hope that it will continue, and the economic assumptions, I think, are relatively conservative. So there is room to achieve the objectives that we want to without simply saying that the tax cuts are the thing that are driving this. That is not the case. The tax cuts are part of it. I do not approve of the tax cuts, either, but I voted for this bill because I think it is an essential part of getting our books in balance and working our way out of debt and not leaving our children with ever larger debts to pay off.

So while I agree with the Senator in principle, the fact of the matter is that I think we have a job to do here that robs us of some of the things we would like to see. I voted against investments in transportation. That was really painful for me. I voted against expanding programs for children. That was painful to me. I do not like doing those things, but I like doing the job here as conscientiously as I can, which is to say at some point we want to reduce our debt, we want to reduce our deficits, we want to invest in our society, but we do not want to continue to pay the incredible interest rates that we are forced to pay, something around $250 billion a year.

It is an outrageous thing for us to have to be subjected to. But we are trying to fix it. That is what this is about.

I hope that the Senator will try at another opportunity to make the adjustments that he is talking about.

Mr. DOMENICI. Mr. President, we are still on our side expecting Senator SPECTER to arrive. I assume Senator BUMPERS will not mind if we stack some votes, if we have him present his, and in due course we will get to his. Then I will have a chance to discuss further with the distinguished Senator from Massachusetts his pending amendment.

I want to close now on this note. I truly wish Senator BUMPERS would not have tied Medicare to this tax cut.

First of all, Mr. President and fellow senior citizens—I can say ''fellow senior citizens.'' I just turned 65 a few days ago. But the truth of the matter is we have far more savings from other accounts than the reforms in Medicare to pay for tax cuts. In fact, there are almost three times as many savings in the first 5 years from other sources—two times from other sources, and from the reform measures that are part of Medicare.

My last remarks are: If you wipe the tax cuts out of here, you still have to do all those things for Medicare to keep it solvent. You have to do those kinds of things or raise taxes, which nobody has suggested we do.

So, I close by saying I opt for a balanced budget that includes some tax relief. I am comfortable and confident we can do both this time. We have done much in moderation in this budget, which has caused some of our friends who want to do much more, both in cutting the budget and cutting taxes, to opt out of this agreement, not wanting us to pass it. But I think we have had a moderate approach to both sides. I for one hope both of these amendments get defeated overwhelmingly to show the American people that they deserve a tax break along with this balanced budget.

I am prepared now to move on to another amendment.

Did Senator BOND want to proceed?

Mr. BOND. I am ready.

Mr. DOMENICI. I am not aware that the Senator is next in line.

Is there any commitment on the part of the Senator that he is next in line?

Mr. BOND. That was my understanding.

Mr. DOMENICI. I think the Senator from Missouri was supposed to be after Senator SPECTER and after Senator ASHCROFT. But Senator SPECTER is not here.

How much time does the Senator want on his amendment?

Mr. BOND. Mr. President, there are a couple of people who want to speak. I think 20 minutes.

Mr. DOMENICI. Which amendment is the Senator calling up?

Mr. BOND. Disproportionate share of hospital payments, sense of the Senate.

Mr. DOMENICI. I hope that the Senator will take less time. We will accept the amendment.

Mr. BOND. We would like very much to have a vote on it. If they were stacked, that would be acceptable. But this one is a very serious matter to the States of Missouri, Texas, and Washington.

Mr. DOMENICI. I, once again, have put myself between a rock and a hard place because I thought Senator SPECTER would be next. We do not know who will follow him. I told Senator ASHCROFT he would be next.

Let's do it this way. I believe Senator SPECTER will be awhile arriving. So will the Senator let us go with Senator ASHCROFT, and then the senior Senator from Missouri would go next?

Mr. ASHCROFT. Yes. I yield to the senior Senator.

Mr. DOMENICI. I ask unanimous consent that the pending amendment be temporarily set aside so that we can proceed to Senator BOND's amendment.

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

Mr. BOND. Mr. President, I thank the distinguished chairman. I know that this is an extremely difficult time. The analogy of loading frogs in a wheelbarrow is very apt when dealing with scheduling budget proceedings. The chairman has done an outstanding job.

AMENDMENT NO. 324

Mr. BOND. I call up amendment No. 324.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. MURRAY, Mr. GORTON, and Mr. ASHCROFT, proposes an amendment numbered 324.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

AMENDMENT NO. 324, AS MODIFIED

Mr. BOND. Mr. President, I send a modification to the desk and ask unanimous consent that the modification be included.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 324), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE PROTECTION OF CHILDREN'S HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today's children and the next generation of children are the prime beneficiaries of a balanced Federal budget. Without a balanced budget, today's children will bear the increasing burden of the Federal debt. Continued deficit spending would doom future generations to slower economic growth, higher taxes, and lower living standards.

(2) The health of children is essential to the future economic and social well-being of the Nation.

(3) The medicaid program provides health coverage for over 17,000,000 children, or 1 out of every 4 children.

(4) While children represent ½ of all individuals eligible for medicaid, children account for less than 25 percent of expenditures under the medicaid program.

(5) Disproportionate share hospital (DSH) funding under the medicaid program has allowed States to provide health care services to thousands of uninsured pregnant women and children. DSH funding under the medicaid program is critical for these populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the health care needs of low-income pregnant women and children should be a top priority. Careful study must be made of the impact of medicaid disproportionate share hospital (DSH) reform proposals on children's health and on vital sources of care, including children's hospitals. Any restrictions on DSH funding under the medicaid program should not harm State medicaid coverage of children and pregnant women.

Mr. BOND. Mr. President, in addition, I ask unanimous consent that Senator HUTCHISON of Texas be added as a cosponsor.

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

Mr. BOND. Mr. President, today I rise to discuss a sense of the Senate amendment on behalf of myself, Senators MURRAY, GORTON, ASHCROFT, and HUTCHISON, which simply states that ''careful study must be made of the impact of Medicaid disproportionate share hospital, or DSH, reform proposals on children's health and on vital sources of care including children's hospitals.''

It is our strong belief, and the sense of the Senate indicates, that any restrictions on DSH funding should not harm Medicaid coverage of children and pregnant women.

While I recognize and strongly support the need to control Federal spending, I am deeply concerned about the impact of billions of dollars in new Medicaid DSH spending reductions.

I know that my colleague, the distinguished chairman of the Budget Committee, can point to some States in which there may be disagreements about how the DSH payments were used. I don't say that there has been the same kind of usage of Medicaid disproportionate share payments in other States as there has been in Missouri.

But I do know from our standpoint that since 1981 the Medicaid DSH Program has enabled hospitals who provide care to a disproportionate share of low-income people to serve as a safety net for those with little or no access to health care.

In Missouri, the DSH Program has been a key variable in expanding health care coverage to thousands of pregnant women and children. More than a quarter of a million, more than 250,000, people have been served as a result of the DSH payments.

These payments have enabled my home State to successfully reduce the number of uninsured Missourians by enrolling them. It has improved access to health care services for those who remain uninsured.

In addition to using DSH funds appropriately, our State of Missouri also uses them efficiently.

For Federal Medicaid benefits plus DSH payments per beneficiary: The national average is $2,454; in Missouri the figure is $2,288 versus the national average of $2,454.

Overall Medicaid spending in Missouri is also below the national average. A recent report by the Kaiser Commission illustrates the efficiency of the Missouri program. Missouri spends $3,190 annually per Medicaid enrollee compared to the national average of $3,290.

Yet, reductions in the Federal DSH payments would be devastating for Missouri, a State which has used its Federal DSH dollars in an efficient, effective, and appropriate manner.

Anywhere from 56,000 to 348,000 Medicaid beneficiaries in Missouri could lose health coverage if the DSH reforms that have been publicized are enacted, and there is no compensating source of revenue funding for them.

President Clinton's proposal specifically would eliminate Medicaid benefits for 162,000 Missourians.

This is simply the wrong approach. Reducing DSH payments does not focus on cutting the fat in the Medicaid Program. Instead, it cuts crucial health care benefits for low-income pregnant women and children whose lives depend upon this critical coverage.

Yes, Congress should increase State Medicaid flexibility, as this budget resolution calls for. But we should not target DSH funding—funding which has allowed many States to expand health care coverage to our Nation's most vulnerable population.

Again, I reiterate that this resolution fully recognizes and supports the need for a balanced Federal budget. At the same time it guarantees that when working out the details of achieving Medicaid savings, Congress will have sufficient information to ensure that reforms in disproportionate share payments will not threaten low-income pregnant women and children, as well as providers of health care such as children's hospitals, public hospitals, and other safety net hospitals.

I look forward to working with the Finance Committee in the coming months regarding this issue, and I am confident that we can structure a plan that takes into consideration the health of our most vulnerable citizens.

I ask unanimous consent that several statements in support of this amendment be printed in the RECORD. I ask unanimous consent that statements by Lawrence McAndrews, president and CEO of the National Association of Children's Hospitals; Governor Met Carnahan of the State of Missouri; Douglas Reis, president of Cardinal Glennon Children's Hospital in St. Louis; Ted Frey, president of St. Louis Children's Hospital; and Randall O'Donnell, president and CEO of Children's Mercy Hospital in Kansas City be printed in the RECORD.

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

STATEMENT BY LAWRENCE A. MCANDREWS, PRESIDENT AND CEO, NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS

The National Association of Children's Hospitals strongly supports Senator Kit Bond's resolution on children's health and Medicaid.

He is absolutely right on all three counts. A balanced budget is very important to children. Medicaid is very important to children. And Medicaid disproportionate share payments are very important to children, especially the patients of children's hospitals and other safety net hospitals.

Medicaid is far more significant to children's health than most of us realize. It pays for the health care of one in every four children and one in three infants.

Medicaid and Medicaid disproportionate share hospital payments are far more important to children's hospitals than most of us realize. On average, children's hospitals devote nearly half of their care to children who are covered by Medicaid or are uninsured.

If it weren't for Medicaid disproportionate share payments, some children's hospitals could be in jeopardy. Even with such payments, Medicaid often does not pay enough to cover the full cost of children's health care.

For example, even with these extra payments, children's hospitals still average only about 80 cents from Medicaid for every dollar of health care they provide. Without them, they would receive closer to 70 cents for every dollar of care.

As a former CEO of Children's Mercy Hospital in Kansas City, I know just how important Medicaid and disproportionate share payments were to our ability to serve all of the children of our community, no matter how poor or sick.

Senator Bond's resolution fully supports the balanced budget. It simply makes sure that in working out the details of changes in Medicaid spending, Congress will have the information it needs to ensure that changes in disproportionate share payments will not jeopardize children or other safety net hospitals.

EXECUTIVE OFFICE,
STATE OF MISSOURI,
Jefferson City, MO, May 19, 1997.

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

DEAR KIT: I write to inform you of my serious concern about the Medicaid provisions in the budget resolution.

As you know, the resolution calls for savings of around $17 billion over five years from the Medicaid program. It is presumed that this savings level would be achieved primarily through reductions in disproportionate share (DSH) payments to states. Such a plan could have a devastating impact on Missouri's Medicaid program, and more importantly, on the citizens of our State who rely on Medicaid to meet their health care needs.

Missouri runs a very well-managed and fiscally responsible Medicaid program. Our spending is frugal and already below most other states. In fact, Missouri's per capita spending on Medicaid for adults is the lowest in the nation. We are willing to swallow hard and do our share to balance the federal budget. But to disproportionately reduce the DSH program to achieve Medicaid savings, the federal government would merely be using DSH cuts to subsidize the cost of Medicaid in other states, many of which have chosen to develop overly generous and costly programs.

Medicaid has already made a massive contribution to deficit reduction. In February, the Congressional Budget Office lowered its baseline projections of future Medicaid spending by $86 billion. States are achieving these savings through implementation of a number of innovative measures such as Missouri's Medicaid managed care program, MC+. At the same time, we are considering expanding Medicaid to cover more uninsured. We want to continue making this progress, but we may be unable to do so if our Medicaid funding base is eroded through extensive reductions in the DSH program.

It is my understanding that a portion of the Medicaid savings called for in the budget resolution may also be achieved through a package of state flexibility initiatives. We will be working with the House Commerce Committee and Senate Finance Committee over the next couple of weeks in hope that they will craft a package of Medicaid savings that is both fair and responsible, and one that does not disproportionately harm the DSH program. I hope you will do all in your power to assist us in this regard.

Thank you for your attention to this extremely important issue for the State of Missouri. If I can provide you with further information, please don't hesitate to let me know.

Very truly yours,

MEL CARNAHAN,
Governor.

CARDINAL GLENNON CHILDREN'S HOSPITAL,
St. Louis, MO, May 21, 1997.

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

DEAR SENATOR BOND: The officers and staff of Cardinal Glennon Children's Hospital support your amendment to express the sense of

the Senate regarding the protection of children's health.

As a provider of tertiary health services to a broad geographic region including metropolitan St. Louis, Missouri and Illinois, the disproportionate share funding under Medicaid is critical to our mission. Your efforts and those of your colleagues to sustain momentum in providing health care coverage to uninsured pregnant women and children is directly dependent on the expanded use of disproportionate share funding.

Thank you for your continued support for this important funding source.

Sincerely,

DOUGLAS A. RIES, FACHE,
President.

ST. LOUIS CHILDREN'S HOSPITAL,
St. Louis, MO, May 21, 1997.

Hon. CHRISTOPHER ''KIT'' BOND,
U.S. Senator
Washington, DC.

DEAR SENATOR BOND: Thank you for supporting fair and adequate Medicaid payments for disproportionate share hospitals (DSH). As you know, St. Louis Children's Hospital serves a patient population which consists of approximately 50 percent Medicaid patients. We have qualified as a DSH provider ever since the Medicaid program recognized the need for additional funding to those hospitals serving an extraordinary Medicaid and uninsured patient load.

We certainly agree with the Senate's observations regarding the high priority which should be placed on the health care needs of low income pregnant women and children. In Missouri, restrictions on Medicaid DSH funding would seriously impair our Federal Reimbursement Allowance (FRA) program. The FRA targets DSH payments to hospitals serving a high volume of Medicaid and low income patients. As Governor Carnahan points out in his May 19 letter, Missouri has made significant progress expanding Medicaid eligibility in recent years and we would hate to see our program threatened by proposals which may not have been carefully evaluated in terms of impact.

Please contact me if there is anything I can do to help and thank you again for your continued leadership on behalf of all children.

Sincerely,

TED W. FREY,
President.

THE CHILDREN'S MERCY HOSPITAL,
Kansas City, MO, May 21, 1997.

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

DEAR KIT: On behalf of The Children's Mercy Hospital in Kansas City, Missouri, I wish to thank you for your resolution on children's health and Medicaid. The Children's Mercy Hospital recognizes the need to control federal spending, but we are deeply concerned about the impact of billions of dollars in new spending reductions in Medicaid, which would come on top of major savings states already have begun to achieve.

Never has the Medicaid safety net for children been more important than now. Without the Medicaid safety net, the numbers of uninsured children would increase dramatically. It is of paramount importance that any Medicaid proposal preserve a base-year formula that includes all ''disproportionate share hospital (DSH)'' payments in order to continue to serve all of the children in our community.

We applaud your dedication to children and the betterment of their lives. Your efforts will not only benefit the children of Missouri, but the children of the entire country for generations to come. Thank you for your continued support.

Sincerely,

RANDALL L. O'DONNELL, Ph.D.
President/Chief Executive Officer.

Mr. BOND. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Senator BOND has not yielded his time. Has he reserved?

Mr. BOND. Mr. President, I have reserved time. I see one of the cosponsors of the amendment on the floor. When she finishes, I would be willing to have this set aside to accommodate the Senator from Pennsylvania.

May I ask the Senator from Washington how much time she requires?

Mrs. MURRAY. I will only take 30 seconds.

Mr. BOND. I yield 1 minute.

Mr. DOMENICI. Mr. President, before we yield to Senator MURRAY, let me once again ask my friend, Senator BOND.

You know, we are reaching a deadline here with an awful lot of things that haven't been handled. From my standpoint, the way the Senator has accommodated his amendment in working with us is acceptable. I urge that he let us accept it at some point and not insist on a rollcall vote. I assume the rollcall vote will probably be 100 percent. But I don't think that helps the Senator any more. I am trying to tell him as clearly as I can that is not going to help him any more than if he lets us accept it. It is going to a conference which is on an expedited process. I want to help him. I am doing everything I can. I don't know if I want to go through a rollcall and then, you know, be very helpful after that.

I yield the floor.

Mr. BOND. Mr. President, I appreciate the good advice from my very wise leader on the Budget Committee.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to join with my colleague from Missouri in offering this amendment. I have been extremely concerned about the impact of a $14 billion reduction in the disproportionate share hospital payments.

The Bond/Murray amendment sends a strong message to the authorizers that the health care needs of low-income pregnant women and children remain a priority in developing any DSH reform legislation. I am not opposed to reforming the program to ensure that payments are being targeted to those most in need, but we cannot allow reform efforts to threaten the delivery of care to our most vulnerable populations.

Massive changes in DSH implemented in order to be a deficit reduction target could jeopardize the ability of many hospitals, especially children's hospitals to serve low-income children, pregnant women, and the disabled. For many hospitals, DSH payments are the difference between solvency and bankruptcy.

As we all know, few States would be in a position to off set the loss of Federal DSH payments. Meaning that hospitals would have little choice but to eliminate or reduce services for the most vulnerable in our society. Without the flexibility of DSH, States cannot hope to expand Medicaid coverage for uninsured children or pregnant women. In addition, any efforts to expand Medicaid for HIV positive individuals in order to prevent the onset of full blown AIDS, could be impossible.

I am hopeful that the authorizers will carefully craft a reform proposal drive by policy, not just numbers. DSH is too important to allow simple numbers to be the guiding influence.

I urge my colleagues to support this amendment to send an important message that DSH reform should not result in the loss of health care coverage for children, the disabled and low income pregnant women. We need to use extreme caution to prevent any further eroding of health security for these vulnerable populations.

I thank Senator BOND for his efforts in bringing this amendment to the floor and I look forward to working with the authorizing committee in developing a fair and equitable DSH reform legislation.

Mr. DEWINE. Mr. President, I rise in strong support of Senator BOND's resolution, the sense of the Senate regarding the protection of children's health. While I believe that our children will be best served by a balanced budget, we also must ensure that this agreement sends a strong message that we must preserve the access of low-income children to quality health care.

May children's hospitals are designated as disproportionate share hospitals or DSH hospitals because they serve a disproportionate share of low-income children. DSH payments make a vital difference in the ability of hospitals to serve this population. They are a critical part of the health care safety net for vulnerable children.

For example, two of the largest children's hospitals in Ohio have informed me that approximately 40 percent of the children they serve are covered by Medicaid. Without the additional DSH payments, the ability of these hospitals to serve low-income children would be seriously impaired.

DSH payments are even more important to independent children's teaching hospitals that do not receive Medicare support for graduate medical education, known as DSH dollars. In fact, I'm working on a letter to the Finance Committee about this GME inequity now.

But my point here is that if DSH funds are cut from children's hospitals—that already are not receiving dsh funds—then these hospitals will

find it very difficult to provide quality care for poor children. Although we must balance the Federal budget, we also want this balanced budget to make children's health and well-being a top priority.

Senator BOND's resolution is consistent with that message. It recognizes how important a balanced budget is, and it recognizes that some changes in DSH payments may well be necessary. But, it also recognizes how important—within such a budget—DSH is to children's health. I strongly support the Bond resolution.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I do not want to get myself into another situation where I am confused. Senator BOND has a lot of time. Has he yielded his time?

Mr. BOND. Mr. President, I had several other cosponsors who wished to speak. I would like to reserve 5 minutes for them to speak and yield back the remainder of the time. In the meantime, until they come to the floor, I would be happy to ask unanimous consent to have the amendment temporarily set aside so I can confer with the chairman and give an opportunity for the cosponsors to speak.

Mr. DOMENICI. Could we establish this, however? Either before we accept the amendment, if that is the approach, or before we vote on it, if that is the approach, the Senator from Missouri would use 5 minutes immediately prior thereto.

Mr. BOND. I would be agreeable with that.

Mr. DOMENICI. I ask unanimous consent that that be the case.

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

Mr. DOMENICI. I understand that we could temporarily set aside the pending amendments and proceed now to Senator SPECTER, the Senator from Pennsylvania, for one of his three amendments. I understand that the Senator from Pennsylvania has agreed that the other two will not be called up.

Mr. SPECTER. Mr. President, the distinguished manager articulates it correctly. I will offer one amendment.

Mr. DOMENICI. Thank you, very much.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 340

Mr. SPECTER. Mr. President, I call up amendment No. 340.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 340.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. SPECTER. Mr. President, this amendment adds $1.1 billion to function 550, which is the health function, for fiscal year 1998, with an offsetting $1.1 billion reduction in nondefense discretionary functions, which would hold Federal agency administrative costs to 96 percent of the estimated 1998 level.

The offset constitutes a reduction in nondefense spending of four-tenths of 1 percent. This four-tenths of 1 percent could be accommodated by reducing administrative costs only 4 percent, so that the net effect would be to have Federal administrative costs reduced by 4 percent to 96 percent of the estimated 1998 level.

This amendment is being offered, Mr. President, because the Senate yesterday adopted, by a vote of 98 to nothing, a sense-of-the-Senate resolution to increase spending for the National Institutes of Health by $2 billion. And while that sounds good, to those who are unaware of the inner workings of the Senate, a sense-of-the-Senate resolution does not have any real effect but just says what we would like to have occur. This amendment will be directed toward having hard dollars placed in the budget resolution for the National Institutes of Health. I am offering this amendment on behalf of Senator HARKIN, Senator MACK, Senator D'AMATO, Senator JEFFORDS, Senator INOUYE, Senator COLLINS, Senator HUTCHISON, Senator FEINSTEIN, and Senator REID.

Mr. President, there is a general acceptance that the National Institutes of Health has been one of the real treasures of the U.S. Government, making enormous advances in the most dreaded diseases which we face today. There have been enormous advances in cancer, breast cancer, prostate cancer, enormous advances in Alzheimer's disease, cystic fibrosis, more recently in schizophrenia; a new generation of AIDS drugs are reducing the presence of the AIDS virus and HIV-infected persons to nearly undetectable levels, and the phenomenal work being done by the National Institutes of Health has led to a consistent rise in funding for that agency.

Since becoming chairman of the Subcommittee on Labor, Health and Human Services and Education, we have raised the funding for NIH by some $643 million in fiscal year 1996. We have raised the funding for the National Institutes of Health by $820 million in fiscal year 1997, but this year we are faced with a reduction in the health account. So that if this budget goes forward, and this budget signifies what funding will be available for NIH, there will be a cut in all health accounts and accordingly, on a pro rata basis, a cut on the National Institutes of Health.

The total allocation and funding for the health account, account 550, was frozen from last year at $25 billion, and in this budget it is in at $24.9 billion, or, as I say, a cut of some $100 million.

This is $400 million short of what the President's original budget mark was for 1998, and over $3 billion short for the 5-year budget period. The budget would cut the health account by some $2.2 billion through the year 2002. But, most importantly, from the point of view of what we are doing here today, we have the President coming forward with a budget increase of some $400 million, and this account is now cut by $100 million.

If this is left to stand, Mr. President, we will have the anomalous, or hard-to-understand situation where the Senate has said we ought to increase the National Institutes of Health by $2 billion, and then when it comes to my committee where I chair and have the responsibility for establishing the mark, suddenly we will find not only no money for an increase, but the account is cut by $100 million. So, on a pro rata basis, there would have to be a decrease.

We find this at a time when other accounts have increases in spending. Defense spending rises by $3.2 billion in fiscal year 1998; international affairs rises by $900 million in fiscal year 1998; energy rises by $400 million in fiscal year 1998; natural resources and environment rises by $1.3 billion for this year; commerce and housing goes up $300 million; education and training goes up $4.3 billion; administration of justice up by $1.4 billion, the general Government rises by some $800 million. But no one has come to the floor on any of these lines and has said there ought to be a $2 billion increase. The only line in the items which I have just spoken about would be defense. But for the National Institutes of Health, yesterday we had a spirited presentation with many speakers saying NIH ought to go up by $2 billion. The reality is it is all Confederate money unless there is some allocation which is more than a sense-of-the-Senate or our very best wishes but a specific amount which has a specific offset.

That is, in itself, somewhat of an oversimplification, but that is very close to the reality. The whole budget resolution, in a sense, is an expression by the Senate, by the Congress of what we ought to have done, contrasted with the specific appropriations bills which are then legislated and then ultimately signed by the President.

I conferred with the distinguished chairman of the Appropriations Committee after talking this over with the distinguished chairman of the Budget Committee, and Senator DOMENICI said, well, you better see how Senator STEVENS is going to respond to it. And Senator STEVENS says we need to have the hard dollars through the budget process. So that if the National Institutes of Health is to avoid having a cut, this amendment is going to have to be adopted.

It goes without saying that as one Senator who chairs a certain subcommittee, I am bound by the will of the Senate. If the Senate says in this vote that the National Institutes of Health is not to have an increase but, in fact, is supposed to have a decrease, to the various interest groups who want breast cancer to be funded, who want prostate cancer to be funded, who want Alzheimer's to be funded, who want heart disease to be funded, who

want AIDS to be funded, then I can say I went to the floor and I laid the case on the line—and I am not totally without experience as an advocate—and the Senate said, no, we are not going to increase the funding for the National Institutes of Health. I have a specific offset, and that is administrative costs that go down 4 cents on the dollar. I think that administratively you can cut 4 percent. It is four-tenths of 1 percent across all discretionary nondefense budgets, but it comes out of, could come out of 4 cents on the dollar on administrative costs.

If the Senate says that on Wednesday night we said put it up $2 billion, that is what we would like to see, but when the Senate faces the hard choice and has to put its money where its mouth is, a sense-of-the-Senate amendment is where the Senate's mouth is. This budget resolution is where the money is. If the Senate says we are not going to put our money where our mouth is, that is on the record. And when people say NIH did not get an increase, it is because the Senate turned it down.

So this is an opportunity for the Senate, bluntly speaking, to put its mouth where its money is. Mr. President, we have only 1 in 4 approved grants funded, and we have people dying as we speak from cancer, dying as we speak from heart disease, dying as we speak from many, many ailments. The National Institutes of Health has been our very best capital investment in the health of the American people.

That, in effect, lays it on the line in just a very few moments. So at this point I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I might present an amendment, which will only take 5 minutes, and then we can go back to the amendment, unless the Senator just wants to wait for someone else to speak.

Mr. SPECTER. Mr. President, I have no objection to my distinguished colleague proceeding.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? If not, who yields time to the Senator from Texas?

Mr. DOMENICI. Mr. President, I yield—how much time, I ask the Senator?

Mr. GRAMM. Five minutes.

Mr. DOMENICI. Five minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 320, AS MODIFIED

Mr. GRAMM. Mr. President, I send to the desk a modification to amendment No. 320. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

If the Senator will withhold, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mr. BOND, proposes an amendment numbered 320, as modified.

Mr. GRAMM. 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, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . DEPOSIT OF ALL FEDERAL GASOLINE TAXES INTO THE HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Since 1956, federal gasoline excise tax revenues have generally been deposits in the Highway Trust Fund and reserved for transportation uses.

(2) In 1993, Congress and the President enacted the first permanent increase in the federal gasoline excise tax which was dedicated to general revenues, not the Highway Trust Fund.

(3) Over the next five years, approximately $7 billion per year in federal gasoline excise tax revenues will be deposited in the general fund of the Treasury, rather than the Highway Trust Fund.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this resolution assume that the Congress should in the extension of the Budget Enforcement Act, ISTEA reauthorization, appropriations acts, and in any revenue bills, that all revenues from federal gasoline excise taxes, including amounts dedicated to general revenues in 1993, should be dedicated to the Highway Trust Fund so that such taxes may be used for the purpose to which they have historically been dedicated, promoting transportation infrastructure and building roads.

Mr. GRAMM. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to amendment No. 320 with a modification in its stated purpose.

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

Mr. GRAMM. Mr. President, we set up the highway trust fund in 1956, and from 1956 until 1993, every time we had a permanent gasoline tax, that gasoline tax as a user fee for use of the highways was deposited in a highway trust fund that was spent largely for highway construction, though in recent years some portions of it have been dedicated to other purposes like mass transit. But from 1956 to 1993, when somebody went to the filling station and stuck that nozzle in their gasoline tank and filled up their car or truck, they were paying a tax on gasoline that was used to build the roads that they would drive over using that car or truck.

In 1993, in the budget and subsequent tax bill that flowed from it, for the first time in American history since the adoption of the highway trust fund, we had a permanent gasoline tax of 4.3 cents a gallon that went not into the highway trust fund but into general revenues, so that for the first time since we set up the trust fund we had a gasoline tax that was adopted for the purpose of paying for general Government and not building highways.

We know from the vote in the House on the Shuster amendment, we know from the vote in the Senate on the Warner amendment that there is a strong belief that money collected on gasoline taxes ought to be used to build roads and it should not be taken to fund other programs of American Government.

I have put together and sent to the desk in my modification to amendment No. 320 a very strong sense-of-the-Senate resolution that simply makes note of the fact that this 4.3-cent-a-gallon tax on gasoline, which has been diverted for the first time ever from the highway trust fund, should be returned to the highway trust fund, and that as we move on to consider our Budget Enforcement Act, as we consider ISTEA reauthorization, as we consider appropriations acts, and as we consider other revenue bills, all revenues coming from a gasoline excise tax, including the 4.3 cents a gallon that currently goes to general revenues, should be deposited in the highway trust fund and should be used for the purposes that the trust fund has been historically dedicated to: building roads and paying for other modes of transportation. This is the first of many amendments that we will have, aimed at moving the 4.3-cent a gallon tax on gasoline out of general revenue, where it funds general Government, into the highway trust fund so that this roughly $7 billion a year can go for the purpose that the gasoline tax was collected. I know this is a controversial amendment in some areas, but I believe there is a strong consensus in Congress that we need to move in this direction. I do believe that later this year, when we do a tax bill, that this will be done. So my purpose here is simply to begin the process of putting the Senate on record.

Let me also say, and I discussed this with Senator DOMENICI, and I feel a little sheepish about doing it, but when we had so many people who felt so strongly about this issue, one of the things that I promised them was that they were going to get an opportunity to vote on it. So, what I would like to do is simply ask that this be put with another amendment, possibly a unanimous consent that this be a 10-minute vote following some other vote that we would have, so we might actually give people a chance to be on record on this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I cannot agree to the unanimous-consent request regarding the 10 minutes. Would the Senator leave that up to us as we schedule it? Does the Senator want to get the yeas and nays?

Mr. GRAMM. Yes.

Mr. DOMENICI. I ask unanimous consent it be in order we get the yeas and nays.

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

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

Mr. DOMENICI. 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.

Mr. DOMENICI. I thank the Senator from Texas. I intend to support his amendment.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 340

Mr. SPECTER. Mr. President, I ask Senator SANTORUM be added as original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time on the pending amendment?

Mr. SPECTER. 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. Who yields time on the pending amendment?

Mr. SPECTER. Mr. President, I will 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.

Mr. DOMENICI. Mr. President, I want to inquire parliamentary wise, how much time does Senator SPECTER have remaining on his amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 50 minutes remaining.

Mr. DOMENICI. How much?

The PRESIDING OFFICER. Five-zero, 50 minutes.

Mr. DOMENICI. How much time did he have for the amendment? I thought he had an hour. He only spoke 10 minutes?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I am sorry. I thought he spoke much longer than 10 minutes.

Would the Senator agree to reduce his time to 30 and we will take 15 on our side?

Mr. SPECTER. I do.

Mr. DOMENICI. I so propose.

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

Mr. DOMENICI. Mr. President, I might inquire, the sequence has been somewhat misunderstood, but I think we are close to an agreement. If Senator ASHCROFT, from the State of Missouri, can agree to 30 minutes on his, then I would proceed to ask that he go next, and then Senator WELLSTONE go next; but in the event Senator WELLSTONE is inconvenienced for 5 or 6 minutes, that we do other business but not deny him the next amendment to be called up to be his, after Senator ASHCROFT.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I just inquire of the Senator from New Mexico, I believe my colleague from Missouri is planning to take the full half-hour?

Mr. ASHCROFT. That is correct.

Mr. WELLSTONE. I say to my colleague from New Mexico, I think I will be here. I thank him for his courtesy. If I am not, a 1-minute quorum call will do the job and I will be ready to go.

Mr. DOMENICI. We will send out word for you and we will give you a little time, because you accommodated us and I appreciate it.

Does the Chair have an inquiry of the Senator?

The PRESIDING OFFICER. The Senator yields the floor?

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I inquire of my distinguished colleague from Iowa, how much time he would like? The distinguished ranking member of the subcommittee on Labor, Health, Human Services and Education, former chairman of the subcommittee?

Mr. HARKIN. And the proud cosponsor of your amendment, I might add. How much time do we have?

Mr. SPECTER. We have 20 minutes left. Parliamentary inquiry, how much time does remain on my side?

The PRESIDING OFFICER. It is the understanding of the Chair that the request was for 30 minutes, equally divided.

Mr. DOMENICI. No, that was not our intention. I asked the Senator if he would agree with a total of 30 minutes, and then I would agree to 15 minutes.

Mr. SPECTER. That is correct. That was my understanding.

Mr. DOMENICI. And that is the consent. He has, whatever time he has used, the total he is going to get is 30 minutes on the amendment and I have agreed to reduce my time from an hour to 15 minutes in rebuttal. Is there something wrong with this that makes it complicated? I thought it is very, very simple.

The PRESIDING OFFICER. So the Senator from Pennsylvania has 15 minutes?

Mr. SPECTER. I have 20 minutes. Mr. President, the statement was made that I had spoken 10 minutes. Senator DOMENICI asked a few moments ago how much time remained on my account: 50 minutes, 5–0. I spoke for 10 minutes. I have agreed to speak for 30. So 10 from 30 would leave 20. Senator DOMENICI has agreed to accept 15 minutes. So the total time remaining would be 20 minutes on my side and 15 minutes on Senator DOMENICI's side.

The PRESIDING OFFICER. Then that will be the order.

Mr. HARKIN. May I have 10 minutes?

Mr. SPECTER. I yield 10 minutes to Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HARKIN. Mr. President, I am pleased to join my colleague, the chairman, Senator SPECTER, to support this important amendment. Yesterday the Senate went on record in support of doubling research at NIH with the adoption of the Mack sense-of-the-Senate amendment, a unanimous vote last time. This amendment that Senator SPECTOR is offering is a modest first step toward making good on that commitment.

Senator SPECTER said the amendment would add $1.1 billion to the health account to restore, first of all, the $100 million cut contained in the resolution and additional moneys to enable our subcommittee to provide adequate funding for NIH and other health programs. Without our amendment, it will be virtually impossible to provide even an inflation adjustment for medical research in the year 1998.

Mr. President, the resolution before us, despite the other merits, is, to put it kindly, extremely shortsighted when it comes to support for finding cures and more cost-effective treatment and prevention for the many diseases and disabilities that affect us. In so doing, it shortchanges our future, shortchanges Americans' health, and shortchanges efforts to control health care costs and keep Medicare solvent in the long run. At the same time we are shortchanging basic investments in health care, the Pentagon gets another multibillion-dollar increase. Here is a chart right here that will show you. Here is the shifting priorities. This is our budget agreement versus last year's spending.

Defense gets $3.2 billion more; health gets $100 million cut. Wrong priorities.

Another way of looking at it is to see what is happening with our spending on discretionary health funding. The President's budget had $25.3 billion; the 1997 budget was $25 billion; the budget agreement is $24.9 billion. That is where that missing $100 million is. We are going in the wrong direction in spending for basic research in this country.

Let me just give a couple of examples to show the folly of what we are doing. Last year, the federally supported research on Alzheimer's disease totaled about $300 million. Yet it is estimated that we spend about $90 billion annually caring for people with Alzheimer's. In other words, for every $100 we spend caring for people with Alzheimer's we are spending about 3 pennies on research for Alzheimer's. Supported research on diabetes is about $290 million a year, yet it is estimated we spend over $25 billion on diabetes care. Mental health, research is about $613 million a year, estimated $130 billion a year spent annually on mental health care.

So, these penny-wise and pound-foolish statistics are even more illogical

today. We are at a time of great promise. Just about every day we read about new discoveries and new breakthroughs, new therapies and new treatment strategies. We are making progress. But, while we aren't suffering from a shortfall of ideas, we are suffering from a shortfall of resources. I have often made this analogy, when it comes to medical research. It is like we have 10 doors and they are all closed. We want to find out what is behind those doors. If you look behind one door, the odds are 10 to 1 you are not going to find what you are looking for. Right now, we are funding less than 25 percent of the peer reviewed, accepted grant proposals at NIH. That means we may be looking behind door No. 1, but doors 2, 3, and 4 are still closed.

That is the odds. They are not good odds we are going to find the right treatments, strategies, cures, interventions. ''Let's Make A Deal'' had better odds than that. Maybe there is a cure for breast cancer behind door 3, or Alzheimer's behind door No. 4, or Parkinson's behind door No. 2, but we don't know because we aren't committing the resources to unlock those doors.

There is another impact that lack of medical research funding has. Young people, maybe looking ahead, thinking about pursuing a career in medical research, yet they see the resources are not there to let them do long-term research. So the doors are locked to the cures but so are the doors to careers.

Our lack of investment in research is discouraging people from pursuing careers in medical research. Here is a figure. The number of people under the age of 36 applying for NIH grants dropped by 54 percent between 1985 and 1993.

I know there are a lot of factors, but we believe that the lower success rate among all applicants is making biomedical research less and less attractive to young people. This amendment, by Senator SPECTER, provides a very modest downpayment on what is needed. It begins to put us on the right path, the path that we committed to last night unanimously by adopting the Mack amendment. This amendment today will have a real impact on efforts to support medical research. But let me be clear, even with adoption of this amendment we can't get the job done. The budget resolution before us makes it clear that the only way we can devote the resources we need to help research, to help health research and stop robbing Peter to pay Paul is by going outside of the regular discretionary spending process.

This resolution calls for $24.2 billion in discretionary health spending by the year 2002. That includes NIH, CDC, Community Health Centers, Older Americans Act, health professional training, maternal and child health care, and on and on. To double funding for NIH, as this body committed to do last night, would cost over $26 billion by the year 2002. That is $2 billion more than the entire health function is allotted by the year 2002.

So even if you eliminated all funding for breast cancer screening, Meals on Wheels for seniors, drug treatment, Older Americans Act, community health centers, and on and on, if you eliminated all of that, this budget resolution would still not enable us to meet the goal that we said last night by a vote of 98 to 0 that we wanted to meet by the year 2002, which is to double NIH funding.

The only way we are going to get this is through another mechanism. I believe the best other mechanism is called for in S. 441, National Fund for Health Research Act, that Senator SPECTER and I introduced. Basically, what this trust fund says is, look, we spend about $650 billion a year in health plans—Blue Cross/Blue Shield, Aetna, HMO's, on and on. All we are asking is that 1 percent, 1 penny out of every dollar that we spend on health care in this country, be remitted to a trust fund, just like a highway trust fund. Every time you buy a gallon of gas, you put money into the highway trust fund. It is like an airline ticket tax; you put money in to keep the airports going.

What we are saying is, it is unconscionable that we spend all this money in health care in America and we put nothing from that health care budget into research.

The bill Senator SPECTER and I have introduced, S. 441, will do that. It will take 1 penny out of $1 to put into a research trust fund, because if we do not do it, then all we did last night were just words, so much hot air. Ninety-eight Senators last night said they want to double funding for NIH by the year 2002. Let's put our resources where our mouths are.

The first step toward that is adopting the Specter amendment to at least meet the needs next year to make sure that we do not have this $100 million cut in health spending, and to make sure that we have higher-than-inflation-spending resources for the National Institutes of Health.

Mr. President, expanding our commitment to research will promote health care, control health costs, create jobs and strengthen our economy and competitive position in the global marketplace. This amendment is an investment in our future.

I urge the adoption of the Specter amendment so that we can meet—start to meet—what we said we were going to do last night when we adopted the Mack resolution.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. 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. SPECTER. 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. SPECTER. Parliamentary inquiry, Mr. President. When I suggest the absence of a quorum, how is that time charged?

The PRESIDING OFFICER. The time is charged to the Senator from Pennsylvania.

Mr. SPECTER. And when no one speaks and the Senate is in session, there is no quorum call, how is that time charged?

The PRESIDING OFFICER. Time is charged equally between both sides.

Mr. SPECTER. I do not suggest the absence of a quorum.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes, 36 seconds; the Senator from New Mexico has 15 minutes remaining.

Mr. SPECTER. I will not yield time but await response, if any, from the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to make sure my friend, Senator GRAMM, has 4 or 5 minutes, so will you remind me when I have used 5 minutes, and then I will yield as much time Senator LAUTENBERG needs and then withhold a few minutes for the Senator from Texas. If not, I will take it off the resolution.

First of all, let me say it is with great regret that I cannot support this amendment. It does not make any difference what the U.S. Senate said last night in a sense-of-the-Senate resolution. They expressed a wish, a hope. The truth of the matter is that we cannot afford this amendment, nor will it work as proposed by the proponents of the amendment.

First of all, it is without saying, that no matter what we do to try to add money to the function of Government that the two Senators who are proposing this control in the appropriations process, that the allocation of the moneys will be done by the chairman of the Committee on Appropriations. So, in a sense, we are going through an exercise as if we are really increasing NIH when we really are not. There is no doubt in my mind that if this amendment were to be adopted, that Senator STEVENS would not have any chance of being fair to all the rest of the parts of Government and take $1.2 billion and add it to this function of Government.

The second point is, just to be absolutely frank and honest, even if we did it and the chairman of the Appropriations Committee did not agree and did not put any money in, there is plenty of money in the subcommittee to increase NIH by $1.1 billion if the chairman and ranking member chose to do so. They will just have to do what all the other committees do; they will

have to reduce a lot of other spending within their committee to make an addition of $1.1 billion to NIH.

So, in a sense, this is like expressing a desire, but in this one, we actually change the numbers and presume that this is going to be what is going to be carried out. I do not think we ought to do that.

For Senators who would like to know what the effect of it is, because there is nothing free, you take $1.1 billion out of the rest of the functions of Government and here is what I assume: First, I assume that the agreement between the President of the United States and the leadership, with reference to preferential accounts, will hold, and that in the subcommittees, we will fund those items that are preferred. The distinguished Senator from Pennsylvania has a huge amount of money for these protected items, most of them in education, but I assume they are the largest number of protected accounts wherein more money is put in the subcommittee than any other subcommittee.

Having said that, I am going to assume in this explanation to the Senate that we protect all the other accounts we have agreed to protect, which are considerable. This small amount of money that they are talking about cutting, on that assumption, would yield cuts like this: Veterans, $190 million; WIC, $38 million; LIHEAP, which many around here worry about, emergency energy, $14 million; Social Security administrative expenses, $36 million.

Frankly, I do not think we ought to be doing that here today. I have the greatest admiration for the distinguished Senator from Pennsylvania, and, yes, indeed, he has done a marvelous job in seeing to it that he can push NIH up as much as possible, for which we are all grateful. And, yes, I will say he has been very helpful to the Senator from New Mexico, and I hope this debate on the floor will never change that. But I just cannot, in good conscience, let the Senate take $1.1 billion, which I assume is going to come from the unprotected accounts of this Government, and put them into the function that is called 550, where it could be spent for anything in that function. There is nothing we are going to do here today which says you put it in and it must be spent for NIH. The good judgment of the chairman and ranking manager will be what controls it. They could put more in education if they like and nobody could stop them.

Until the chairman of the Appropriations Committee looks at all the money available in the nonprotected accounts and determines how much he wants to give this subcommittee, we are not going to know how much the subcommittee has to spend, and I regret that, but I believe that is the case.

I do not think we ought to do this to the rest of the budget. Yesterday evening, when we debated the desire of the institution, called the U.S. Senate, to do more for NIH, you did not hear the Senator from New Mexico say, ''And that assures you in this budget we are going to change it by $1.1 billion,'' and had anybody asked me, I would have said it does not assure you of that. This budget is finished. That wish is in the future, and I think the proponent of that amendment knows we are not going to get there very easily doubling NIH. It is just we want to shoot for the stars when it comes to science research, especially biomedical research.

I yield the floor and yield whatever time Senator LAUTENBERG wants, and if we have a few minutes left, I will yield to Senator GRAMM.

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

Mr. LAUTENBERG. Once again, Mr. President, I find myself on the opposite side of an amendment that, frankly, I would not mind supporting. I do not think we do enough to combat the diseases that plague our society, things that we could ultimately save, I think, a fortune with if we could develop some of the programs that are now kind of just showing up with a light at the end of the tunnel.

I met with a group of drug executives last week in New Jersey, and when they laid out the programs that are near completion—some of those are in testing now in FDA—and the prospect of saving costs for long-term diseases, whether it is Alzheimer's or osteoporosis and so many other things, it is a great advantage for us, both financially and functionally, as a society.

Because we are in this bind where the funds would come from functions like education, environment, crimefighting, frankly, I am going to have to oppose it. It is one of the tasks we inherit when we take on an assignment like budget, which was declared earlier in this Chamber to be one of the least popular assignments in the place. As a matter of fact, one Senator suggested that every Senator ought to have a sentence of 6 months on the Budget Committee to understand what it is like. Budget committees are fun when there is lots of money. When there is not much money, to put it mildly, it is a drag.

Mr. President, I yield back any time remaining.

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

The PRESIDING OFFICER. The Senator from New Mexico has 6 minutes 30 seconds.

Mr. DOMENICI. I yield 4 minutes to Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. GRAMM. Mr. President, I am in favor of doubling funding for NIH, and I am going to vote for it. When the appropriations bill comes to the floor and we are shooting with real bullets, as I like to say, I am going to offer this amendment if nobody else does. I think we ought to vote on funding NIH, but I want to make it clear that we are not voting to fund NIH here. We are voting to give the Labor-HHS Subcommittee another $1.1 billion, with no guarantee where that money is going to go.

I would like to make this point: There is no program under their jurisdiction that is more popular than the National Institutes of Health. The National Institutes of Health is going to end up getting this $1.1 billion no matter what we do here, but if we did transfer this money and if the Appropriations Committee actually decided to do it, something we cannot mandate they do, what we are doing is larding the very social programs that make up the biggest growth in this budget.

The President of the United States said, in one of his most honest statements, this budget provides the largest increase in social spending we have had since the 1960's. The point is, most of those programs are under the jurisdiction of the Labor-HHS Subcommittee, chaired by the distinguished Senator from Pennsylvania. All we are asking is that we not give that subcommittee more money; that they have to set priorities, and if we are for the National Institutes of Health, we have to decide that there are other programs that are less important than it is.

I remind my colleagues that the discretionary allocation alone to the Labor, Health and Human Services Appropriations Subcommittee is going to be at least $60 billion.

The National Institutes of Health gets about $13 billion. So we could quadruple funding for the National Institutes of Health in 1 year if we were willing to take it away from other programs.

So I am glad we are voting on this amendment now because when we have this appropriation come to the floor of the Senate, if NIH does not have this money and nobody else on the committee and no one who is on the subcommittee offers an amendment to give it to them by taking it away from other social programs, I intend to offer the amendment to see that NIH gets the $1.1 billion.

But let us not today give the fastest growing part of the domestic budget, Labor, Health and Human Services, another $1.1 billion with no guarantee that we are protecting the National Institutes of Health but every guarantee that we are larding programs that many of the Members of the Senate do not even support, much less do not support giving more money to.

So if you want to raise funding for NIH, vote for it when the appropriations bill is on the floor. But there is over $60 billion in discretionary funding under the jurisdiction of this subcommittee. If they want to quadruple NIH next year, they can do it.

But they have to do it the way families make a decision about sending their child to Texas A&M University. They have to say, ''Well, look, I wanted to buy a new refrigerator. That was great. I wanted to go on vacation. That

was even better. But I didn't do those things in order to send my child to college.''

If we want to fund NIH, let us fund it. And let us do it by giving less money to things that are less important. I think that basically is what this amendment is about. That is why I am going the oppose it.

The PRESIDING OFFICER (Mr. SANTORUM). Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes 30 seconds.

Mr. SPECTER. Mr. President, I will be interested to see when the distinguished Senator from Texas offers his amendment during the appropriations process what his offsets will be. On my time, I am interested to hear them now, if the Senator from Texas would care to give us a preview.

Mr. GRAMM. Well, let me say that I do not have the listing before me, but I can certainly tell you that it would be my intention to go through the list and to look at many of the areas where we are funding programs that are of a lower priority than the National Institutes of Health.

When a family decides they are not going to go on vacation, that is not because it is not important. It is just because they have other things that are more important.

Mr. SPECTER. Mr. President, I appreciate the answer from my distinguished colleague from Texas. But I ask him if he would cut the Social Security administrative costs which total some $6 billion or cut the Medicare administration costs or if he would cut the job training programs or student aid or Pell grants?

I understand that, in posing this question to the Senator from Texas, it is not possible for him to give a very meaningful answer without having the list before him, but I suggest at the same time that when he says we could quadruple the accounts because we have $60 billion; we had $74 billion last year and the funding was very, very short. And contrary to what the distinguished Senator from New Mexico says, that we are just talking about expressing a wish and a hope, that the accounts are going to be set by the appropriators, that really is not so.

When the chairman of the Appropriations Committee, the full committee, sits down for the 602(b) allocations, what the Budget Committee has done will be very, very important. When the Senator from New Mexico says that we can make allocations, yet at the same time has stated that there are protected accounts on education that cannot be utilized for the health account, it is just a little bit inconceivable to this Senator how the Budget Committee comes up with the 550 account which is less than a freeze on last year's account. The reality is that there will not be the funds for us to make an allocation for the National Institutes of Health.

If this amendment passes, there will be a statement from the U.S. Senate to the Appropriations Committee that there ought to be an increase by $1.1 billion, which will net out to about $1 billion for NIH, and that when you go through, as the Senator from New Mexico did, and specify what the costs will be other places, that it is doable to have a cut of 4 percent in administrative costs. The administrative costs are $25 billion today. Nobody can tell me that you cannot cut 4 cents out of a dollar on administrative costs.

What we did last night in talking about a $2 billion increase for NIH is ''talking about it.'' What we are doing now is putting our money where our mouths were last night.

If the Senate votes this down, then there is a ready answer that this Senator will have because I have the responsibility as chairman, Senator HARKIN has the responsibility as ranking member, of saying what we are doing. On this date of the record, it looks like there is going to be a $2 billion increase.

How does the American public, how do the people understand what the sense of the Senate is? You say it is the sense of the Senate. Is there a sense? Yes, there is a Senate. Does the Senate have any sense? Well, not really if you pass a sense-of-the-Senate resolution which does not mean anything; $2 billion. Does the Senate have any sense? Well, not if you pass a sense-of-the-Senate resolution which is vacuous and meaningless.

This is the money. Where is the money? It is in this amendment. If you do not pass this amendment, fine. I have a way to tell the people who want breast cancer to be financed, there is not the money. The Senate voted no. I have a way to say to the people who wanted money for mental health, there is no money to increase mental health.

The fact is that there has to be a pro rata cut. You have less in the 550 health account. There is no way to have an increase for inflation. Now, if that is sense, then the Senate does not have any sense.

How much time remains, Mr. President?

The PRESIDING OFFICER. Four minutes thirty seconds.

Mr. SPECTER. I yield 2 minutes to my distinguished colleague from Iowa.

Mr. HARKIN. I will try not to take more than a minute.

The Senator from Texas said, if I heard him correctly, that we can double in 1 year the funding for NIH if we would just set our priorities straight.

Mr. SPECTER. If the Senator will yield for 1 minute?

Mr. HARKIN. Sure.

Mr. SPECTER. He did not say, ''double.'' He said, ''quadruple.''

Mr. HARKIN. In 1 year?

Mr. SPECTER. In 1 year. That is what he said.

Mr. HARKIN. I thought it was double.

We are spending about $13 billion a year at NIH.

Mr. SPECTER. Four times 13 is $52 billion, and we have $8 billion left over according to the $60 billion figure. But we only have worker safety and child care and education.

Mr. HARKIN. I ask if the Senator from Texas would amend his statement in the RECORD and provide us with a table. If the Senator from Texas says we can quadruple spending for NIH, please tell us how. Please put in the RECORD for all to see what the Senator from Texas would like to cut in order to increase that kind of funding for NIH. If he does not, well, then the words are just words; they do not mean anything.

So I challenge the Senator from Texas to back up his words with examples of where we are going to get the money to quadruple in 1 year funding for NIH.

Lastly, let me just say, again for the record, there has been some talk we put the money there, but we don't know where it is going to go. We offer the amendment as chairman and ranking member of the subcommittee as cosponsors. We have the votes on his side and our side to make sure that is where the money goes, to NIH. There should be no doubt in anyone's mind that that is where this money is going to go.

I thank the chairman for taking the lead on this.

Mr. SPECTER. Mr. President, beyond the assurance as to where the money is going to go, there is money there, so that if there needs to be a reallocation, there will be some funds that can be allocated.

The subcommittee has the responsibility for job training, student aid, Pell grants, LIHEAP, the Center for Disease Control, child care, Social Security administrative costs, Medicare, and a long list of items which have very, very high priority. And when the Budget Committee returns to the health account less money than it had last year, obviously, there is no money for NIH because the other items have been cut to the bone as it is.

The last 2 years Senator HARKIN and I consolidated or eliminated 134 programs to save $1.5 billion to put into NIH and to put into education. And the additional funds here are on projected programs.

So it is a very clear vote. It is a vote as to whether we want to put our money where we spoke so eloquently last night on $2 billion or whether we want to have NIH unable to have an inflation rise and, in fact, have a pro rata cut.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute 22 seconds.

Mr. DOMENICI. Is the Senator finished?

I yield 2 minutes to Senator GRAMM.

Mr. GRAMM. Mr. President, I want to go back to this issue a moment because I think it makes my point. I was thinking in terms of yesterday in talking about $60 billion for this subcommittee. They are now up to $74 billion. They blew through $60 billion in a hurry, and then another $14 billion.

My point is this—and I stand by the point—if they wanted to give this project more money, they could do it. But the point is they have got to take it away from somebody else. Actually, they could increase it fivefold. I was being overly conservative, as usual.

But let me just give you an example. I do not have the list in front of me. I will have to have the list when I offer the amendment on the floor to provide this money. I will have to cut some.

Let me give you one example. $491 million for Goals 2000. Maybe local education could do without Federal Government telling them how to run the primary and secondary schools. Maybe we could sacrifice and not obligate that $491 million of budget authority. That would be about half of the way home toward meeting this goal.

So I just begin with that one example. I will start that out of the bidding process. You can have all $491 million of that project. My guess is with the list before me, in another 45 seconds I could probably come up with the other funds it would be required to do this.

But the point is, not that it is easy, not that you want to do it, but the point is, their argument is sort of like the parent saying, ''Well, you know, I'd really like my child to go to college but, you know, I've got to buy a new refrigerator. We have been planning to go on vacation.'' The point is, families make those decisions; why cannot Government?

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

Mr. SPECTER. Mr. President, if it were the old U.S.S.R., and Senator GRAMM were Premier Stalin, he could cut the $400 million for Goals 2000. That happens to be one of the President's premier projects. Every time you turn around within that item, there are matters which are very, very important to someone.

But I will await the vote. I will abide by the will of the Senate. I will be fascinated to see Senator GRAMM's amendment.

I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back his remaining 50 seconds?

Mr. SPECTER. Mr. President, not until I hear what Senator DOMENICI says.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself 3 minutes. What I do not have I will take it off the bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I guess I would like to once again compliment the sponsors and certainly indicate that I have great respect for their desire to fund programs like NIH.

But I tell you, fellow Senators, to say you are going to go across the entire budget of the United States and you are going to get rid of some administrative costs and then you are going to take those administrative costs and you are going to put them in this subcommittee so it can spend it on NIH is a pipe dream.

There is not going to be any 4-percent cut or 2 percent, whatever it is, in overhead unless it is made by each subcommittee who is doing that. What this amounts to is deciding here on the floor of the Senate that all of the other subcommittees of the U.S. Senate that handle everything from the Department of the Interior to Veterans—in fact, if I were the chairman of the Veterans' Subcommittee I would be here on the floor and I would say, ''I don't think the U.S. Senate has given the veterans enough.'' I would ask John ASHCROFT, ''Will you help me? Why don't we just say, let's cut overhead and give the veterans $5 billion more? After all, they're preferred people in America.''

Boy what an amendment that would make up here at the desk. Who is going to turn it down? It does not cost you anything—does not cost you. Of course it costs you something. Huge numbers of other programs are going to have to be cut. All I am suggesting is, we ought to wait for the appropriators to make that decision.

I think I am glad we stopped the amendments and there are not any more. I would look at very popular programs and send the subcommittee chairman over here and say, well, let's just cut 8 percent out of the Subcommittee on Health and Human Services, the one they are adding to, and just cut 8 percent out of overhead, and stand here and tell the Senate, well, we did not hurt anything in the subcommittee; we took 8 percent out of overhead and put it in the veterans.

Maybe you can think of a good one, or maybe you can think of a good one. I gave you some ideas, but I do not want you to do that. I tell you, that is what this amounts to. What we ought to do is leave it up to the appropriators as we have in the past.

It has been said that the Budget Committee's numbers are important as to how they allocate. Let me tell you, sometimes I am pretty puffed up about this process. Other times I wonder what in the world am I doing working so hard at this process. The truth of the matter is, in the last 14 years, the appropriators have used the allocations of the Budget Committee how many times, would anybody think? Once. One time Senator Mark Hatfield said, ''I am brand new at this job as chairman, so I am just going to take your allocations and just accept them.'' Boy, that did not last very long. By the next year, they figured out what their allocations ought to be and that was the end of that, and they probably departed from it by $5 billion. In other words, they moved it from here to here but stayed with the total.

I think we ought to stay with the totals. Frankly, I hate to do this because I am a strong supporter of NIH. In fact, I may very well urge that Ted STEVENS put more money in NIH when we look through all the accounts of Government and see how we can fit it. I do not think it is fair to come here and say it is not going to cost anybody anything, it is a tiny bit of overhead. The other phrase we used to use is ''fraud and abuse.'' The best fraud and abuse salesman around here was Senator Dennis DeConcini. He used to come down here at the end of the whole process and say, ''I am not spending anything. I just want to tell the Government to save $600 million on fraud and abuse,'' and he would write up an amendment, fraud and abuse, take the $6 million, put it in the subcommittee, and say we will spend it there, and everybody went home and he got a press release. The truth is, nobody found the $600 million or the $400 million in fraud and abuse, and so what happened, another committee has to eat it.

That is what we are asking to do here. I do not think that is the way to do it. We will have a little more time spent on this amendment before we finish here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I am delighted I did not have an offset here on fraud and abuse. I have an offset on administrative costs.

As the distinguished chairman knows, there has to be an offset. I chose an offset which I think is realistic. When the distinguished Senator from New Mexico says the appropriators are going to do whatever they want to do, I wonder why we are here at all. Why have we been spending the last 2 days on a budget process that does not mean anything? The fact is that it does mean something.

When the Senator from New Mexico says, call on the subcommittee chairman of Veterans' Affairs, how about the chairman of Veterans' Affairs? I chair the Veterans' Affairs Committee. Let me tell you, it would be a boon to that committee to have this researched.

Now the question is whether there is going to be any sense of the Senate at all, and if there is, this amendment will be adopted.

Mr. DOMENICI. I understand this amendment will be stacked in the normal manner that we are planning, or if we have not gotten that agreement, we have a number of amendments we will stack by unanimous consent soon. But we have another amendment to call up, and I ask whatever the pending amendment is, that it be set aside.

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

AMENDMENT NO. 322

Mr. ASHCROFT. I call up an amendment numbered 322, and I ask unanimous consent that Senators MCCAIN and INHOFE be added as original cosponsors, and Senator GRAMM is now reflected as a cosponsor of the amendment, but, if not, I ask his name be added.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] for himself, Mr. GRAMM, Mr. COVERDELL, Mr. ABRAHAM, Mr HELMS, Mr. FAIRCLOTH, Mr. MCCAIN and Mr. INHOFE, proposes an amendment numbered 322.

(The text of the amendment is printed in the RECORD of May 21, 1977.)

Mr. ASHCROFT. Mr. President, I rise today with an open mind, for I have not yet decided how to vote on the budget resolution before the Senate. I understand and I appreciate that we should not let the perfect become the enemy of the good. If I forget that, the leadership and the Senator from New Mexico will be quick to remind me, I am sure.

Having been a Governor, I understand that budgeting requires choices, choices that will not satisfy everyone but should benefit everyone. Like Senator BOND, who served as Missouri Governor before me, I balanced eight budgets in our State of Missouri, working with our State legislature. The economic results were a strong, growing economy, more jobs, low taxes, and the Nation's highest bond ratings. We developed a record of which we could be proud in balancing the budgets. We developed a rainy day fund, several hundred million dollars in the cashflow operating reserve.

But the State law that we had equipped us with the necessary tools to balance our budget. We had a constitutional provision and requirement that we balance the budget. We had the line-item veto. We had the requirement and the power to balance our budgets and then the tools to enforce our agreements. We worked with good people who had good intentions, and we reached good agreements. But we also had a good process to ensure that our agreements were kept.

I have only been in the Senate for a relatively short period of time, but it seems to me there is no shortage of good people with good intentions here in Washington. What disturbs me is that here in Washington we do not have good processes in place to ensure that the budget agreements we make 1 year will be kept the next year. Particularly, we lack the right kind of mechanical structural devices in Government to make sure that the budget agreements we make in one year, like 1997, would be kept in the year 2002.

You can believe in and trust the people who reach disagreement in good faith, and I do believe in them and I trust in them. But the history of failed budget agreements and the continuous deficit spending without enforcement measures makes a mockery of good people and it makes a mockery of good intentions. We need more than good intentions and good people. We need good guarantees. We need strong enforcement provisions. We need the limits contained in the agreement to make sure that the agreement is not broken.

We have heard a lot on the floor of Senate that if you do this to the budget, it will be a deal-breaker. Well, I want to make sure that we add some enforcement so that we have a deal-keeper. I hope that there will not be folks anywhere in this Chamber who say that because you have an enforcer of this agreement that it is a deal-breaker. It would be awfully difficult to hear people argue that anything that forces us to keep the agreement breaks the agreement. I think what we have here is the need for a deal-keeper and a deal-keeper cannot be a deal-breaker.

Most of the people who are involved in the debate might not be in office 5 years from now. The President certainly will not. So if we expect to balance the budget, we need a principled process, we need the structure of protection to be added to this agreement. We should not trust the next generation's future to a handshake agreement between people who will not even be around when the real crunch time comes. That would be the triumph of hope over experience.

For me, a balanced budget in the year 2002 is worth voting for, but good intentions are not enough to be worth voting for and good intentions alone will simply not protect us until we get there. The budget resolution which we have before the Senate today claims to reach balance by the year 2002. The American people will furnish every single dollar that is taxed and spent under this budget deal. I believe they are entitled to the very strongest possible guarantees, guarantees that promises made under this deal today will be promises kept tomorrow. People outside the Washington Beltway have a healthy skepticism of promises to stay on course for a balanced budget.

The amendment which I have introduced and which I am introducing with those other Senators whose names have already been recited enforces the assurances that the leadership is promising under this plan. It does not change the bipartisan agreement between the President and the constitutional leadership. It simply adds additional enforcement mechanisms to ensure that the Nation actually reaches balancing its budget by the year 2002.

Now, if we are truly committed to balancing the budget, we must have adequate enforcement mechanisms. This amendment ensures that any legislation, any legislation would be out of order if it caused total outlays to exceed total receipts for the year 2002, or any fiscal year thereafter, unless three-fifths of the whole number of each House provide for a specific excess of outlays over receipts by a rollcall vote. Under this amendment, any legislation would be out of order if it caused an increase in the public debt above the levels in the fiscal year 1998 budget resolution for fiscal year 1998 through 2002, remaining at the 2002 level thereafter unless three-fifths of the Members of each House provided for such by rollcall vote. Under this amendment, any legislation would be out of order if it caused an increase in revenues unless approved by a majority of the whole number of each House by a rollcall vote. That is the requirement for an absolute majority in the event of any increase in taxes.

Now, over the past 30 years Congress has not been very good at exercising self-control in budgetary matters. We need these enforcement tools to lock in our commitments to the American people to balance the budget by the year 2002. Senators should recognize these concepts which I have just mentioned. The fact that it would be out of order to increase the debt above the levels in the agreement, it would be out of order to have outlays that exceeded our income, it would be out of order to have tax increases without the whole of a majority of each whole House in a rollcall vote, because these are the very provisions, these are the very provisions which we all voted for, which 66 Members of this Senate voted for in the balanced budget amendment to the Constitution debate.

I say to the 66 Members who voted in favor of this, this should be the structure we work in perpetuity, as long as this Nation exists. If it was good enough to put in the Constitution as long as America would exist, it ought to be good enough to put into this budget agreement for the next 5 years. It is that simple.

Deficit spending has wrested power from the people it has deposited here in Washington. We have inverted the Framers' will. They expected us not to spend the money of the next generation. This approach is to do one thing, and one thing alone, and it is to curtail the deficit. It is to put enforcement and teeth into this agreement. It is to hold this agreement in place during the next 5 years. It is not to add spending to this agreement or take spending out of this agreement. It is simply to make this agreement an honest agreement for the people of the United States of America.

Our ability to spend the money of the next generation is one of the skills we have refined to a very high level, and it is a skill we ought to curtail and guard against. This amendment would guard against it.

We have tried time and time again to deal with the dilemma of recurring debt. We have not been able to deal with it. We simply have not been able to summon the discipline. Well, I say put the discipline in this agreement. We should make part of this agreement the kind of guarantee that will make sure we keep our word. Put ''deal-keeper'' into this agreement. Stop talking

about deal-breakers. Make this a deal-keeper.

Chronic overspending does not simply result when one group decides that it will try and stop it. We have to have the right structure in place, and the amendment which I have offered today is the right structure for doing that.

This budget agreement suggests that Congress will balance the budget by the year 2002. We must have the enforcement provisions necessary to ensure that this goal is actually reached to place the very provisions in this agreement, the very provisions which were voted for overwhelmingly by this Senate when it sought to pass the balanced budget amendment to the Constitution. Sixty-six Members voted for those items. That makes good sense.

Incidentally, for those who didn't vote in favor of the balanced budget amendment, the rest voted against it and almost universally said give us a chance to vote for this as a statute.

We don't need to tamper with the Constitution. Here is that chance. This is a chance to say, ''Yes. We agree that statutorily the very conditions which were so favorably received in the balanced budget amendment proposal are available as statutory law here.'' I believe this is an addition to the budget agreement, which won't be a deal breaker but which would be a budget agreement keeper.

If the Senators believe that this budget deal will lead us to a balanced budget by the year 2002, then they shouldn't fear adequate enforcement provisions that will make this a certainty. The American people are rightly skeptical that this deal will lead to a balanced budget. Firm enforcement would go a long way to assure the American people of Congress' resolve to do the right thing and to keep its promise to balance the budget.

As I mentioned, 66 Senators voted to abide by the enforcement provisions in this amendment when they voted for the balanced budget constitutional amount.

I hope that they will join in support of these very items which would provide an assurance that the conditions of this agreement would indeed be met.

Senator INHOFE and I have combined forces on another amendment. I wanted to thank him for his cooperation in getting that done.

I yield the remaining time to Senator INHOFE.

Mr. INHOFE. Let me yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank my colleague from Oklahoma.

Mr. LAUTENBERG. Mr. President, parliamentary inquiry: Perhaps I didn't understand the Senator from Missouri. Was the Senator yielding time to the Senator from Oklahoma to speak on the Ashcroft amendment?

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri yielded his remaining time to the Senator from Oklahoma.

Mr. INHOFE. If I could be recognized for a point of clarification, I believe that the Senator from Missouri was recognized for the purpose of explaining the provisions of the amendment 323, and inadvertently said ''322.''

Mr. ASHCROFT. I had two amendments. The second amendment I was going to use at the same time.

Mr. INHOFE. We are going to ask for the yeas and nays.

Mr. ASHCROFT. I would like to ask for the yeas and nays on amendment 322.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to congratulate our colleague from Missouri.

This is a very important amendment. Quite frankly, the only reason anybody would oppose this amendment is if they don't believe that this budget agreement is going to produce a balanced budget. I think this budget agreement is really short on enforcement. I think enforcement is very important in a budget because you are talking about what you are going to do 5 years from now.

We all know the old adage: ''After all is said and done more is said than done.'' And in politics that adage should grow by some multiple. In fact, we have stood on the floor of the Senate on many occasions and pounded our chests and said we balanced the Federal budget. It is not balanced yet. And, in fact, we are a long way from the goal line.

As I pointed out yesterday, 97 cents out of every dollar of deficit reduction, as compared to current discretionary spending and current law, in this budget comes from assuming good things are going to happen in the future.

What the amendment of the Senator from Missouri does is say that is just great, but, if it doesn't happen, we are going to have an enforcement procedure that says you have to have a three-fifths vote to raise the debt to pay for this deficit, that you have to balance the budget by the year 2002 unless 60 percent of the Senators vote to waive it. Obviously, they are going to be under political pressure to live up to their promise—and that you have to have a rollcall vote and a constitutional majority on raising taxes.

These provisions weren't made up by the Senator from Missouri last night. These provisions weren't simply dreamed up or written on the back of an envelope. We enshrined these agreements forever when 66 Members of the Senate voted to make this part of the Constitution of the United States of America. In fact, had two of our colleagues, who had pledged to vote for it, not changed their votes it would be part of the Constitution today, and this wouldn't even be needed.

If 66 Members of the Senate were willing to make this the Constitution, why couldn't 51 of them vote to make it part of this budget agreement, that for the next 5 years as a part of this budget agreement we have the same enforcement procedures we would have had had one more person voted for the balanced budget amendment to the Constitution?

So I want to congratulate our colleague from Missouri. I think this is a very important amendment. If you have any concerns that Congress may not live up to what it said, if you have any reason to be suspicious that all may not go well or as planned and you want to buy a little insurance policy that says there is something different about this budget than all of the others that we have adopted, vote for this amendment. I intend to vote for it. I think it is a very important amendment. I urge my colleagues to do the same.

I thank our colleague for yielding me this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I send a second-degree amendment, numbered 323, to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. A second-degree amendment is not in order until all time has expired on the amendment.

Mr. INHOFE. Does the Senator from Missouri yield back all his time on 322?

Parliamentary inquiry: As I understand it, if the Senator from Missouri would yield back the remaining time on amendment No. 322, then it would be in order for me to send this to the desk.

The PRESIDING OFFICER. If the Senator from Missouri and the Senators who control the time yield all time, then the amendment would be in order.

Mr. INHOFE. Mr. President, I ask unanimous consent that I send a second-degree amendment to the desk and ask for its consideration and that it be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma has the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. 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. GORTON. Mr. President, I yield such time in opposition to the amendment by the Senator from Missouri to the Senator from New Jersey as he may use.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

As we examine the amendment sent up by the Senator from Missouri, it kind of recalls some other debates that we have had here, and he so aptly reminded us, that included the balanced budget debates and the subsequent vote that took place. And it therefore seems to me to be out of range to attempt to do that on this budget resolution.

Frankly, in discussions that we have been having informally, it is my understanding that this amendment not only is opposed by me on behalf of the Democrats but also is opposed by the Republican management, and I certainly hope so because this is outside certainly the structure of this budget resolution.

We are, Mr. President, working with a set of estimates. That is the best that can be done. One cannot put this into concrete and say that absolutely at the end of your fiscal year 1998 or even at the end of the fiscal year 1997, which is relatively imminent, we are going to be able to precisely gauge exactly what the outcome is going to be. It cannot happen. So we are working with estimates.

But there is something else we are working with, and that is the good faith of the institution. I have heard it said on this floor in recent moments that the implication is that we in this body can't be trusted. And the words that were uttered came from a Member or Members of the institution.

I don't know who it is that can't be trusted. Is it everybody else except the speaker? Is it everybody on this side of the aisle? Is it everybody on that side of the aisle? The one thing I must tell you I find difficult to comprehend—now, my background is business and I spent 30 years doing that. We didn't find everybody always meeting their word. But typically, if someone had a position of responsibility, you gave them the benefit of trust. And if there was, sometimes, a misunderstanding on an agreement, why, we chalked it up to a misunderstanding, we chalked it up to a misinterpretation. But to suggest that there is no trust in the U.S. Senate, sent here, 100 of us, by 260 million people—what fools those people are to send us here. We can't be trusted. You hear it coming from those who work here, those who have been sent here: Oh, no, we can't be trusted.

I will tell you this. I don't know anybody here—anybody here, on either side of the aisle, who can't be trusted. I may disagree with their point of view. I may disagree with their judgment. I wouldn't say—I am trying to think of the instances where, perhaps, in my 15 years here, that I have run into someone who you just can't trust. There are rumors about a person here or there. But to suggest that the body is not trustworthy and therefore we need special shackles, special handcuffs, special rules, special procedures?

It is not enough to say, look, I was sent here by, I don't know, 2 million people in the voting booths, or that I represent a State with 8 million people, or this one represents a State with almost 50 million people, or that one represents a State with 18 million, or that one represents a State with 350,000 people—to say those people are either naive, stupid, don't know what is going on? They made a choice that suits their intellect and suits their view of what life is about, what they need to carry on their responsibilities. I don't think we need these constraints.

I want to look at the record. I look at a record and if we get partisan about this, I look at a record of two parties, one Republican, one Democrat. The Republicans came into power in full force in 1980. President Reagan was a popular President, among the most popular in the history of the country. He came in, made decisions about tax cuts, $2.8 trillion worth of tax cuts—$2.8 trillion. By the way, in this budget, we have $250 billion, and there is a fair amount of debate. I didn't hear a lot of people say, don't trust him. It was voted, it was part of the law, and we succeeded in creating skyrocketing deficits, year after year, growing more each year than the year before, until we were almost at our wit's end.

In 1992, a Democrat was elected President, a Democrat from the tax-and-spend party. That Democrat brought the budget deficit down from $290 billion to what is anticipated this year to be below $70 billion, 1992–97, 5 years' worth. We have been doing pretty good. That, to me, looks like we kept our word, all of us, because we have legislated. We have been lucky, too. We have had a very good economy to bolster the revenue side of things.

But Government is smaller than it was by a significant measure, over a couple of hundred thousand people. We have tightened up in lots of ways that needed tightening up, and the results are pretty good. We have close to 12 million new jobs, unemployment is at its lowest point in 24 years, inflation at a steady rate, very low. There is not too much concern—a little worry, but it's not like it used to be. It's not like it was when it finally worked its way up to 21-or-so percent some years ago. It has been modest. Things have been happening.

Our tax-to-GDP ratio is the lowest among the industrialized nations. Our ratio of deficit to GDP, very low. Signs are pretty good. Is this going to last forever? I don't know. Neither does anybody else here. Is it going to get worse immediately? No one knows that here, either.

We look at the statistics. They look pretty good: PPI down, CPI down, everything in the right direction. That, again, does not mean it is going to last, but it does mean this is a heck of a time to, after struggling, struggling to get a balanced budget amendment on the books—and we are this close, Mr. President, this close to a balanced budget. It can be done in this body within hours from now, within hours, 4 or 5 hours; pass a balanced budget amendment—a balanced budget. I am sorry. A balanced budget. That was a slip of the tongue. Not one I meant to make, I can tell you. Within 4 hours, we can have a balanced budget, bipartisan—their side, my side.

I don't know that we are walking arm in arm, but as I said for the newspaper the other day, at least we are not looking nose to nose, we are looking shoulder to shoulder, which I think is a better way to do it, and feeling pretty good about a lot of hard work.

I don't get paid overtime. I don't want to get paid overtime. I did it because I took the job I wanted to have. I am so privileged to serve in this body. So many times I go over to my desk and I lift the top drawer—this is for the Senator from Missouri. I lift the top of my desk. It is right back there. Underneath that top, it says, ''Truman, Missouri.'' There is only one Truman I know, who was the President of the United States. I think his name was Harry—''Truman, Missouri.'' The man who stood for don't pass the buck: ''The buck stops here.'' The distinguished Senator from Missouri had served as Governor of that State. He is someone highly thought of. But I could not disagree with him more on this resolution.

When I see things going as they are, and we have an opportunity for us to work in a bipartisan fashion, 6 weeks, roughly, of long days, long nights of sitting across the table from one another—no growling, no grousing, no anger, no fits or bursts of temperament, walk out of the room—none of that stuff. We disagreed. We discussed it. But nobody tried to put anything over on the other person. And we had the President's people in the room with us, three parties to the agreement.

And I tell you, talking for myself and for my colleagues over here, there are things in here that we just don't like. I can be sure that there are things over there that they just don't like. But in a consensus arrangement—I have heard that even occurs sometimes in marriage. Two people get along, have nice kids and all that. Sometimes they disagree. Hard to believe?

In any event, here we are. We have worked together and we walked out of that room, that day, feeling pretty good, even though we had the disagreements that followed on. We have worked, now, for these couple of days to try to get this agreement in place so it could go over to the House, have a conference on it, get the President to sign it and say to the American people—I hold my head high when I do it, in conscience. And my conscience—my name means a lot to me. It means a lot to me because whenever I am in here, I always remember that my parents were brought here as children by their parents from Europe—poor, hard-working people. They always said to me, ''FRANK, get an education. That's the

way up. That's the way you get out of this. That's the way you get out of the store,'' with my mother waiting on the tables, cleaning them off all day and all night.

So, my name means a lot to me. When I lent my support to this agreement, I did it feeling full well that I had done it with all the knowledge that I had available to me, that I did it in good conscience and that we were going to be able to get this agreement passed, out of the way and passed, and that we would be working hard to make sure that we met the objectives that are in here.

The budget amendment says—and I perhaps paraphrase here because I am not reading from the amendment but I am reading from a summary. It requires a three-fifths vote of the Members of each House to provide for specific excess of outlays over receipts or to provide for such an increase in the level of the public debt.

That is pretty significant. Normally, we operate with a majority, except in some special cases—veto override or supermajority that are required, sometimes, in budget affairs. But typically it is 51 votes takes it all.

Here we say that, no, even though it is now in order, even though it is on paper, even though these are estimates, I once again say, and even though it was done with the best judgment that people could exercise, no, we are now going to go back to the debate on the balanced budget amendment. That is essentially what this is. Because we saw it defeated when it was presented here. It needed 67 votes. It got 66, as I remember. And one of the Senators on the floor before said that we would have had a balanced budget amendment if a couple of people hadn't changed their minds. We would have had it in place. It would have been attached to the Constitution.

Far be it. It took a lot of States. They had to make a lot of votes; 50 of them had to vote to approve it before it got into place—not all 50 of them, but three-quarters of them.

So it would not be in place. To now be doing a balanced budget amendment when we have a balanced budget 5 years in duration, 10-year projections, we don't expect—we could be wrong, but that's judgment. That is why we were sent here. Use your judgment, make sure your conscience is clear in things that you do. We could be wrong, but it looks in the 10 years, in the next 5-year cycle, that there will not be an explosion of growth in tax cuts, there won't be an explosion in the annual deficit, that we will be able to muster a surplus so we can start paying down some of that debt and get rid of some of the interest we have to pay every year. We have to pay more than a quarter of a trillion dollars in interest every year that every citizen in this country pays for in one way or the other, that children, future generations, will be called upon to pay your debt. They didn't sign any papers to acquire that debt. But we are on the way to solving some of those problems.

Now, when I look at this amendment, it says, further, that it waives these provisions for any fiscal year in which a declaration of war is in effect, certainly, or the United States is engaged in a military conflict which causes an imminent and serious threat to national security. Are there threats to our society other than war? Is instability within our society a threat to this society? Is violence in the street a threat to our society? Is constant tension and hostility between parts of our society, one with the other, classes in our society? I think that is a real threat to national security. But there are no provisions if we are all wrong and a recession starts; if, worse, a depression occurs. If we had the same rules in place today in the early 1930's, then the Depression—everyone who knows anything about business or economics, who studied the problem, will tell you the Depression would have been considerably ameliorated if we had unemployment insurance, if we had other protections for people during that period of time.

I think, frankly, as we look at this amendment, demanding now a 60 person vote in order to change things, to try and anticipate all the problems you have, is a terrible mistake. I think it violates the structure of the budget resolution. It will blow this agreement out of the water absolutely, because I know that there are not enough people who would vote to sustain a point of order if that is called upon. I expect to do just that.

So, Mr. President, I hope that we will leave well enough alone in this case, get on with the business at hand, pass the balanced budget resolution, and let us start solving our problems and not create new ones.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I yield such time on the amendment as I may use.

Mr. President, my colleague and ally from New Jersey a few moments ago said of the amendment of the Senator from Missouri on this case I could not disagree more. I must say I could not disagree less and still disagree, but disagree I must do.

The reason I put it in that form is that the Senator from Missouri has presented us with an amendment that is for all practical purposes in statutory form the constitutional amendment on the balanced budget that was supported by almost but not quite two-thirds of the Members of this body. It differs, of course, not just in being in budget resolution language but in being effective immediately rather than several years from now, and in dealing with declining budget deficits as if each of them was the triggering mechanism for the supermajority requirements that are included within it.

It is, nevertheless, a theory with which this Senator and the manager of the bill, the Senator from New Mexico, agree. The point with which we disagree, however, is the proposition that this philosophy should be added to this budget resolution. The issue is an important one. It is an appropriate one to be debated.

I can remember personally a decade ago when I had serious enough reservations about a constitutional amendment on the balanced budget when I felt that this philosophy ought to be passed in the form of a statute so that we could determine as a country whether or not it worked before we moved toward placing it in the Constitution. Personally, I would still be willing to do that.

However, it is important enough, it is vital enough that it ought to be debated independently of a budget resolution, which, as the Senator from New Jersey has said, marks the first time on which we have had a budget resolution in the time that I have been here at least that was supported largely by both sides of the aisle and in this case by the President of the United States.

And so while it is possible to argue, I suppose, that this amendment does not formally or technically breach the bipartisan agreement on the budget, as did yesterday's amendment on a tobacco tax and several of the other amendments that have been voted on here, it clearly breaches at the very least the spirit of this budget resolution agreement. It also clearly represents a vitally important policy decision which should not be debated for an hour or 2 hours as an amendment to this bill and then added to it.

It is for that reason, keeping what this Senator believes to be a commitment to pass this budget resolutions essentially in the form in which it was presented to this body, that I regret to say it is not acceptable to the leadership on this side as it is not to the leadership on the other side.

Now, Mr. President, for the information of other Members of the Senate, when all time has been yielded back on this debate—and I intend to yield our time back in just a moment—the Senator from New Jersey will raise a point of order against this amendment. I believe that the Senator from Missouri will move that the point of order be waived, will ask for a rollcall vote on that subject, and then we will stack that rollcall vote after the one previously ordered. We will go on to a similar but not identical amendment that will be sponsored jointly by the Senator from Missouri and the Senator from Oklahoma, and I suspect, although I cannot guarantee this, that when debate on that is completed we will probably have a series of votes, all of the votes that have been stacked at that time, which might very possibly take place at or around 6 o'clock.

With that, Mr. President, I am prepared to and I do yield back the remainder of my time on this amendment.

Mr. ASHCROFT. I yield back the remainder of my time on amendment 322.

The PRESIDING OFFICER (Mr. HAGEL). All time is yielded back.

Mr. LAUTENBERG. Mr. President, the pending amendment is not germane and therefore I raise a point of order that violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. ASHCROFT. Mr. President, I move to waive the point of ordered 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.

Mr. ASHCROFT. Mr. President, I ask that the amendment be temporarily set aside.

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

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 323

Mr. ASHCROFT. Mr. President, I call up amendment 323.

The PRESIDING OFFICER. The clerk will report.

Mr. WELLSTONE addressed the Chair.

The assistant legislative clerk read as follows.

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 323.

Mr. ASHCROFT. 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 RECORD of May 21, 1997.)

Mr. ASHCROFT. Mr. President, I believe we are prepared to agree that debate on this amendment be limited to 30 minutes in total.

Mr. LAUTENBERG. Mr. President, I would ask the Senator from Missouri if he would permit the exchange that we expected to have—the chairman of the Budget Committee is here—and that was that we would switch side to side. Now, we have had an amendment from Senator GRAMM, from the Senator from Pennsylvania, one amendment from the Senator from Missouri. Meanwhile, a commitment was made to the Senator from Minnesota, who has been waiting virtually all day. We have not had a chance to deal with it and I think——

Mr. DOMENICI. I think unless Senator WELLSTONE and you want to yield a second opportunity to our side, we have had three in a row. I did not know Senator ASHCROFT was going to offer two. I said let's have one. And if you do not want to yield to them, they will be next after Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, that would be my preference.

I thank the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

AMENDMENT NO. 313, AS MODIFIED

Mr. WELLSTONE. Mr. President, I call up amendment 313.

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

The assistant legislative clerk read as follows.

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 313.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

AMENDMENT NO. 313, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to modify my amendment.

Mr. GORTON. Objection.

The PRESIDING OFFICER. Objection is made.

Mr. WELLSTONE. Mr. President, this is a typographical error. I believe we sent it to the staff earlier.

Mr. President, I am pleased to work this out. We had given it to Senator DOMENICI's staff several hours ago.

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. GORTON. 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. GORTON. I inform the Senator from Minnesota there will be no objection to his modifying his amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I send a modification to the desk. I thank my colleague from Washington.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. WELLSTONE. I thank the Chair.

The amendment, as modified, is as follows:

On page 3, line 3, increase the amount by $1,650,000,000.

On page 3, line 4, increase the amount by $2,190,000,000.

On page 3, line 5, increase the amount by $3,116,000,000.

On page 3, line 6, increase the amount by $4,396,000,000.

On page 3, line 7, increase the amount by $5,012,000,000.

On page 3, line 11, increase the amount by $1,650,000,000.

On page 3, line 12, increase the amount by $2,190,000,000.

On page 3, line 13, increase the amount by $3,116,000,000.

On page 3, line 14, increase the amount by $4,396,000,000.

On page 3, line 15, increase the amount by $5,012,000,000.

On page 4, line 4, increase the amount by $5,400,000,000.

On page 4, line 5, increase the amount by $1,601,000,000.

On page 4, line 6, increase the amount by $2,539,000,000.

On page 4, line 7, increase the amount by $4,141,000,000.

On page 4, line 8, increase the amount by $6,543,000,000.

On page 4, line 12, increase the amount by $1,650,000,000.

On page 4, line 13, increase the amount by $2,190,000,000.

On page 4, line 14, increase the amount by $3,116,000,000.

On page 4, line 15, increase the amount by $4,396,000,000.

On page 4, line 16, increase the amount by $5,012,000,000.

On page 21, line 25, increase the amount by $1,101,000,000.

On page 22, line 1, increase the amount by $1,690,000,000.

On page 22, line 8, increase the amount by $2,039,000,000.

On page 22, line 9, increase the amount by $2,616,000,000.

On page 22, line 16, increase the amount by $3,541,000,000.

On page 22, line 17, increase the amount by $3,796,000,000.

On page 22, line 24, increase the amount by $5,843,000,000.

On page 22, line 25, increase the amount by $4,312,000,000.

On page 26, line 6, increase the amount by $400,000,000.

On page 26, line 7, increase the amount by $400,000,000.

On page 26, line 14, increase the amount by $500,000,000.

On page 26, line 15, increase the amount by $500,000,000.

On page 26, line 22, increase the amount by $500,000,000.

On page 26, line 23, increase the amount by $500,000,000.

On page 27, line 5, increase the amount by $600,000,000.

On page 27, line 6, increase the amount by $600,000,000.

On page 27, line 13, increase the amount by $700,000,000.

On page 27, line 14, increase the amount by $700,000,000.

On page 38, line 14, decrease the amount by $700,000,000.

On page 38, line 15, decrease the amount by $2,700,000,000.

On page 40, line 17, decrease the amount by $5,000,000,000.

On page 41, line 7, decrease the amount by $5,012,000,000.

On page 41, line 8, decrease the amount by $16,364,000,000.

On page 43, line 21, increase the amount by $1,101,000,000.

On page 43, line 22, increase the amount by $44,000,000.

On page 43, line 24, increase the amount by $2,039,000,000.

On page 43, line 25, increase the amount by $1,366,000,000.

On page 44, line 2, increase the amount by $3,541,000,000.

On page 44, line 3, increase the amount by $2,546,000,000.

On page 44, line 5, increase the amount by $5,843,000,000.

On page 44, line 6, increase the amount by $4,312,000,000.

Mr. WELLSTONE. Mr. President, this amendment assumes increases in funding for Head Start and early start, child nutrition programs, school construction, and this additional funding will be paid for by reducing the tax benefits to the top 2 percent of income earners in the United States as well as by reducing tax benefits that are commonly characterized as corporate welfare tax loopholes.

Mr. President, it has been said about this budget—I might ask my colleague from North Dakota, does he have an inquiry?

Mr. DORGAN. I wonder if the Senator will yield to me for a question.

Mr. WELLSTONE. I am pleased to yield, Mr. President.

Mr. DORGAN. I appreciate the fact we are on a very important amendment the Senator from Minnesota is offering. I am increasingly concerned this afternoon. It is now 5:30 in the afternoon. As the Senator from Minnesota knows, a number of us in this Chamber have been working on a disaster supplemental bill providing disaster relief in an appropriations bill for people who have been involved in disasters, and we are nearing a point in time when time will run out on the passage of the bill. And some say, well, maybe the disaster bill will not be passed before the Senate goes out for the Memorial Day recess. Some others say, well, maybe not only will we not pass the emergency supplemental appropriations bill that we have been working on for weeks, but we will not pass the emergency portion of it.

I ask the Senator from Minnesota, is it not the case that in Grand Forks and East Grand Forks we have 10,000, 15,000 people who are waking up not in their own beds because they are homeless and a disaster bill must be passed? We cannot adjourn this session of Congress and take a recess unless a disaster bill is passed that deals with these critically needed funds. We have victims of floods and fires and blizzards out there who are waiting for a disaster bill to be passed. I am not suggesting here anyone is to blame for anything. I am just saying in the waning hours, we need to find a way to bring a disaster bill to the floor of the Senate.

Is it not the case we have thousands of people homeless in your area, East Grand Forks, and in Grand Forks who are awaiting some word about whether a disaster bill is going to be passed?

Mr. WELLSTONE. Mr. President, I say to my colleague from North Dakota, I am pleased he raised this question. I certainly want to speak about this amendment. I think it goes to the heart of the question of what the budget is about. But I think it is important to take a few moments right now in the Chamber to speak about this. I say to the Senator from North Dakota I know how hard he has worked on this for people in North Dakota. I know how hard Senator CONRAD has worked. I know how hard Senator GRAMS, the other Senator from Minnesota, has worked and Senator JOHNSON and Senator DASCHLE.

I just think that would be unconscionable. I hope this does not happen, the House of Representatives going into recess without getting the work done. Because in this particular case—it is quite one thing to say we want to get the work done, for example, on the budget, though the truth of the matter is 10 days from now the budget could be done and it really would make no difference. In this particular piece of legislation, we are talking about emergency assistance for people. This needs to be done right away.

So I say to my colleague, we cannot adjourn. I mean there is no way we can adjourn until this work is done. He is quite right in the question that he put to me.

Mr. DORGAN. If the Senator would yield for one additional question?

Mr. WELLSTONE. Certainly.

Mr. DORGAN. Mr. President, the disasters that have occurred in our country that now result in a requirement to pass a disaster bill have been the most significant disasters that occurred in North Dakota statehood: 3 years worth of snow in 3 months; a 500-year flood in the Red River; thousands and thousands of people homeless, still homeless.

I appreciate very much the cooperation that we have seen here in the U.S. Senate in trying to write a disaster bill. We got one out of committee and got into conference. I am a conferee. I know a lot of Members of the Senate—the chairman of the committee, the ranking member, and others—have been working hard to get this done.

I do not know what is happening on the other side, but I know this: If the result of the coming hours will be that there are those who want to adjourn the Congress and go on a Memorial Day recess and decide that it is all right later to pass some kind of disaster relief bill, I will say to them, it is not all right with this Senator and not all right with a number of others, because people awaiting disaster relief are going to understand that this Senate has an obligation to do it.

We must not and cannot take a Memorial Day recess until we have addressed the disaster needs of victims who have suffered now for weeks.

In Grand Forks alone, nearly 15,000 of whom are still homeless, we do not need those folks to be looking at the Congress and saying ''Why? Why on Earth were we not able to get the help we were promised and help that was needed?'' I want them at the end of this session to be able to say thanks to Members of Congress who worked hard to say to them, ''You're not alone. Here's some help. Here's some help to reconstruct and recover.'' I want them to say thanks for that.

But I just say to my colleagues, I do not quite know where we are. I worry about some of the things I am hearing in the last hour or so. At the end of this process, we must have passed some kind of disaster relief bill. This Congress cannot—cannot—possibly adjourn for the Memorial Day recess and leave the victims of those disasters wanting and needing help that will not come.

So I appreciate the Senator from Minnesota yielding.

Mr. WELLSTONE. Mr. President, that is fine.

I want to go on with this amendment, but I see my other colleague from North Dakota on the floor. If he has an inquiry to put to me, I would be pleased to hear from him.

Mr. CONRAD. I thank my colleague from Minnesota.

I just say, I talked to the mayor now of Grand Forks, our good, mutual friend, Mayor Owens. I am sure she is in contact with the mayor of East Grand Forks over in Minnesota, Mayor Stauss, your good friend. She has said to me that, if Congress adjourns without taking action, it will be a terrible blow, given the fact that this city that was entirely evacuated, nearly all 50,000 citizens had to leave their homes. Many of them still have not been able to return.

The supplemental has been going through Congress with good, bipartisan cooperation, certainly an excellent effort here in the Senate, one which has been on both sides of the aisle very accommodating, very willing to help out.

I see our good friend, the Senator from New Jersey, who is the ranking member on the Budget Committee, who personally came forward with a very generous contribution to help the people in Grand Forks and East Grand Forks, which we deeply appreciate. Now we are being told that there is a view by some in the other body that they should just leave town without taking further action. That would be a disaster all of its own.

I say to my colleague, and I ask him, wouldn't that be a disaster in and of itself to say to those local officials, ''We can't tell you what resources you have available to rebuild because we've got to take a break''? I mean, we could understand if they cannot get the entire disaster bill done, although that ought to be the first priority. But if they cannot get that done, they should at least be able to get the emergency measures in that disaster bill done so those towns are not left in the lurch.

I ask my colleague from Minnesota, wouldn't it be a disaster, a second disaster—actually a third disaster—for the people of our communities if Congress decided just to leave town before taking action at least on the emergency measure?

Mr. WELLSTONE. Mr. President, I respond to both my colleagues—and please understand I think about what is happening to the people in Grand Forks. Everybody had to leave their homes. Those people were refugees. I know the pain of the people in East Grand Forks and other communities of Minnesota.

I say to both my colleagues that this is a nightmare. I just—this is a nightmare. I guess I never would have believed it, that we are on the floor right now—this is away from the amendment. We will get back to it, I say to the Senator from New Jersey. But my colleagues come to the floor and raise these questions.

This is a nightmare. I never would have dreamed that there would even be any thought that we would go into recess without finally providing this assistance to people. People need this. These people are trying to figure out how to get back to their homes. People are homeless.

We cannot—we cannot—leave without doing this. I have heard that over in the House there is some discussion they are going to just adjourn.

I just make a plea to Democrats, Republicans, and the independent in the House, everybody, every breed of political person, regardless of your point of view, please do not do this. I think from our point of view, it is just unacceptable.

I mean, I think all three of us are saying, we just cannot have a Congress going into recess without passing through at least this emergency assistance. What people do not agree on, I say to both my colleagues, they can set aside; but what we cannot set aside is this emergency.

Let me emphasize that word again, ''emergency'' assistance that people need. They need it now. It would be the worst possible thing for this Congress to go into recess without providing this.

Mr. DORGAN. I wonder if the Senator would yield for one additional question?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to the Senator from Minnesota, I appreciate your yielding to me.

The flood that occurred—let me take Grand Forks and East Grand Forks to discuss why we have the need for an emergency response here.

The Red River flood was a flood that became 150 miles by 40 miles nearly. You could not see a river; it became a huge lake in the Red River Valley. But the point of it all is this. When this flood came—let me just use Grand Forks, ND, and East Grand Forks, MN, represented by Senator GRAMS and Senator WELLSTONE who worked so hard on this. Nine thousand people—when those dams broke and that water came rushing down the streets, the people got out of their houses, in most cases with only the clothes on their backs. They rushed to the end of the streets, were pulled up by National Guard trucks and by other devices, and they lost their homes, lost their vehicles.

Then we saw them at a hangar, big aircraft hangar out at the Grand Forks Air Force base sleeping on cots—4,000 of them from every other small town for 100 miles around.

In Grand Forks, 50,000 people, 90 percent of the town was flooded. I was in a boat of the Coast Guard in the main street of Grand Forks, ND. You would hit a car. You could not see the car. All you could see was 2 inches of the top of the radio antenna.

In the downtown, a major fire destroyed 11 of the huge buildings in downtown Grand Forks in the historic district.

In the middle of all of this, with two cities evacuated, we had the head of FEMA come to our region, James Lee Witt, and say, ''We're going to help you.'' We had the Vice President come to our region and say, ''You're not alone.'' We had President Clinton in Air Force One fly into Grand Forks and East Grand Forks and put his arm around some of those victims living in that aircraft hangar, and he said, ''We're with you. The rest of the country wants to extend a helping hand and say you're not alone.''

We have had enormous cooperation from everybody. In this Chamber, the chairman of the Appropriations Committee and the ranking member and the subcommittees have done a remarkable job of saying to us, ''We want to help you.'' And they put in the disaster supplemental bill the resources that were needed. Congratulations to them. Every single one of them have come to us and said, ''We want to help you.'' And they provided the resources in this bill here in the Senate that we then sent to conference.

What a remarkable effort by the Members of the Senate on a bipartisan basis. Then we went to conference. In fact, all of the disaster issues that are important to us to provide the necessary resources in conference are now agreed to. We do not have any outstanding issues. They are agreed to.

Why is it important that this get done? Because in the cities of Grand Forks and East Grand Forks—the Red River runs in the middle of those two cities—they have to establish a new floodway. When they establish a new floodway, it means there will be hundreds and hundreds of homes that will no longer be able to be located there. Most of them are now destroyed anyway. In order to describe the new floodway and have a buyout of those homes, those mayors need to have the resources to begin that process now.

Today, they do not have the resources, so those hundreds of families—well over 1,000, incidentally, are near and in that floodway—they now cannot be told by anyone, will their home be there or will it not be there? Will it be bought out or not? No one knows and no one can know until the resources are available to have that buyout. That is why this is urgent. If it waits 1 week or 2 weeks, they cannot make those decisions. Those folks can never move back into their homes. They cannot move back into their homes.

So anybody who says, ''This is not urgent. It can wait. It can wait 1 week or 2 weeks,'' let me give them the names of the young boys and the young girls who will sleep on cots, sleep in shelters, sleep in strange homes during those 2 weeks, part of which Congress will have been in recess. And then have them send them a letter to say, you know, we just could not get this done.

Not getting it done is not acceptable. We have done our work. The disaster supplemental is largely agreed to in all of these areas. We must at a minimum take that out of the disaster supplemental, those resources that are necessary to help those people, and pass that on an emergency basis. The failure to do that—a decision, for example, by the other body to say we will not do that, we are going to take a recess, will be a devastating blow to people who do not deserve that, having been victimized by these disasters.

So the Senator from Minnesota has been generous in yielding for a question. I just make the point that this Congress cannot adjourn without addressing the emergency needs of this disaster.

Do I feel passionate about this? You're darn right I do. I am not going to let 15,000 people who are not yet back into their homes be told that Congress took a break for Memorial Day and the people who are homeless can wait a couple of weeks for a solution to this problem. I will not be a part of that kind of decision.

So if there are those who think that any adjournment resolution will pass by this Congress failing to pass an emergency bill dealing with this disaster, it is going to be a long, long few days.

I ask for the cooperation of everyone. We have had wonderful cooperation of Republicans and Democrats, and I might say in the Senate I cannot feel prouder of all the people I have worked with on the Appropriations Committee. I will just encourage and urge everyone involved in this process to decide and determine that we must get this done.

I appreciate very much the Senator yielding. I understand that you have an important amendment and I apologize for intervening on that, but I think this message must be understood. This is not an option. We must pass a disaster relief bill.

Mr. WELLSTONE. Mr. President, I thank both my colleagues, and I appreciate their graciousness. I think that what both my colleagues are trying to say is we have an emergency now, and, Mr. President, I just do not think there is any way that this Congress can go into recess without passing this disaster relief bill. I mean, it is just too important. I mean, it truly is an emergency measure, and both my colleagues were speaking to that. I have told them I am in complete agreement.

So let us hope that the House will be able to do the work. We have had great cooperation over here on the Senate side.

Mr. President, the discussion about the budget, much of the discussion is about the balance, that this is a responsible budget, this is the responsible thing to do.

Mr. President, let me just be really clear. I have some good friends who believe that. I respect their work. I have tremendous respect for their work. But from my point of view, as a Senator from Minnesota, when you do not invest to rebuild schools that are crumbling across this country—7 million children's schools with asbestos and lead—I do not think that is the responsible thing to do.

When there are not the funds to assure that every child who now goes without health care still does not receive that health care, to me, that is not responsible. And when there are not the funds and there is not the investment to make sure that, in fact, there is a school breakfast program for

children, for whom that really is their only nutritious meal in the morning so that they are not going to school hungry, when there is not the investment in nutrition programs to make sure children are not malnourished in America—there are some 13 million children that are now malnourished in America—that does not seem balanced or responsible to me.

Mr. DOMENICI. Will the Senator yield?

Mr. WELLSTONE. I am happy to yield to the Senator.

Mr. DOMENICI. I ask unanimous consent that Senator WELLSTONE be permitted to follow the amendment he has with a second amendment that he has pending and that there be 30 minutes available to the Senator from Minnesota on both amendments, and for the opposition on both amendments that we have 15 minutes.

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

Mr. WELLSTONE. I thank the Senator from New Mexico, and on my second amendment I know I will be joined by Senator REED from Rhode Island.

Mr. President, this amendment that is before the Senate right now essentially says this. We make sure that the tax cuts in this budget resolution do not go to the top 2 percent of the population. We look at some of the loopholes and deductions, and what Senators have called corporate welfare. There is several hundred billion dollars that fits into this category.

Instead, we take the following steps, which seems so reasonable. First of all, since we cut child nutrition programs by roughly $3 billion for 6 years, this amendment restores $2.7 billion. Let me repeat that: Last year, we made cuts in child nutrition programs. This amendment says, can we not take some of this out of corporate welfare? Can we not take it out of loopholes for billionaires? Can we not make sure that the tax cuts go to middle-income families and small business people and not the top 1 percent and 2 percent? And instead, could we not provide just a little bit, over 5 years, $2.7 billion, could we not invest that in nutritional programs for some of the poorest and most vulnerable children in America? They do matter. They do count.

Mr. President, currently, there are 6.5 million children who participate in the school breakfast program. However, in many States, this program reaches only 50 percent of those eligible. In the State of Minnesota, the school breakfast program, much like the national, reaches just under 50 percent of those students eligible.

Mr. President, what we are talking about is all across the country we have schools who are not able to participate. The welfare bill last year wiped out grants for schools to start up or expand school breakfast programs, and we have 13 million malnourished children in America. I do not know how my colleagues think some of these children will do well in school when they come to school hungry. I have talked to kindergarten teachers in Minnesota, and every single Senator here, I think, has had similar experiences with their teachers who surely say it breaks their heart to know some of the students in their class come to school hungry.

Mr. President, there is another food nutrition program, the summer food service program. Many of my colleagues may not be aware of it, but I want you to be aware of it because these children, when they are not in school, are no longer able to receive school lunch or breakfast if that program is not available now during the summer. What we try to do is serve meals at summer schools or recreational centers or other nonprofit groups—a lunch, a breakfast or a snack—some way of making sure that these children have at least one nutritious meal a day.

Over 14 million children, unfortunately, are low income enough to be eligible, and only 2 million are served—only 2 million are served. In Minnesota, only 16 percent of low-income children who are served throughout the school year are served during the summer.

Mr. President, is it too much to ask to take just a little bit from loopholes, deductions for billionaires, large multinational corporations, and others that do not need it and invest a little bit in nutrition programs to make sure the children in our country have at least one nutritious meal?

Mr. President, the Head Start Program has been discussed so there is no need for me to go into it in great detail but just to say one more time, that the President, in his budget, in this budget proposal, intends to serve an additional 1 million children. That is fine until we find out that that there are 2 million children who are eligible who are not participating. This does not even deal with Early Start, that is to say, age 2, age 1. So what this says is if we are serious about doing well for all the children in this country, surely we will dramatically expand the number of children that can participate in Head Start. That is worth it. That is an investment, an investment all of us can be proud of.

Mr. President, the final part, of school construction, and I do not even need to go into it, again, this amendment says invest the $5 billion that was in the original agreement—at least that was being negotiated; it was taken out. This is too painful a contrast. On the one hand, tax cuts not targeted, going to be skewed to the very top of the population; on the other hand, not a pittance when it comes to going after corporate welfare, but being unwilling to invest in crumbling schools all across the country.

Mr. President, let me use this amendment for a final conclusion about this budget. One more time, I have heard it said that this budget is balanced, represents balanced values. I do not see the balance. I do not see the balanced values when on the one hand the tax cuts are skewed to the top and on the other hand we do not invest in crumbling schools across the Nation. I do not see the balance when we cannot invest in nutrition programs to make sure children are not hungry in America. I do not see the balanced values when we talk about a compelling problem of children going without adequate health care and we are not willing to fully fund health care for those children.

I think this is a budget without a soul. It is interesting what is not on the table. What is not on the table is the $12 billion more than the Pentagon wanted. That is for defense. I would have thought we could have used that for some of our investment. What is not on the table are the tax preferences to special interests that are, quite candidly, a result of those who make the large contributions and have the power. What is not on the table is the deterioration of public institutions which are supposed to be so important to the quality of our lives. If we are going to rebuild a sense of community in America, Mr. President, that means attending to this deterioration. We have fewer good schools, fewer good libraries, and too many hospitals and clinics that are unable to provide the best care. This budget does not build a bridge to the next century. We do not invest in these critical areas of life.

Mr. President, what is not on the table, perhaps most of all, is a set of social arrangements that allows children to be the most poverty stricken group in America. There is no concept of justice or virtue that justifies our willingness to allow millions of children to suffer involuntary poverty. What principle can we possibly invoke to absolve ourselves of responsibility for the fate of children too young to comprehend their expulsion from the American promise, denied the pleasures of childhood, their natural capacity stifled, their mind and spirit under attack from birth? Their impoverishment is our disgrace and it is a betrayal of our Nation's heritage.

Mr. President, if this balanced budget agreement is to be the great accomplishment of 8 years of a Democratic Presidency, then history will judge us harshly. This agreement is a triumph of the past. This is not a bridge to the century to come.

Mr. President, we have lost our way. I say this to the Democratic Party, to some of my colleagues I think we have lost our way. Our party, from Jefferson to Jackson to Roosevelt to Kennedy was a party that stood for justice, a party that expanded opportunities for citizens. We have always been at our best when our party has been there for people.

Mr. President, this budget does not represent the best of the Democratic Party. This budgets turns our Nation's gaze away from too much of what is important about America—equality of opportunity, justice, the very essence

of our Nation. Mr. President, for that reason, I will vote against this budget resolution.

Mr. President, I reserve the balance of my time.

AMENDMENT NO. 313, AS FURTHER MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to send a modification to the desk to amendment numbered 313. This was a typographical error.

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

The amendment (No. 313), as further modified, is as follows:

On page 3, line 3, increase the amount by $1,650,000,000.

On page 3, line 4, increase the amount by $2,190,000,000.

On page 3, line 5, increase the amount by $3,116,000,000.

On page 3, line 6, increase the amount by $4,396,000,000.

On page 3, line 7, increase the amount by $5,012,000,000.

On page 3, line 11, increase the amount by $1,650,000,000.

On page 3, line 12, increase the amount by $2,190,000,000.

On page 3, line 13, increase the amount by $3,116,000,000.

On page 3, line 14, increase the amount by $4,396,000,000.

On page 3, line 15, increase the amount by $5,012,000,000.

On page 4, line 4, increase the amount by $5,400,000,000.

On page 4, line 5, increase the amount by $1,601,000,000

On page 4, line 6, increase the amount by $2,539,000,000.

On page 4, line 7, increase the amount by $4,141,000,000.

On page 4, line 8, increase the amount by $6,543,000,000.

On page 4, line 12, increase the amount by $1,650,000,000.

On page 4, line 13, increase the amount by $2,190,000,000.

On page 4, line 14, increase the amount by $3,116,000,000.

On page 4, line 15, increase the amount by $4,396,000,000.

On page 4, line 16, increase the amount by $5,012,000,000.

On page 21, line 25, increase the amount by $1,101,000,000.

On page 22, line 1, increase the amount by $1,690,000,000.

On page 22, line 8, increase the amount by $2,039,000,000.

On page 22, line 9, increase the amount by $2,616,000,000.

On page 22, line 16, increase the amount by $3,541,000,000.

On page 22, line 17, increase the amount by $3,796,000,000.

On page 22, line 24, increase the amount by $5,843,000,000.

On page 22, line 25, increase the amount by $4,312,000,000.

On page 26, line 6, increase the amount by $400,000,000.

On page 26, line 7, increase the amount by $400,000,000.

On page 26, line 14, increase the amount by $500,000,000.

On page 26, line 15, increase the amount by $500,000,000.

On page 26, line 22, increase the amount by $500,000,000.

On page 26, line 23, increase the amount by $500,000,000.

On page 27, line 5, increase the amount by $600,000,000.

On page 27, line 6, increase the amount by $600,000,000.

On page 27, line 13, increase the amount by $700,000,000.

On page 27, line 14, increase the amount by $700,000,000.

On page 38, line 14, increase the amount by $700,000,000.

On page 38, line 15, increase the amount by $2,700,000,000.

On page 40, line 17, increase the amount by $5,000,000,000.

On page 41, line 7, increase the amount by $5,012,000,000.

On page 41, line 8, increase the amount by $16,364,000,000.

On page 43, line 21, increase the amount by $1,101,000,000.

On page 43, line 22, increase the amount by $440,000,000.

On page 43, line 24, increase the amount by $2,039,000,000.

On page 43, line 25, increase the amount by $1,366,000,000.

On page 44, line 2, increase the amount by $3,541,000,000.

On page 44, line 3, increase the amount by $2,546,000,000.

On page 44, line 5, increase the amount by $5,843,000,000.

On page 44, line 6, increase the amount by $4,312,000,000.

AMENDMENT NO. 314

Mr. WELLSTONE. Mr. President, I call up amendment numbered 314.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. REED, Mr BINGAMAN, and Mr. MOYNIHAN, proposes an amendment numbered 314.

(The text of the amendment is printed in the RECORD of May 21, 1977.)

Mr. WELLSTONE. I ask unanimous consent Senator MOYNIHAN be added as a cosponsor, along with Senator REED of Rhode Island and Senator BINGAMAN.

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

I yield 10 minutes to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I want to thank my colleague from Minnesota for yielding me this time and also for sponsoring this amendment along with Senator BINGAMAN and Senator MOYNIHAN.

Today we are offering an amendment to increase the maximum Pell grant to $3,500. The Pell grant holds a very special meaning for me. In the last 6 years as a Member of the other body I have worked to open up further access to higher education. The foundation of that access to higher education is the Pell grant.

As you know it is probably the enduring legacy of my predecessor, Senator Claiborne Pell of Rhode Island. One of his most significant accomplishments was the creation of the basic educational opportunity grant program in 1972 during the reauthorization of the Higher Education Act. Later, this basic opportunity grant was named in his honor and has become the famous Pell grant. Its purpose then and now is to assist low-income Americans to gain access to postsecondary education, access which is critical not only to their future but to the future of this Nation.

Going back to the very beginning of the Pell grants, the avowed purpose was to ''in combination with reasonable family and student contributions and other Federal grant aid meet at least 75 percent of the student's costs of attendance.'' Sadly, we have not met that 75 percent, and we need, in fact, to raise the Pell grant so that we can begin to recoup some of the original purpose and allow students to meet the significant cost increases in higher education.

This program was premised on Senator Pell's belief, which is my belief, and indeed I believe the belief of so many people in this Chamber, that everyone who is qualified should have the opportunity to pursue higher education. The Pell grant has been the cornerstone of this effort for many, many years. Since its creation, over 60 million Pell grants have been awarded, providing over $75 billion in aid to students across the Nation.

In the first year of the program, 1973–74 over 176,000 students received the Pell grants. By 1980–81, this total had grown to 2.7 million recipients. Today, over 3.6 million American students receive Pell grants. In my home State of Rhode Island, that includes 16,000 recipients.

This investment clearly assists our neediest students. In 1995–96, 54 percent of Pell grant recipients had income levels of less than $10,000. Only 9 percent of recipients had incomes over $30,000.

In 1992, during the reauthorization of the Higher Education Act, I worked closely with Senator Pell to increase the authorization level of the maximum Pell grant from $3,100 to $3,700 for the 1993–94 award cycle with increases thereafter of $200 a year with the hopes that by 1997–98 that we would have a maximum Pell grant on the order of $4,500 a year. But, as we are all aware, we have not come even close to that figure. Indeed, this year the appropriated maximum Pell grant was only $2,700—too little to meet the needs of so many students across this country.

This lack of resources has had a dramatic impact on students struggling to go to college. Indeed, as college costs have increased over the past two decades at an annual rate of between 5 percent and 6 percent, consistently outpacing inflation, there has been a decline in the purchasing power of the Pell grant.

According to the College Board, for 4-year private institutions the average tuition has gone up by over $14,000 between 1980 and 1996. In that same period the maximum Pell grant has only increased by about $950, and the average Pell grant only by about $733. As a result, back in 1980 the maximum Pell grant covered 33 percent of the tuition costs of a 4-year private institution. Now it only covers 14 percent. The average Pell grant covered 18 percent of costs of 4-year private colleges in 1980 and now it only covers 9 percent.

If you look at public institutions—those great institutions which we feel have a special obligation to educate all of our citizens, particularly those coming from disadvantaged backgrounds—the maximum Pell grant back in 1980 covered 72 percent of a 4-year public college. Today it only covers 22 percent.

As I said before, the grant has not hardly kept up with inflation. If we had simply paid the Pell grant at inflation we would today be looking at not a $2,700 maximum grant but a $4,300 maximum grant.

So, before us we have the obligation to raise the maximum Pell grant. I am pleased to note that the proposal in the budget does increase it by $300. But that is not sufficient to keep up with the accelerating costs that I have described. The Wellstone-Reed amendment builds on this request within this budget—the President's request—by increasing the maximum Pell grant from $2,700 to $3,500. This would be a $500 increase above the President's proposal.

It calls for a $6 billion investment over five years by an offset of additional reductions in corporate tax loopholes and corporate welfare to fund this increase. By increasing the Pell grant to $3,500 we would be able to extend this grant to several hundred thousand more students. The average Pell award among poorest students would increase by almost a third.

And, Mr. President, we recognize—all of us—the absolute necessity of higher education. A college education really pays off. It pays off for our country, and it pays off for individual graduates of college.

The National Bureau of Labor Statistics has estimated that 60 percent of all the new jobs between 1992 and the year 2005 will require an education beyond high school. Without these skills, college and postsecondary technical school graduates will not be able to man the economy of the 21st century. College education is also the key to higher wages. And one thing that we have been talking about repeatedly here is how do we raise the wages of Americans to give them a fair share in the progress of our economy? Education is the answer—higher education particularly. This translates dramatically.

It is estimated that college graduates earn 50 percent more than high school graduates. In 40 years of expected work a college graduate is estimated to earn over a half-million dollars more than a high school graduate. All of this points to the critical need to provide additional access to higher education.

Indeed, in terms of the national well being there have been studies, one of which is Trends in American Economic Growth, that point to the fact that 37 percent of our growth as a Nation from 1929 to 1982 was attributable to education, and particularly higher education.

So not to invest in Pell grants, not to invest in opportunities for Americans to seek higher education, will I think undercut the goal we all have of growing and providing for an expanding and productive economy.

So the amendment before us today is a step in the right direction, to provide more access to higher education, to allow particularly students from low-income households to go to school, to learn skills, to work in this economy, and to build strong communities so that we prosper not only economically but as citizens in a community of other citizens.

If we shortchange the Pell grant and other educational programs, we will be reaping a very short and very transparent economy, one that in the clear light of day in the future will reveal itself to be not a savings but a massive lack of investment in the potential of our people and the success of our economy.

I hope that we will all join together, as the distinguished Senator from Minnesota has done, to put forth this amendment and support this amendment and to increase our contribution to the Pell grant. Doing so I think will prepare us well for the new economy we face, an economy which demands these skills. The world is changed. Technology is forging new boundaries. Capital investment respects no boundaries. The only determinant I believe that we will have to ensure that we maintain our superiority as an economy is that we have the best educated people with access to higher education being the key to that success.

This amendment will I hope take that strong step forward to accelerate the process of education for all of our citizens to ensure that we meet these technological challenges, to ensure that we have the best prepared work force, and that we also have people who respect and, indeed, appreciate the value of education because they benefited from it.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

Let me thank my colleague from Rhode Island, Senator REED. The Pell grant program has been a huge success. It has sort of been the foundation of opportunity in our country. I feel like my words are also dedicated to Senator Claiborne Pell.

Let me just highlight a few things that Senator REED had to say. And, again, Senator BINGAMAN and Senator MOYNIHAN are also original cosponsors.

What we are really doing is saying that we are pleased to see the tax deductions. And we are pleased to see the tax credits. But we want to make sure that we also provide the support for students and families with incomes under $20,000 a year who may very well fall between the cracks.

So what this amendment does is it says for $6 billion more over 5 years we take it out of a variety of different loopholes and deductions that are called corporate welfare. Instead, we would invest it in the Pell grant program. We would increase the award up to $3,500.

My colleague is right. The President has brought it from $2,700 to $3,000, and that is a modest increase. But we are pleased to see that. But if we brought it up to $3,500, then what you would see is that the Pell program would be available to several hundred thousand new students and the average Pell grant among low-income students would increase by about a third.

One of the things that I want to say to my colleagues is that I hope before you vote on this amendment that there will be a way that you can be in touch, if you are not already, with the higher education communities in your States, because I think you will hear over and over again from them that there is no more important program than the Pell grant program, if we want to target this assistance to make sure those students and those families most in need of assistance are able to have access to higher education.

There is a shameful statistic in our country. The best predictor of attending college is family income. And only 16 percent of college freshmen come from households with incomes under $20,000 a year. Only half of them graduate by age 24.

So just think about that for a moment. Only 8 percent of those women and men coming from households with incomes under $20,000 a year are able to graduate. And we are now moving toward an economy where the brainpower of women and men in industry is going to matter more and more. Many of these companies, by the way, are going to be small businesses—not necessarily large companies. And the whole key to whether or not our children and our grandchildren are going to be able to do well economically is to be able to have access to higher education.

I mean this really speaks not only to the whole issue of opportunity but also to national security. We do well as a Nation when we make sure that women and men have access to higher education so that they can do well for themselves and their families and they can do well for our country.

So, again, I just want to make it clear that this is the choice. We just simply take $6 billion. And believe me, you know, you are looking at hundreds of billions of dollars when you look at this whole area of tax expenditures. We say find some of those loopholes and deductions and plug them. Mr. President, $6 billion over 5 years is not too much to expand the Pell grant program up to $3,500 which would make a huge difference.

Again, what we would be talking about is several thousand new students. The Pell grant award would increase. It would make a huge difference to low- and moderate-income families. It would make a huge difference to access to higher education.

And if we want to talk about priorities, I don't see any reason why this

amendment would not be an amendment that would carry on the floor of the U.S. Senate. There are a whole bunch of loopholes and deductions. Regular people are pretty angry about them. They don't think that those people who already make millions of dollars should get these breaks. And I think it is an absolute priority for people to make sure that higher education is affordable.

This would really make this budget a budget with a strong higher education component. This would really make this budget a budget that I think Senators could feel really proud of when it came to higher education. Senator REED and I are really trying to improve upon this.

So, Mr. President, I am hopeful that we will get very, very strong support.

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

The PRESIDING OFFICER. The Senator has 3 minutes and 45 seconds.

Mr. WELLSTONE. Mr. President, if my colleague wants to comment, I would like to preserve 2 minutes.

Mr. REED. If the Senator will yield.

Mr. WELLSTONE. I am pleased to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I want to associate myself with the remarks of the Senator from Minnesota. He has stated very well what is at stake—which is the future of the country through the future of individual students who have the opportunity to pursue higher education.

There is something else that I might add. This proposed increase in the Pell grant compliments some of the other provisions in this bill where the President has proposed higher education tax credits and tax deductions which will assist, I think, generally speaking middle- and upper-income Americans. This Pell proposal would be particularly effective in helping low-income working Americans, and also particularly effective in helping a new and growing category of students—not recent high school graduates but those people who through circumstance were forced in midlife to retrain themselves. And there are so many in this situation nowadays due to downsizing.

So for all of these reasons this is a very useful and critical step.

I thank again the Senator for yielding.

Mr. WELLSTONE. I thank again the Senator from Rhode Island. He comes from a State with a great tradition of commitment to higher education.

To my colleagues, there are two amendments. One of them is, if you will, very precious.

It is all about making sure that we at least provide some more funding for nutritional programs for many poor children who are malnourished in America; that we invest in Head Start; and that we invest in our schools, too many of which are crumbling across the country, and we take that out of tax cuts that are skewed to the very top and we say target those to middle-income and small businesses, and we take it out of corporate welfare.

The second amendment Senator REED and I offered is a higher education amendment. This makes all the sense in the world. With this additional $6 billion of outlays over 5 years, we would be talking about a dramatic increase in access to higher education for many, many families all across the country in our States.

Mr. President, those are the two amendments. I am going to finish on a positive note, but with 30 seconds left, I will just say one thing on a negative note. I gather that I will be meeting with my colleagues from North Dakota, Minnesota, and South Dakota. Apparently the House is not going to finish the disaster relief bill. I have to say on the floor of the Senate, I cannot believe that this is happening. I think it is just unconscionable. It is irresponsible. This is emergency assistance that people in our States have been waiting for.

We as Senators are going to have to figure out exactly what we do next, but I can assure you, and I think I speak for my colleagues, we will be as strong as we can be, and we will fight as hard as we can for people in our States. That is not meant to be showman-like. It is very sincere.

Finally, I thank my colleague from New Mexico, Senator DOMENICI, for his graciousness. We were able to get the two amendments in in the 30-minute limit, and I thank my colleague. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, I have the greatest respect for the two Senators who spoke. I do not know the new Senator from Rhode Island as well as I know Senator WELLSTONE, but I am growing in understanding and knowledge and put him in the category of a Senator I respect.

Mr. President, I actually believed, as I listened to those arguments, that we did not have a budget before us; that somehow or another, we had not done anything in this budget.

Let me tell the American people and Senators what we did in this budget. Did anybody happen to catch the President's press conference when he bragged about this budget resolution? Remember what he said about education? ''We have done more to increase educational funding in this budget than at any time in the last 30 years.'' He had in mind a few things that the Senators are talking about in their amendments.

Let me just tell you a couple of them. A $2.7 billion increase over the next 5 years in Head Start. Over the next 5 years, Head Start will receive exactly what the President of the United States requested. It is interesting, when the President has to look at all of Government like we do in the budget resolution, he gives Head Start a huge increase, and we agree with him in this agreement, and we make it a priority item that is going to be hard not to fund. That program has enjoyed a 300-percent increase since 1990. Not very many programs around have done that.

I would have thought, if I were one listening here, that this President of the United States just denied these poor people Head Start, just sent them off saying, ''I don't want anything to do with it.'' It is the President who asked for this much money, and we did not change it one penny.

Then, they were talking about Pell grants, and then I will return to another issue. Of course, it would be wonderful for America if Pell grants were $5,000. What did the President say about Pell grants? He said, we have the best increase in Pell grants in the last decade. How much? Three-hundred dollars for each Pell grant.

We conservatives did not say that. We are glad to do it. The President of the United States asked for that. He got every penny he asked for. It is very simple to come to the floor of the Senate, no matter what you do in a budget, to have a new wish list and a new set of statistics about who needs something.

I have learned more from that side of the aisle about that than I ever dreamt in my life. I can get up after you put the President's budget together, if we had given him everything he wanted, I learned from that side of the aisle that I could get up here and say we have 26 million people who do not have enough food, even if the President had put in a whole new nutrition program.

As a matter of fact, let's move from Pell grants to nutrition. Child nutrition program, isn't it interesting? The Federal Government spent $12.4 billion on those programs last year. Believe it or not, 70 percent of those programs, Mr. President, are what we call mandatory programs. That means, if you qualify, you get them. There cannot be much more needed; if you qualify, you get them. That means everybody who is poor qualifies for those programs, and we spend $12.4 billion.

Mr. WELLSTONE. Will the Senator yield?

Mr. DOMENICI. You would have thought we did not even have a program from over there, and we did not even have an increase. Let me just finish.

Believe it or not, the other 30 percent of the money that goes to children's nutrition programs is spent for programs like WIC, Women, Infants, and Children, one of the finest programs in terms of effectiveness we have in the Federal Government in this inventory. It has wide bipartisan support. It enjoys an increase in this budget, and, as a matter of fact, the President is so confident that it will be funded every year and funded appropriately that he did not even ask us to make it a priority program, because by doing so, we

are taking more and more of the budget and locking it in, because he knows we are going to fund it.

Mr. President, I do not know exactly how I will ultimately handle these amendments, because no matter what you say, the argument is going to be that we are against nutrition programs, and it is a ready-made TV ad.

On Pell grants, no matter if we gave the President every penny he wanted and we increased it $300 a year—it would be great if we had enough money to go to $10,000 a year, I guess, I am not sure. It does not matter. Whoever votes with DOMENICI tonight is going to vote against Pell grants.

So I want to make sure the Senators understand that I have great respect for them, and I admire them greatly, but we may have a second-degree amendment to change the way this vote occurs, so we are voting on something different for a change than your add-ons. I am not sure yet, but I am looking at it. So with that, I yield the floor.

Mr. WELLSTONE. Will the Senator yield for a question or comment?

Mr. DOMENICI. I did not hear the Senator.

Mr. WELLSTONE. Will the Senator yield for a question or comment?

Mr. DOMENICI. Of course.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to the Senator from New Mexico, who is really—we say a good friend—he really is a good friend. I want him to know both of these amendments—and I am speaking for myself, not for Senator REED—do not have a darn thing to do with TV attack ads. I cannot stand them. I wish there was no such thing.

These amendments are offered out of a sense of sincerity, and, in all due respect to my colleague, you can talk about what we are doing in the area of, for example, nutrition for children, and it is, I guess, all a matter of how you see it. These amendments just say we can do better. The fact of the matter is that in the last Congress, we cut grants for school districts to establish the School Breakfast Program and only 50 percent of the children who are eligible receive it. The fact of the matter is——

Mr. DOMENICI. I yielded for a question.

Mr. WELLSTONE. The fact of the matter is, the same thing can be said for the Summer School Program. So, the question—I said actually a comment, but I will put it in the form of a question. My question for the Senator is, how can you even view this as some sort of potential TV attack ad when these amendments are so substantive and they speak to the huge—I am sorry, I say to the Senator—disparity between children who need this assistance and, quite frankly, a budget that does not get them anywhere near close to it? How can that be viewed just as an effort to have an attack ad?

Mr. DOMENICI. Let me answer the question. I would never suggest that any Senator who offers an amendment, with all of the concern that you have in your heart and your mind when you offer these kinds of amendments, I would never consider that they would ever be used to disabuse somebody who voted against you improperly. But I am merely suggesting that happens from time to time, and that is all I was thinking. I do not think it will be much of a defense to say that the President of the United States was given everything he asked for in these areas. I do not think that will help much, if somebody wants to use it for a contrary purpose.

I yield the floor, and I understand the next amendment is Senator INHOFE's amendment, is that correct?

The PRESIDING OFFICER. The Senator has 6 minutes, 15 seconds remaining. Does he yield his time back? Does he wish to yield his time back?

Mr. DOMENICI. If Senator WELLSTONE will wait, can we yield back our time and get the yeas and nays on his two amendments?

Mr. WELLSTONE. Mr. President, that will be fine. I yield back the remainder of our time.

Mr. DOMENICI. Wait a minute, wait a minute. Could we not do that for a moment and let him proceed and let me clarify something?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask to set aside temporarily the consideration of the Wellstone amendment.

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

AMENDMENT NO. 301

Mr. INHOFE. Mr. President, I ask we turn to consideration of amendment No. 301.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 301.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. INHOFE. Mr. President, I do not plan to take a long time. I would like to make a couple comments about some of the things that have been said here.

I do not question the sincerity of any Member on this floor, but I think it should be obvious to you, Mr. President, and anyone else who may not be worn out right now, that there is a difference of philosophy often expressed on this floor. I think it goes back to the role of Government.

I not only remind my friend from Minnesota that every country that has tried to take care of all these ills from a government perspective has not made it. I wonder sometimes, all these people who come to school supposedly that are hungry, how many of those parents perhaps are not able to feed them because they are overtaxed, or how many of those parents might have fallen into this mentality that permeated the 1960's that Government has the responsibility of taking care of all the human social ills?

I agree with one thing the distinguished Senator from Minnesota said when he said we have lost our way. I think we have. I think that is what this is all about, trying to find our way back.

I have to say, Mr. President, that I have not been supportive of this compromise, but for a totally different reason than the Senator from Minnesota. I look at this, and I have to correct the distinguished Senator from New Mexico about one thing that he said. He said we gave the President everything he wanted in his social programs. We actually gave him more. This is $5 billion more than his request was last year. It is not a matter of not having enough in this bill. I feel the spending is too high. I do not agree with all the assumptions, but I am very confident that this is going to be adopted and going to be adopted tonight.

Also, I am not sure we are going to be able to accomplish all the tax decreases that we have promised some of the people. I had occasion this morning to talk to two large groups, both of whom are endorsing this, and they are endorsing this because they believe they are going to get an estate tax reduction; they believe they are going to get capital gains reductions. I do not believe there is going to be enough money to do that. But that is not the point of standing here now.

What I would like to see happen with this, ultimately, in the year 2002 is to accomplish the goal that many people believe in their hearts we will accomplish with this. I am not that confident. I am going to assume that will happen and we will reach a balanced budget by the year 2002.

I have offered amendment No. 301 because I think by just oversight, something was left out. Let's assume that everything we are trying to accomplish with the adoption of this budget agreement becomes a reality. Let's assume that the economic assumptions produced an additional $225 billion. Let's assume that these spending programs are going to stay within the limits and that we are able to do the tax cuts. And let's assume that we find ourselves with a balanced budget.

Now, here is the problem that I have with this. One of the problems is, if we reach the year 2001 and we see, in fact, it is doing what we projected it would do, doing what we told the American people it would do, and that is balance the budget, eliminate the deficit, what happens in the next year? With that as a concern, I don't think there is anyone in this Chamber who is going to vote for this bill on the basis that they want to balance the budget who does not also want to keep the budget in balance in the years following that. So I have this very simple resolution that I wouldn't think there would be any opposition to. That is, if this passes, and that becomes a reality—I am going to read the sentence from the bill. This is, in essence, my entire amendment.

It shall not be in order in the Senate to consider any budget resolution or conference report on a budget resolution for fiscal year 2002 and any fiscal year thereafter that would cause a unified budget deficit for the budget year or any of the four fiscal years following the budget year.

So, what we are saying is, once we get it in balance and we have eliminated the deficit, I would like to go further and say, let's then start spending down and paying down the debt. Instead of that, with this, all we are saying is once we eliminate the deficit, let's keep it eliminated. In the absence of this, all of this, that is on this plan, this road map can become a reality in the year 2001. But if that happens, then they can turn around and say, ''Good, that's over with, now let's start raising deficits again.''

That is the essence of it. I am prepared to yield the remainder of my time, but I understand the Senator from New Jersey wants to use some of his time.

Mr. LAUTENBERG. Very briefly, I thank the Senator from Oklahoma for remembering that I might disagree that we have a 60-person vote required after the year 2002. I understand that the Senator wants to make sure that if we do achieve the objectives that we set out for ourselves, that we can continue to do so. I believe the same thing. However, I do disagree that we require a supermajority.

The fact of the matter is, to project that far in advance—again, I said it earlier in a discussion, that we are working with estimates. We are looking at a particular point in time, the condition of our economy, the condition of the revenue stream that we get from, really, an ebullient marketplace and high tax collection. That has given us revenues that make the balanced budget a reality, to permit the tax cuts that have been established. Again, we each take a little bit of time for editorial comment to say—with which I disagree. I do agree with the portion that is devoted to the middle class and devoted to education. But it cannot be only my way. I regret that, but that is life and the reality.

Mr. President, I hope we will be able to defeat this amendment. I think it does violate the agreement as we understand it. If we get to 2002—we have deliberately had the projections extend for 10 years, so we had some idea that we were not going to face a cataclysmic explosion with deficits or with tax cuts, frankly, in that period of time. I hope we will be able to defeat it. I do not see my colleague, the chairman of the Budget Committee here, but I assume he will agree with me and that he will discuss it at an appropriate moment, if we have time.

Has the Senator yielded back all the time?

Mr. INHOFE. No, I was waiting until the Senator yielded his time.

Mr. LAUTENBERG. I yield the floor.

Mr. INHOFE. I thank the Senator from New Jersey for the spirit in which he is addressing these things. I know there is a difference of opinion. But I would only say, in closing, that we have a list here of 66 people, Democrats and Republicans—you were not one of them—that voted for the balanced budget amendment.

Mr. LAUTENBERG. Not.

Mr. INHOFE. I assume you don't want to change that vote today?

Mr. LAUTENBERG. The record is closed.

Mr. INHOFE. I would say it would be very difficult for me to understand how anyone could have voted for a balanced budget amendment to the Constitution and not support this. Because we are talking about, if you do not do this and you are saying, let's make the plan work, come up to 5 years from now, and then let's start in again on deficits. And we do not want to do that.

With that, if the Senator from New Jersey would like to yield back his time, I will do the same.

Mr. LAUTENBERG. I yield our time.

Mr. INHOFE. Mr. President, I yield the remainder of my time.

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.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and ask the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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. 335

Mr. DODD. Mr. President, I have an amendment that is on the list. I am going to do this very briefly to accommodate our colleagues who are anticipating a series of upcoming votes. The distinguished chairman of the committee has given me a couple of minutes to explain my amendment. It is at the desk.

Mr. DOMENICI. Mr. President, you heard a couple minutes. A couple minutes is my interpretation of 3, that is what a couple is.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 335.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. DODD. Mr. President, very briefly, let me explain, as I said when I offered an amendment earlier in the week, I intend to support this budget resolution. I think it is a good resolution. I commend the leadership for putting it together. There is some disagreement around the fringes.

Fundamentally, this is a good agreement. I am impressed with the balance that is included in here. One of the ways this balance is accomplished is by limiting, of course, as we know, the size of tax cuts, both initially and in the latter years.

The agreement entered into by the President, the majority leader, my colleague from Mississippi, Senator LOTT, and Speaker GINGRICH specifies tax cuts should cost no more than $85 billion in the first 5 years and no more than $250 billion over the 10-year period.

I read from the letter signed by our distinguished majority leader and the Speaker. I quote from the letter, Mr. President:

It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007.

As I said, this was signed by the majority leader and the Speaker. I was surprised, however, Mr. President, to learn that this budget resolution does not fully conform in a sense because there is no reflection of the $250 billion over 10 years. It does include the $85 billion over the first 5 years. There is no particular reason they should not be included. It was part of the agreement.

In my view, the resolution ought to reflect the agreement. We do not specify, obviously, what is to be done. That is up to the specific committees; in our case, the Finance Committee; in the House, the Ways and Means Committee. All it does is conform to the overall agreement of tax cuts should not exceed $250 billion over 10 years. The absence of that reference in the resolution, I think, leaves open the question whether or not we are going to meet those guidelines.

So, Mr. President, I offer this modification with reconciliation instructions so that the tax cuts are not limited to $85 billion but also be limited to $250 billion in 10 years. This language would be binding, but not in the sense of how it is done. We are not out of the woods, obviously, at the end of 10 years. There are reports we could have a ballooning problem, as we did after the 1981 agreement. I think by including the $250 billion here, it does conform very explicitly, as I said, with the letter.

I ask unanimous consent that the letter from the distinguished majority leader and the Speaker 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, May 15, 1997.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We would like to take this opportunity to confirm important aspects of the Balanced Budget Agreement. It was agreed that the net tax cut shall be $85 billion through 2002 and not more than $250 billion through 2007. We believe these levels provide enough room for important reforms, including broad-based permanent capital gains tax reductions, significant death tax relief, $500 per child tax credit and expansion of IRAs.

In the course of drafting the legislation to implement the balanced budget plan, there

are some additional areas that we want to be sure the committees of jurisdiction consider. Specifically, we believe the package must include tax relief of roughly $35 billion over five years for education, including a deduction and a tax credit. We believe this package should be consistent with the objectives put forward in the HOPE scholarship and tuition tax proposals contained in the Administration's FY 1998 budget to assist middle-class parents in paying and saving for their children's education.

Additionally, the House and Senate Leadership will seek to include various proposals in the Administration's FY 1998 budget (e.g., the welfare-to-work tax credit, capital gains tax relief for home sales, the Administration's EZ/EC proposals, brownfields legislation, FSC software, and tax incentives designed to spur economic growth in the District of Columbia), as well as various pending congressional tax proposals.

In this context, it should be noted the tax-writing committees will be required to balance the interests and desires of many parties in crafting tax legislation within the context of the net tax reduction goals which have been adopted, while at the same time protecting the interests of taxpayers generally.

We stand to work with you toward these ends. Thank you very much for your cooperation.

Sincerely,

NEWT GINGRICH,
Speaker.

TRENT LOTT,
Senate Majority Leader.

Mr. DODD. Mr. President, so my colleagues can appreciate this, this is not gamesmanship or trying to be cute about this in any way, but merely to have our reconciliation instructions conform to what the letter says we do. I think that would certainly put everyone at ease about the commitments we are all making to this resolution when it comes to deficit reduction.

The great tragedy would be if we got to the end of 5 years and have no requirement that we try to limit it to $250 billion at the end of 10 years, and you have deficit reduction and balance for 1 year, and then it will explode out of proportion after that period of time. That is the reason for the amendment.

I appreciate, again, my colleague providing me these few minutes to explain the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have no objection to the amendment, but before we finish and wrap this up, I will be making sure that the rest of the agreement, as it pertains to cuts, has the same kind of specificity to it, otherwise, I would not accept it. I am not sure we can hold it in conference, as long as the Senator understands that.

Mr. DODD. I am sure the Senator from New Mexico will try. I say to my colleague, I think the cuts are there. If not, I will join him in an amendment.

Mr. DOMENICI. I have no objection. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

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

The amendment (No. 335) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. 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.

Mr. BUMPERS. Will the Senator withhold for a moment? Can I have the attention of the floor manager?

The PRESIDING OFFICER. Does the Senator from New Mexico yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. Mr. President, I question the distinguished Senator from New Mexico, why can't we just start voting right now?

Mr. DOMENICI. We have five amendments which we are going to vote on and some other unanimous-consent requests that the leadership and the managers have. We will put it all in one UC and then start with the amendment of the Senator from Arkansas. His is the lead-off one, and we should not take more than another 5 minutes and then we will be ready.

Mr. BUMPERS. How many following mine?

Mr. DOMENICI. Five in total, I believe. Yours and four others for a total of five. Then we will have some more language in the UC about the rest of the evening and the rest of the amendments.

Mr. BUMPERS. I wonder if the Senator, while we are in this colloquy, can tell us what to expect for the rest of the evening after these votes, and tomorrow.

Mr. DOMENICI. I can only tell you that the distinguished Democratic manager and I are going to be here this evening, and we are going to use all the time to take up amendments. Whether we will vote on them tonight or not, let's wait and see what the leadership proposes. The time will run out sometime before too late, at least it will not be so late that we cannot stand here on the floor and get it done. Amendments will be worked on all evening. There may not be any votes, but it depends on the unanimous-consent request.

Mr. BUMPERS. Mr. President, I wonder if the Senator can inform the Senator how much time is left on the bill?

Mr. DOMENICI. I will ask—a little less than 5 hours.

Mr. LAUTENBERG. About roughly 5 hours.

Mr. BUMPERS. Parliamentary inquiry, Mr. President. How much time is left on the bill?

The PRESIDING OFFICER. A little less than 5 hours is left.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 328, AS MODIFIED

Mr. DOMENICI. Mr. President, I have an unprinted amendment on behalf of Senator JOHN MCCAIN. It is a modification to 328 which has heretofore been offered. It is a sense-of-the-Senate regarding Amtrak. I ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is so modified, and the clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCAIN, proposes amendment numbered 328, as modified.

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

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING ASSISTANCE TO AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) Amtrak is in a financial crisis, with growing and substantial debt obligations approaching $2 billion;

(2) Amtrak has not been authorized since 1994:

(3) the Senate Committee on Commerce, Science, and Transportation favorably reported legislation to reform Amtrak during the last two Congresses, but no legislation was enacted;

(4) the Finance Committee favorably reported legislation in the last Congress that created a dedicated trust fund for Amtrak, but no legislation was enacted;

(5) in 1997 Amtrak testified before the Congress that it cannot survive beyond 1998 without comprehensive legislative reforms and a dedicated source of capital funding; and

(6) Congress is obligated to invest Federal tax dollars responsibly and to reduce waste and inefficiency in Federal programs, including Amtrak.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions of this resolution assume that:

(1) Legislative reform is urgently needed to address Amtrak's financial and operational problems.

(2) It is fiscally irresponsible for Congress to allocate additional Federal dollars to Amtrak, and to distribute money from a new trust fund, without providing reforms requested by Amtrak to address its precarious financial situation.

(3) The distribution of money from any new fund to finance an intercity rail passenger fund should be implemented in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation.

Mr. MCCAIN. Mr. President, my amendment states that if legislation is enacted to establish an intercity passenger rail fund, as this budget resolution would make room for, the distribution of any new money should be in conjunction with legislation to reauthorize and reform the National Rail Passenger Corporation, better known as Amtrak. Money alone, cannot fix all

of Amtrak's financial and operational problems.

This amendment does not attempt to kill Amtrak or block its funding. It simply attempts to establish some level of fiscal accountability before the taxpayers are forced to pay $400 to $500 million more to fund Amtrak capital subsidies.

We have an obligation to the American public to invest our Federal dollars wisely. We should reduce waste and inefficiency and allow Amtrak to achieve greater fiscal accountability. Statutory reforms are necessary if Amtrak is to increase efficiencies, reduce costs, and lessen its dependence on Federal assistance.

Earlier this week, I met with Delaware's Governor, Tom Carper, who serves on the Amtrak board of directors. Governor Carper articulated clearly to me Amtrak's plan to turn its financial condition around. He talked about the need for capital investment and his support for establishing a trust fund for Amtrak. He also talked about the importance of legislative reforms.

I may not agree with Governor Carper's views on the role that the Federal Government should continue to play in supporting Amtrak. But, it was refreshing to hear from someone close to Amtrak's operations discuss the critical need for statutory reforms—including labor and liability reforms—and not just the need for more money.

Mr. President, Amtrak has not been authorized since 1994. The Commerce Committee has reported out reform legislation during the last two Congresses. But, instead of meeting our authorizing obligations, Congress has found it easier to just keep throwing good money at an inefficent operation. This fiscally irresponsible practice must stop.

Last week, Senator HUTCHISON, the chairman of the Surface Transportation and Merchant Marine Subcommittee, introduced S. 738, the Amtrak Reform and Accountability Act. That bill proposes to reauthorize Amtrak for 5 years and provide comprehensive reforms to allow Amtrak to operate more like a business. In short, it provides all the things Amtrak's president, Tom Downs, says are needed in order for Amtrak to meet its glide path to zero Federal operating subsides by 2002.

The Commerce Committee is prepared to move Senator HUTCHISON'S bill during our very next executive session. We will be ready for floor action as soon as the leadership can agree on a schedule. Members can offer amendments and cast their votes. But we are committed to debate reform legislation on the Senate floor.

I cannot understand how any Member could seriously argue that reform legislation should not be tied to any future ''pot of gold'' for Amtrak. Let me remind my colleagues that it is Amtrak that has said that money will not solve all its problems.

For the past several years, Amtrak's president, Tom Downs, has testified before Congress explaining the three things needed to turn Amtrak around: Internal Restructuring; comprehensive legislative reforms; and a dedicated source of capital funding.

And, just yesterday morning, during a DOT oversight hearing of the Commerce Committee, the GAO and the Office of Inspector General testified on the serious challenges Amtrak faces to achieving operating self-sufficiency.

Mr. President, since 1983 I have listened to Amtrak officials talk about their plans to turn Amtrak into a viable operation. I imagine they've talked about it for 26 years. Amtrak says they can operate more efficiently and reduce the need for Federal assistance if Congress gives them the tools they have requested. Therefore, it would be extremely irresponsible to give Amtrak a substantial increase in Federal assistance and not remove some of the statutory burdens that are the root cause of many of their financial woes today.

If Amtrak is given new money without reforms, I can hear them in the year 2002. They'll try to convince me how Congress still should continue subsidizing Amtrak because Congress never gave them what they said they needed. Well, enough is enough. If Amtrak is going to receive Federal assistance, let's make sure they also have the ability to increase efficiencies, reduce costs, and operate more like a business.

Amtrak is in a financial crisis. Without comprehensive legislative reforms, it is business as usual. And today, that business faces a debt load fast approaching $2 billion.

Mr. President, I do not support a never-ending drain on the Federal taxpayers in funding a passenger rail system that serves only 500 locations across the country. But, if the collective wisdom of Congress believes we should continue to invest billions of dollars in a passenger system that serves less than 1 percent of the traveling public, I am going to do all I can to ensure such investment is as fiscally sound at possible. Turning on a new Amtrak funding spigot absent comprehensive operational reforms would be wasteful and careless.

I urge my colleagues to support my amendment.

Mr. ROTH. Mr. President, I support Senator MCCAIN's Sense of the Senate. I agree with my colleague from Arizona that Amtrak needs reforms. Amtrak must be able to operate more like a business. Senator HUTCHISON has recently introduced a major reform package which I support. Amtrak needs these reforms and they must be enacted this year. It is also very clear that Amtrak needs an adequate and reliable source of capital funding. Amtrak is currently borrowing to meet payroll and if additional capital funding is not provided, GAO and Amtrak have testified that the company will not survive past mid-1998. The key to Amtrak's future is both a legislative reform package and a secure source of capital funding.

Given the immediate financial crisis Amtrak is facing, Congress cannot wait a moment longer. To be viable Amtrak will need both a secure source of capital funding and a reauthorization and reform bill this year. It is my goal to see both bills enacted this year. I do not doubt Senator MCCAIN's ability to get the reform bill passed in the Senate and enacted this year. And, as I have stated on the floor many times, it is one of my priorities to give Amtrak a secure source of capital funding this year. Both bills are essential and I believe both should be implemented in conjunction with each other. We cannot lose our national passenger rail system. If something is not done to give Amtrak the capital funds and the reforms it needs, Amtrak will not survive. This is not an idle threat. GAO has testified before my committee that this is the case. Amtrak President Tom Downs has testified that the company would not survive past 1998. Amtrak's financial report proves it. The question before us is whether or not we want this country to have a national passenger rail system. If we want a national system, we must give Amtrak a secure capital funding source to allow it to operate more like a business.

Let me take a few minutes to explain why I fought to include the Amtrak reserve fund in the budget resolution. And may I also say at this time that Senators DOMENICI and LAUTENBURG have been extremely helpful in securing this compromise language for me.

Senator DOMENICI and I have worked together to develop a compromise on how to finance a secure source of funding for Amtrak. Out of these discussions we developed an Amtrak reserve fund which would allow for the spending caps for Amtrak to be raised by the amount of revenue raised to finance this fund. It is the first step, and a very critical step, for ensuring that Amtrak receives the capital funding it needs to survive.

Mr. President, all major modes of transportation have a dedicated source of capital funding, except for intercity passenger rail. Amtrak needs a similar capital funding source to bring its equipment, facilities, and tracks into a state of good repair. Much of Amtrak's equipment and infrastructure has exceeded its projected useful life. The costs of maintaining this aging fleet and the need to modernize and overhaul facilities through capital improvements to the system are serious financial challenges for Amtrak. This provision is the first step in helping to reverse these problems and give Amtrak the resources necessary to meet its capital investment needs.

I believe that it is time for Congress to reverse our current policy that favors building more highways at the expense of alternative means of transportation, such as intercity passenger rail. Despite rail's proven safety, efficiency, and reliability in Europe, Japan, and

elsewhere, intercity passenger rail remains severely underfunded in the United States. In fact, over half of the Department of Transportation's spending authority is devoted to highways and another quarter to aviation; rail still ranks last with roughly 3 percent of total spending authority.

If this Congress wants a national passenger rail system, we will have to properly fund the system. Amtrak has not been able to make sufficient capital investments in the past through annual, but inadequate appropriation. I am pleased that the Senate now recognizes that a new funding mechanism is needed for Amtrak. Under this budget agreement, Amtrak would finally receive similar treatment as other modes of transportation.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for his efforts. I appreciate his leadership as full committee chairman because he makes it possible for members to move important legislation in a timely fashion, and I am pleased to hear his commitment to move S. 738, Amtrak reauthorization and reform legislation, as soon as possible.

In particular, he is exercising great leadership on the issue of Amtrak. I know he personally has doubts about our current passenger rail policy but, as chairman, has not acted to impede the will of the Commerce Committee or Congress to continue the national passenger rail system. He does, however, insist these the policies and their implementation be responsible. I commend him for that, appreciate the leadership it represents, and will work closely with him to that end.

I support this amendment because I believe Amtrak must have both reform and capital funding. I commend Senator ROTH for his commitment to authorize a capital fund for Amtrak and will work with him to see that it occurs. He is a cosponsor of my Amtrak reauthorization bill and am certain he will make a similar commitment to help achieve its passage.

I believe we agree that the passage of both of these bills is necessary to sustain Amtrak. Increased Amtrak funding alone is not enough; nor are reforms without adequate funding. However, providing the funding without the reforms not only shortchanges Amtrak, it shortchanges the taxpayer.

I fully share the sense of this Senate that appropriations from the new intercity rail fund should go to a reformed and reauthorized Amtrak. I urge all of my colleagues to work with me to pass Amtrak reform legislation as soon as possible in fulfillment of this resolution.

Mr. DOMENICI. Mr. President, I have no objection to this and hope we will adopt it here by voice vote.

But I yield to Senator FRANK LAUTENBERG.

Mr. LAUTENBERG. Very simply, Mr. President, I too approve of the amendment. I have a deep interest in Amtrak and national passenger rail service. And this refines a process. I am pleased to endorse it.

Mr. DOMENICI. I yield back all my time.

I yield back any time Senator MCCAIN may have.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

The amendment (No. 328), as modified, was agreed to.

Mr. DOMENICI. 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.

Mr. LOTT. Mr. President, I have discussed this unanimous consent agreement we are about to enter with the Democratic leader. Therefore, I ask unanimous consent that at 7:15 today the Senate proceed to a series of votes on or in relation to the following amendments in the order specified, and, further, prior to each vote there be 2 minutes for debate equally divided in the usual form: Senator BUMPERS, No. 330; Senator BUMPERS, No. 331; Senator BOND, No. 324, which I understand will be a voice vote; Senator GRAMM, No. 320; Senator ASHCROFT, No. 322; Senator ASHCROFT, No. 323; Senator INHOFE, No. 301.

Mr. President, I make that unanimous consent request.

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

Mr. LOTT. Mr. President, I ask unanimous consent that all votes after the first vote be limited to 10 minutes in length, and, further, all time consumed by the votes count against the overall time limitation, and, further, any remaining debate time under the statute be consumed this evening, and, finally, beginning at 9:30 a.m., tomorrow morning the Senate proceed to vote on any pending amendments, and following disposition of all amendments, the Senate proceed to the immediate consideration of calendar 56, House Concurrent Resolution 84, the House companion, and all after the enacting clause be stricken, and the text of Senate Concurrent Resolution 27 be inserted, and the Senate proceed to vote on adoption of the budget resolution, with no intervening action or debate.

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

Mr. LOTT. I further ask unanimous consent that following adoption of House Concurrent Resolution 84, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

Mr. LOTT. Mr. President, I want to express my appreciation for the cooperation from the chairman and ranking member and the Democratic leader for getting this agreement. This will, I think, be a fair way and expeditious way to complete our action. And we will then get all amendments voted on and final passage beginning at 9:30 tomorrow morning.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to thank the distinguished majority leader for his assistance tonight.

I think this is a very fair way to handle matters. And we will be discussing further amendments that will come up this evening while these votes take place.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I wonder if—I am sorry. The leader made that request, and I was not paying close enough attention.

I would like to reverse my two amendments and bring up 331 first and then 330 second. I ask unanimous consent that we do that.

Mr. DOMENICI. We have no objection. Maybe we could proceed, I say to Senator BUMPERS, to use up time that you have to—

Mr. BUMPERS. I am prepared to use my time.

Mr. DOMENICI. If the Senator used his minute and I use my minute, we will be ready to vote promptly at 7:15.

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

Mr. DOMENICI. I thank the Presiding Officer.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 331

Mr. BUMPERS. My first amendment simply says that the Finance Committee must come up with offsets of $115 billion to offset that amount which is the cut in Medicare. I think it would be unseemly and extreme if we have to go home and tell our people that we cut Medicare by $115 billion to make the system more solvent and at the same time tell them the only way we could cut taxes under this budget agreement was to cut Medicare by $115 billion.

So, Mr. President, I earnestly ask my colleagues to seriously consider voting to simply say to the Finance Committee, do not force us to go home and tell our constituents that we cut Medicaid by $115 billion and we used every dime of it—every dime of it—to offset all these tax cuts, many of which go to the wealthiest people in America.

It is indefensible. It is inexcusable. I urge my colleagues to support this amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. The problem is that what the Senator just described is not the amendment. All the amendment does is take out all the tax cuts the American people are to receive. It has nothing to do with Medicare.

It is a forthright simple amendment. It says, take out all the tax cuts. It totally violates the agreement and, I repeat, has nothing to do with Medicare, nothing.

Everything that we saved in Medicare went to make Medicare solvent. There are plenty of other savings to cover these tax cuts if you had to cover them. But we have to make no apologies. We produced a balanced budget, and in that we got $85 billion net new tax cuts available to the American people.

Plain and simple, this amendment says, no tax cuts. That means anyone that votes for it is against tax cuts. Simple, plain, nothing else.

I yield any time I have remaining.

Mr. BUMPERS. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 47 seconds.

Mr. BUMPERS. Mr. President, I ask the distinguished chairman of the Budget Committee, and my colleagues, what kind of a tax cut will you have if you do not use Medicare's $115 billion cut? The answer to that is, none, virtually none.

Make no mistake about it, the Medicare cut is being used to fund these tax cuts. And without it there will be no tax cuts. It is just that simple.

Mr. DOMENICI. Do I have any time left?

The PRESIDING OFFICER. Ten seconds.

Mr. DOMENICI. That is just not true. If that did not take 10 seconds, that is enough.

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

Mr. DOMENICI. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. They yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—73

Abraham	Coverdell	Grassley
Allard	Craig	Gregg
Ashcroft	D'Amato	Hagel
Baucus	Daschle	Hatch
Bennett	DeWine	Helms
Biden	Domenici	Hutchinson
Bingaman	Durbin	Hutchison
Bond	Enzi	Inhofe
Breaux	Faircloth	Jeffords
Brownback	Feingold	Kempthorne
Bryan	Feinstein	Kerrey
Burns	Ford	Kerry
Campbell	Frist	Kohl
Chafee	Gorton	Kyl
Cochran	Gramm	Landrieu
Collins	Grams	Lautenberg
Leahy	Robb	Snowe
Lieberman	Roberts	Specter
Lott	Rockefeller	Stevens
Lugar	Roth	Thomas
Mack	Santorum	Thompson
McCain	Sessions	Thurmond
McConnell	Shelby	Warner
Murkowski	Smith (NH)	
Nickles	Smith (OR)	

NAYS—26

Akaka	Graham	Moynihan
Boxer	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Sarbanes
Conrad	Kennedy	Torricelli
Dodd	Levin	Wellstone
Dorgan	Mikulski	Wyden
Glenn	Moseley-Braun	

NOT VOTING—1

Coats

The motion to lay on the table the amendment (No. 331) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 330

The PRESIDING OFFICER. There will be 2 minutes of debate on the next Bumpers amendment, 1 minute to each side.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this is an amendment which keeps the deficit from soaring next year. This year's deficit is going to be $67 billion. This budget takes the deficit next year to $97 billion. In the year 2000 it is $97 billion. It starts coming down the last 2 years only because of the economic assumptions.

You are assuming in this budget that the economy is going to stay as hot the next 5 years as it has been the last 5 years. And if that proves to be a false assumption you are going to see the deficit start soaring.

I say strike while the iron is hot.

In 1981 we bought into this same proposition, and in 8 years had a $3 trillion debt to show for it.

Here we are back at the same old stand—cutting taxes and balancing the budget. That is the good old five-chocolate-sundae-a-day diet. It didn't work in 1981. It isn't going to work now.

So I am saying balance the budget in the year 2001, not 2002. Postpone the tax cuts until 2002 and honor the American people who say they want a balanced budget a lot worse than they want a tax cut.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not take very long.

Fellow Senators, what this amendment effectively does is takes away all the tax cuts except $20 billion—plain and simple. There can be all kinds of rationale. But at least $20 billion of the $835 billion in tax cuts, and the rest of the tax cuts are gone.

It seems to me that we have made a commitment that we are going to do both—balance the budget and cut taxes for some Americans, including families with children. This eliminates all of that, and I believe it ought to be turned down overwhelmingly.

Indeed, it doesn't cut any spending. It just cuts out the tax cuts.

I yield my time.

I move to table the amendment, 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.

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 Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

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

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—81

Abraham	Faircloth	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Mikulski
Bingaman	Grams	Murkowski
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Burns	Hatch	Roth
Campbell	Helms	Santorum
Chafee	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Johnson	Specter
D'Amato	Kempthorne	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Enzi	Lieberman	Wyden

NAYS—18

Akaka	Glenn	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Hollings	Murray
Byrd	Kennedy	Reid
Conrad	Kerrey	Robb
Feingold	Levin	Sarbanes

NOT VOTING—1

Coats

The motion to lay on the table the amendment (No. 330) 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.

Mr. DOMENICI. Senator BOND?

AMENDMENT NO. 324, AS MODIFIED

The PRESIDING OFFICER. The Senate will please come to order. We will now have debate on the Bond amendment No. 324, as modified; 2 minutes, 1 minute per side.

Mr. BOND. Mr. President, I believe this amendment can be accepted. Basically it points out the fact that in the State of Missouri and other States, the disproportionate share of the hospital Medicaid payments is used to provide health care to the most vulnerable population, a quarter of a million pregnant women and children and, as we look at it, when the Finance Committee addresses this DSH program, they need to keep in mind that no harm must befall these very vulnerable people. We ask they consider use of the funds in the legislation, other legislation that is being adopted. We urge the adoption of the amendment.

Mr. DOMENICI. Mr. President, I yield back my time. I am willing to accept the amendment without a rollcall vote.

Mr. LAUTENBERG. No objection on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 324), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank my colleague for changing it into a sense of the Senate. It is acceptable because of that.

AMENDMENT NO. 320

The PRESIDING OFFICER. The question now occurs on amendment No. 320.

Mr. DOMENICI. Mr. President, parliamentary inquiry?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the amendment following the Gramm amendment?

The PRESIDING OFFICER. The Ashcroft amendment No. 322.

Mr. DOMENICI. Senator ASHCROFT, would you mind going next and giving your 1 minute? I ask consent we pass the Gramm amendment and proceed to the Ashcroft amendment that is listed.

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

AMENDMENT NO. 322

The PRESIDING OFFICER. We will have a 2-minute debate.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, much has been said about different amendments, alleging that they were deal breakers. This is a deal keeper. This is a set of enforcement provisions which would limit the amount of debt that we could have each year to the amount that is specified in the budget agreement. This is basically the balanced budget amendment in statutory form, conformed to the balanced budget agreement. Those individuals who voted in favor of a balanced budget amendment to the Constitution were willing to put this kind of discipline into our culture for life. I think we ought to be willing to put it into this agreement for the next 5 years.

This is not a deal breaker. This is a deal keeper, and the American people deserve to have the discipline of knowing that the debt will not exceed the limits specified.

The debt will not exceed the numbers of debt which are provided for in the agreement. This is just a way to provide discipline and enforcement of the agreement, as written.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment would require a supermajority, three-fifths of the Members in each House, to provide for specific excess of outlays of receipts or to provide for such increase in the level of public debt.

What we are doing here is we will be reviewing the balanced budget amendment and voting for it here again. It does not fit in the scope of things.

I have raised a point of order on this relative to germaneness. We should defeat this. I think this is a very dangerous precedent, for us to get involved with this kind of legislation in this budget resolution.

I hope we will defeat it.

Mr. DOMENICI. Has the Senator's time expired?

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. ASHCROFT. Mr. President, I urge Members of the Senate who voted for a balanced budget amendment to the Constitution to do this imposition of a balanced budget amendment to the budget agreement. It provides discipline and will ensure that we keep the agreement; that we don't break it. The American people deserve no less.

Mr. LAUTENBERG. Mr. President, do I have any time?

The PRESIDING OFFICER. Around 20 seconds.

Mr. LAUTENBERG. Mr. President, 20 seconds? We will use the 20 seconds, Mr. President.

Mr. DOMENICI. Could we have order, please?

The PRESIDING OFFICER. The Senate will please come to order. The Senate will please come to order.

Mr. LAUTENBERG. We will use the seconds preciously and quickly and just say that this doesn't even allow for any adjustments during a recession, depression or that kind of thing. It says, ''other than national security.'' That is a military reference. I think national security includes a stable society, one that adjusts to the times. I hope we will again vote it down.

I yield back my time.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to waive the Budget Act in relation to amendment No. 322, offered by the Senator from Missouri.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 41, nays, 58, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—41

Abraham	Gregg	Nickles
Allard	Hagel	Santorum
Ashcroft	Harkin	Sessions
Bond	Hatch	Shelby
Brownback	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Stevens
Enzi	Kempthorne	Thomas
Faircloth	Kyl	Thompson
Frist	Mack	Thurmond
Gramm	McCain	Warner
Grams	McConnell	Wyden
Grassley	Murkowski	

NAYS—58

Akaka	Domenici	Levin
Baucus	Dorgan	Lieberman
Bennett	Durbin	Lott
Biden	Feingold	Lugar
Bingaman	Feinstein	Mikulski
Boxer	Ford	Moseley-Braun
Breaux	Glenn	Moynihan
Bryan	Gorton	Murray
Bumpers	Graham	Reed
Byrd	Hollings	Reid
Campbell	Inouye	Robb
Chafee	Jeffords	Roberts
Cleland	Johnson	Rockefeller
Cochran	Kennedy	Roth
Collins	Kerrey	Sarbanes
Conrad	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Landrieu	Wellstone
DeWine	Lautenberg	
Dodd	Leahy	

NOT VOTING—1

Coats ÷

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order previously raised against the amendment is sustained in that it violates section 305(b)(2) of the Congressional Budget Act and the amendment falls.

AMENDMENT NO. 320, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 320, as modified.

There are 2 minutes equally divided.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we established the highway trust fund in 1956, and under that trust fund, when people paid taxes on gasoline, it was a user fee to build roads and to build mass transit. In 1993, in the tax bill, for the first time ever, we had a permanent tax increase on gasoline that went to general revenues.

What this sense-of-the-Senate resolution says is that it is the sense of the Senate that on the budget reconciliation, on any appropriation, or any tax bill that we should put this 4.3-cent-a-gallon tax on gasoline back into the highway trust fund so that it can be spent for the purpose the tax is collected.

I hope my colleagues will vote for this amendment. We are going to have an opportunity to vote on the real thing later this year, but this vote will put people on record.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. I am not in opposition.

Mr. CHAFEE. I am in opposition.

Mr. DOMENICI. I yield to Senator CHAFEE.

Mr. CHAFEE. Mr. President, what this does is it takes $40 billion over the 5 years that is now going into the General Treasury and puts it into the highway trust fund with, obviously, the assumption that it is going to be spent. In effect, what we are doing here is adding $40 billion to the deficit of the United States.

I just don't think, when we are in this effort of trying to balance the budget, that this is the right step to take. Do we all want to have more highways? Of course, we do. Indeed, it falls under the very committee of which I am the chairman. I don't think at this time, when we are making these efforts to balance the budget, that we want to take $40 billion over 5 years going into the General Treasury and spend it in this manner. So I hope the amendment will be defeated.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

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

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—83

Abraham	Enzi	Lott
Akaka	Faircloth	Lugar
Allard	Feingold	Mack
Ashcroft	Feinstein	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Mikulski
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reid
Breaux	Hagel	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Santorum
Bumpers	Hollings	Sarbanes
Burns	Hutchinson	Sessions
Byrd	Hutchison	Shelby
Campbell	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kempthorne	Stevens
Coverdell	Kerrey	Thomas
Craig	Kohl	Thompson
D'Amato	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Warner
Domenici	Leahy	Wyden
Dorgan	Lieberman	

NAYS—16

Chafee	Harkin	Reed
Dodd	Kennedy	Robb
Durbin	Kerry	Roth
Ford	Levin	Wellstone
Glenn	Moseley-Braun	
Graham	Moynihan	

NOT VOTING—1

Coats

The amendment (No. 320), as modified, was agreed to.

Mr. BAUCUS. Mr. President, I want to take this opportunity to explain my vote on the Gramm sense-of-the-Senate amendment.

This sense-of-the-Senate amendment calls for the return of 4.3 cents of the Federal gas tax currently used for deficit reduction to the highway trust fund.

I have long argued for the return of these revenues to transportation programs—approximately $7 billion annually. In fact, I recently introduced legislation to transfer the 4.3 cents to transportation programs—3.8 cents to the highway account of the highway trust fund and 0.5 cents to be used to maintain this Nation's national passenger rail system or Amtrak.

While this sense-of-the-Senate amendment unfortunately does not address Amtrak, I feel it is important for the Senate to express its support for redirecting the 4.3 cents to transportation purposes. That is why I have voted for this amendment.

As this sense-of-the-Senate amendment is nonbinding, it is important to ensure that the transfer of the 4.3 cents for transportation actually takes place. As a member of the Finance Committee, I want to make it very clear to my colleagues that I intend to pursue my legislation to make the transfer—again, 3.8 cents for the highway account and 0.5 cents for Amtrak.

Transportation investments are the key to this Nation's economic future. Our ability to compete in today's global economy is tied to an efficient and safe intermodal transportation system—highways, transit, Amtrak, and other modes.

The Gramm amendment is the first step to reaching that outcome. By putting the Senate on record in support of transferring the 4.3 cents for transportation purposes, we will be able to work during the reconciliation process and the reauthorization of ISTEA to see that additional investments are made in our transportation system.

I look forward to working with the chairman of the Finance Committee, Senator MOYNIHAN, and others to transfer these revenues as we develop reconciliation legislation.

AMENDMENT NO. 323, WITHDRAWN

The PRESIDING OFFICER. Under the previous order, we will proceed to consider amendment No. 323 by the Senator from Missouri, Senator ASHCROFT.

There are 2 minutes of debate equally divided.

Who yields time?

Mr. ASHCROFT addressed the Chair.

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

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be able to withdraw this amendment. This amendment was in large measure subsumed in the prior amendment which I offered to the Senate. I ask unanimous consent that this amendment be withdrawn.

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

The amendment (No. 323) was withdrawn.

AMENDMENT NO. 301

The PRESIDING OFFICER. The question now occurs on amendment No. 301 by the Senator from Oklahoma, Senator INHOFE.

Mr. INHOFE. Mr. President, this is the last amendment of the evening. I would like to have your attention for a short period of time.

I have not been a strong supporter of this budget deal, the basis of the assumptions and other things. But in the event it does come up with a balanced budget in the year 2002, I see one frailty with this, and that is, you can come into balance in the year 2002, only to find out that in 2003 you come along and go back into deficits again.

So I am going to read one sentence very carefully. I would like to have you listen to it.

> [I]t shall not be in order in the Senate to consider any budget resolution . . . for fiscal year 2002 and any fiscal year thereafter . . . that would cause a unified budget deficit for the budget year or any of the 4 fiscal years following the budget year.

I would like to reserve the last 10 seconds of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, this amendment talks to the years 2000-plus. We heard it from the Senator from Oklahoma. We are not balancing the budget for 10 years. We are balancing it for the first 5 years to 2002. We project off into the years subsequent to that.

We believe that we will have the mechanism in place to control it. If not, we ought to take it up at that time. And this budget amendment creates a supermajority. So we are back to 60 votes in case you want to make a change at that time.

I do not think we ought to be strapping ourselves now for something that is going to happen after 2002. I hope that we will defeat this amendment. I think that it is important that we do.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I believe I have 15 seconds remaining.

Let me just say that if it is the intent of anyone to vote for this in hopes it would achieve a balanced budget by the year 2002, and then coming back and starting into deficits again, of course you want to oppose it.

This is your last opportunity to say that we want to reach that balanced budget by 2002, and then keep it in balance thereafter.

The PRESIDING OFFICER. Does the other side wish to yield back their time?

Mr. LAUTENBERG. I move to table the amendment.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—52

Akaka	Domenici	Levin
Baucus	Dorgan	Lieberman
Bennett	Durbin	Lugar
Biden	Feinstein	Mikulski
Bingaman	Ford	Moseley-Braun
Bond	Gorton	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hatch	Reid
Bumpers	Hollings	Roberts
Byrd	Inouye	Rockefeller
Campbell	Johnson	Sarbanes
Chafee	Kennedy	Smith (OR)
Cleland	Kerrey	Specter
Collins	Kerry	Stevens
Conrad	Landrieu	Wellstone
Daschle	Lautenberg	
Dodd	Leahy	

NAYS—47

Abraham	Grams	Murkowski
Allard	Grassley	Nickles
Ashcroft	Gregg	Robb
Brownback	Hagel	Roth
Burns	Helms	Santorum
Cochran	Hutchinson	Sessions
Coverdell	Hutchison	Shelby
Craig	Inhofe	Smith (NH)
D'Amato	Jeffords	Snowe
DeWine	Kempthorne	Thomas
Enzi	Kohl	Thompson
Faircloth	Kyl	Thurmond
Feingold	Lott	Torricelli
Frist	Mack	Warner
Glenn	McCain	Wyden
Gramm	McConnell	

NOT VOTING—1

Coats

The motion to lay on the table the amendment (No. 301) was agreed to.

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

Mr. DOMENICI. I move to lay it on the table.

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 316

Mr. ABRAHAM. Mr. President, I call up my amendment numbered 316.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. KYL, Mr. BROWNBACK, Mr. ASHCROFT, Mr SESSIONS, and Mr. COVERDELL, proposes an amendment numbered 316.

(The text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. ABRAHAM. Mr. President, it is not my intent tonight to keep the Senate here for a lengthy period of time on this amendment. I will speak to my amendment for just a couple of minutes. If others wish to debate it, I will stay here, but I am otherwise prepared to yield back my time on this amendment after giving it a couple of minute's description.

Basically, Mr. President, this amendment tries to address a concern that a number of my constituents, and I suspect constituents from other States, have expressed in recent weeks with respect to the development of this budget. As the President and Members are aware near the end of discussions and deliberations that went into the development of this budget agreement, the Congressional Budget Office informed the negotiators at the last minute that they had underestimated the income shares, the revenue estimate, for the upcoming 5-year period by some $225 billion.

Obviously, a lot of questions have been raised. I am not here tonight to quarrel with or to raise questions about the basis on which those adjustments took place, but the fact is, Mr. President, based on these adjustments, we are moving forward with a budget that estimates certain amounts of revenue.

Clearly, it is possible that sometime during the period that this budget covers over the next 5 years we might find further adjustments occurring. My concern, Mr. President, is what happens if further adjustments based on the actual receipts to the Federal Government exceed what the estimates are that we are using as the basis for this budget resolution. To that end, my constituents are basically telling me that if the actual revenues the Government produces exceed that which we are using here in this budget resolution, that those dollars ought to be returned to taxpayers in the form of tax cuts or ought to be used to reduce the deficit, for deficit reduction and debt reduction purposes.

Based on that, Mr. President, I am offering tonight—because of the nature of the resolution, I am not offering this as an amendment in the fullest sense—as a sense-of-the-Senate amendment that if, in fact, the revenues which we receive during the pendency of this resolution exceed the revenue estimates that have been used to formulate the resolution, those dollars be, in effect, put in a lockbox and made available exclusively for reductions in the deficit or for further tax cuts.

I think this makes sense because if, in fact, the American taxpayers are sending more money to Washington than we expect them to it only makes sense to me that the additional dollars ought to be returned to the taxpayers or used to reduce the deficit as opposed to being used for increased and additional Federal spending beyond that which we are including in this budget resolution.

Mr. President, I think that is the one way by which we can maintain some integrity with respect to the taxpayers by assuring them that as a consequence of the progrowth ideas we have for this budget resolution—which we hope will result in such things as a capital gains tax—as a consequence we see the revenue come to the Federal Government beyond that which we expect, that the only way we maintain some integrity here is guarantee the taxpayers that those additional dollars are either going to help us reduce the debt of this country, or we give it back to the taxpayers in the form of additional tax cuts.

Virtually everybody in this Chamber could think of additional ways by which we might address some of the problems with the Internal Revenue Code, whether it is additional tax cuts for education for working families or to a eliminate the marriage penalty or a variety of other things.

We all know that there isn't embodied within this resolution adequate resources to address all of those objectives that we have as a group.

My feeling is that, if the taxpayers send us more money than we are counting on, more money than we have asked them to, we might then use those additional dollars to fund additional taxes or, alternatively, for the purposes of deficit reduction.

So, for those reasons, I offer this amendment.

I also would like to say in closing here tonight that I want to offer my praise particularly to Senator DOMENICI, whom we work with on the Budget Committee, for his unstinting efforts here. I have always been impressed and amazed at his resilience as we go through amendment after amendment. He leads us so well in that.

So, I thank Senator DOMENICI, both for in the committee and in the prior activities before we get to the committee, and then here on the floor this week.

I offer my amendment. As I said, I am prepared, unless there is a desire to debate the amendment, to yield the remainder of the time tonight. I guess we will vote tomorrow on this.

At this point, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there is a 601(b) point of order against this budget because it raises spending above the spending caps set in the 1993 budget.

My remaining business with the budget is I want to raise this point of order. We are going to have 1 minute a side tomorrow, I guess, to do closing. I would like to ask unanimous consent that tomorrow I be recognized for the purpose of making the point of order. I can make it within the minute, and then we will have the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I wonder if the Senator

would agree to double that time, 2 minutes to a side.

Mr. GRAMM. Yes.

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

Who yields time?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, in light of the fact that I don't think there is further debate planned on this amendment on either side, I at this point yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI. If we yield our time, that means there is 1 minute on a side tomorrow under the interpretation of the Parliamentarian.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 353, AS MODIFIED

Mr. BYRD. Mr. President, I have an amendment at the desk, I believe amendment No. 353, and I ask unanimous consent that I may modify the amendment.

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

Mr. BYRD. Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 353), as modified, is as follows:

On page 56, strike line 5 through page 58, line 12 and insert the following:

SEC. 209. HIGHWAY RESERVE FUND FOR FISCAL YEARS 1998–2002.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance highways and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels and limits may be adjusted if such adjustments do not cause an increase in the deficit in this resolution.

(b) ADJUSTMENTS FOR BUDGET AUTHORITY.—Upon the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces direct non-highway spending or increases revenues for a fiscal year or years, the Chairman of the Committee on the Budget shall submit revised budget authority allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget may submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct non-highway spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—Upon the submission of such revisions, the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or direct non-highway spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) ADJUSTMENTS FOR DISCRETIONARY SPENDING.—

(1) REVISIONS TO ALLOCATIONS AND AGGREGATES.—Upon the reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for highways, the Chairman of the Committee on the Budget shall submit increased outlay allocations, aggregates, and discretionary limits for the amount of outlays flowing from the additional obligational authority provided in such bill.

(2) REVISIONS TO SUBALLOCATIONS.—The Committee on Appropriations may submit appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974.

(e) LIMITATIONS.—

(1) IN GENERAL.—The revisions made pursuant to subsection (c) shall not be made—

(A) with respect to direct non-highway spending reductions, unless the committee that generates the direct spending reductions is within its allocations under section 302(a) and (602)a of the Budget Act in this resolution (not including the direct spending reductions envisioned in subsection (c)); and

(B) with respect to revenue increases, unless revenues are at or above the revenue aggregates in this resolution (not including the revenue increases envisioned in subsection (c)).

(2) OUTLAYS.—The outlay adjustments made pursuant to subsection (d) shall not exceed the amounts specified in subsection (c)(2) for a fiscal year.

Mr. BYRD. Mr. President, I rise to offer an amendment to provide a meaningful and effective mechanism that will allow the Senate to boost substantially our national investment in highways. Much has been said over the last few days, both in the Senate and in the other body, regarding the critical need for our nation to reverse the trend of national disinvestment in our Nation's highways.

My amendment would substitute the reserve fund provisions in the committee-reported resolution with a new fund that will provide the Senate with the opportunity to consider reported bills or individual amendments that reduce spending in nonhighway areas or increase revenues to allow for increased highway funding. Mr. President, I believe that when the Senate is faced with the very difficult process of reauthorizing ISTEA, there will be renewed interest in finding additional funding for highways. But we must have the mechanism available to us to revisit the issue. This amendment will provide us with that opportunity.

I want to thank the chairman and ranking member of the Budget Committee, Senators DOMENICI and LAUTENBERG, for their cooperation in the development of this amendment.

I hope they will accept my amendment, as modified.

Mr. DOMENICI. Mr. President, Senator BYRD has understood from our side through my staff and myself that we are willing to accept the amendment. It may need further refinements, and he understands that. But we have no objection to it under those circumstances.

Mr. LAUTENBERG. We are pleased to support the amendment, Mr. President.

Mr. DOMENICI. I yield back any time in opposition.

Mr. BYRD. Mr. President, I yield back any time I may have.

The PRESIDING OFFICER. The question is agreeing on the amendment of the Senator from West Virginia.

The amendment (No. 353), as modified, was agreed to.

Mr. BYRD. 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. BYRD. Mr. President, I wish to thank Senator DOMENICI and Senator LAUTENBERG for their consideration and courtesy and for their acceptance of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENTS NOS. 291, 350, 351, AND 356 WITHDRAWN

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 291 by Senator MURRAY, amendments Nos. 350 and 351 by Senator HARKIN, and amendment No. 356 by Senator ROBB be withdrawn.

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

The amendments (Nos. 291, 350, 351, and 356) were withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 have a series of amendments here that have been agreed to on both sides.

AMENDMENT NO. 354

(Purpose: To express the sense of the Senate regarding the extension of the Violent Crime Reduction Trust Fund through fiscal year 2002)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. BIDEN, for himself, Mr. BYRD, and Mr. GRAMM, proposes an amendment numbered 354.

Mr. LAUTENBERG. 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 RECORD of May 21, 1997.)

Mr. BIDEN. Mr. President, I want to commend President Clinton and congressional leaders on both sides for bringing before the Senate a balanced budget.

I also believe that this budget goes a long way toward protecting the key priorities I believe must be protected.

But, of all those priorities, I believe that none is more important than continuing our fight against violent crime and violence against women.

To a great extent, this budget resolution meets this test—but, in at least one area of this crime front, I believe the budget resolution must be clarified.

The amendment I am offering, along with Senators BYRD and GRAMM does exactly that—by clarifying that it is the sense of the Senate that the violent crime control trust fund will continue through the end of this budget resolution, fiscal year 2002.

I am particularly pleased that Senator BYRD—who, more than anyone, deserves credit for the crime law trust fund. Senator BYRD worked to develop an idea that was simple as it was profound—as he called on us to use the savings from the reductions in the Federal work force of 272,000 employees to fund one of the Nation's most urgent priorities: fighting the scourge of violent crime.

Senator GRAMM was also one of the very first to call on the Senate to put our money where our mouth was. Too often, this Senate has voted to send significant aid to State and local law enforcement—but, when it came time to write the check, we did not find nearly the dollars we promised.

Working together in 1993, Senator BYRD, myself, Senator GRAMM, and other Ssenators passed the violent crime control trust fund in the Senate. And, in 1994, it became law in the Biden crime law.

Since then, the dollars from the crime law trust fund have:

Helped add more than 60,000 community police officers to our streets;

Helped shelter more than 80,000 battered women and their children;

Focussed law enforcement, prosecutors, and victims service providers on providing immediate help to women victimized by someone who pretends to love them;

Forced tens of thousands of drug offenders into drug testing and treatment programs, instead of continuing to allow them to remain free on probation with no supervision and no accountability;

Constructed thousands of prison cells for violent criminals; and

Brought unprecedented resources to defending our southwest border—putting us on the path to literally double the number of Federal border agents over just a 5-year period.

The results of this effort are already taking hold:

According to the FBI's national crime statistics, violent crime is down and down significantly—leaving our Nation with its lowest murder rate since 1971;

The lowest violent crime total since 1990; and

The lowest murder rate for wives, ex-wives and girlfriends at the hands of their intimates to an 18-year low.

In short, we have proven able to do what few thought possible—by being smart, keeping our focus, and putting our money where our mouths are—we have actually cut violent crime.

Today, our challenge is to keep our focus and to stay vigilant against violent crime. Today, the Biden-Byrd-Gramm amendment before the Senate offers one modest step toward meeting that challenge:

By confirming that it is the sense of the Senate that the commitment to fighting crime and violence against women will continue for the full duration of this budget resolution.

By confirming that it is the sense of the Senate that the Violent Crime Control Trust Fund will continue—in its current form which provides additional Federal assistance without adding 1 cent to the deficit—for the full duration of this budget resolution.

The Biden-Byrd-Gramm amendment offers a few very simple choices: Stand up for cops—or don't; Stand up for the fight against violence against women—or don't; Stand up for increased border enforcement—or don't.

Every Member of this Senate is against violent crime—we say that in speech after speech. Now, I urge all my colleagues to back up with words with the only thing that we can actually do for the cop walking the beat, the battered woman, the victim of crime—provide the dollars that help give them the tools to fight violent criminals, standup to their abuser, and restore at least some small piece of the dignity taken from them at the hands of a violent criminal.

Let us be very clear of the stakes here—frankly, if we do not continue the trust fund, we will not be able to continue such proven, valuable efforts as the Violence Against Women law. Nothing we can do today can guarantee that we, in fact, will continue the Violence Against Women Act when the law expires in the year 2000.

But, mark my words, if the trust fund ends, the efforts to provide shelter, help victims, and get tough on the abusers and batterers will wither on the vine. Passing the amendment I offer today will send a clear, unambiguous message that the trust fund should continue and with it, the historic effort undertaken by the Violence Against Women Act that says by word, deed and dollar that the Federal Government stands with women and against the misguided notion that domestic violence is a man's right and not really a crime.

I urge my colleagues to support the Biden-Byrd-Gramm amendment.

Mr. LAUTENBERG. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 354) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 352, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENGERG], for Mr. KOHL, for himself and Mr. KERRY, proposes an amendment numbered 352, as modified.

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

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

If there is no objection, the amendment is so modified.

The amendment (No. 352), as modified, is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE EARLY CHILDHOOD EDUCATION.

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

(1) Scientific research on the development of the brain has confirmed that the early childhood years, particularly from birth to the age of 3, are critical to children's development.

(2) Studies repeatedly have shown that good quality child care helps children develop well, enter school ready to succeed, improve their skills, cognitive abilities and socioemotional development, improve classroom learning behavior, and stay safe while their parents work. Further, quality early childhood programs can positively affect children's long-term success in school achievement, higher earnings as adults, decrease reliance on public assistance and decrease involvement with the criminal justice system.

(3) The first of the National Education Goals, endorsed by the Nation's governors, passed by Congress and signed into law by President Bush, stated that by the year 2000, every child should enter school ready to learn and that access to a high quality early childhood education program was integral to meeting this goal.

(4) According to data compiled by the RAND Corporation, while 90 percent of human brain growth occurs by the age of 3, public spending on children in that age range equals only 8 percent of spending on all children. A vast majority of public spending on children occurs after the brain has gone through its most dramatic changes, often to correct problems that should have been addressed during early childhood development.

(5) According to the Department of Education, of $29,400,000,000 in current estimated education expenditures, only $1,500,000,000, or 5 percent, is spent on children from birth to age 5. The vast majority is spent on children over age 5.

(6) A new commitment to quality child care and early childhood education is a necessary response to the fact that children from birth to the age of 3 are spending more time in care away from their homes. Almost 60 percent of women in the workforce have children under the age of 3 requiring care.

(7) Many States and communities are currently experimenting with innovative programs directed at early childhood care and

education in a variety of care settings, including the home. States and local communities are best able to deliver efficient, cost-effective services, but while such programs are long on demand, they are short on resources. Additional Federal resources should not create new bureaucracy, but build on successful locally driven efforts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget totals and levels in this resolution assume that funds ought to be directed toward increasing the supply of quality child care, early childhood education, and teacher and parent training for children from birth through age 3.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 352), as modified, was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 302, 303, 304, 305, AND 306, EN BLOC, AS MODIFIED

Mr. DOMENICI. Mr. President, I send to the desk five Hollings amendments and ask that they be considered en bloc.

They are acceptable to this side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. HOLLINGS, proposes amendments numbered 302, 303, 304, 305 and 306, en bloc, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 302

At the appropriate place, insert the following:

SEC. . HIGHWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the Highway Trust Fund from the totals of the Budget of the United States government.

AMENDMENT NO. 303

At the appropriate place, insert the following:

SEC. . AIRPORT AND AIRWAY TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying the budget resolution that the Congress should consider legislation to exclude the receipts and disbursements of the Airport and Airway Trust Fund from the totals of the Budget of the United States government.

AMENDMENT NO. 304

At the appropriate place, insert the following:

SEC. . MILITARY RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the retirement and disability trust funds for members of the Armed Forces of the United States from the totals of the Budget of the United States government.

AMENDMENT NO. 305

At the appropriate place, insert the following:

SEC. . CIVIL SERVICE RETIREMENT TRUST FUNDS NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the retirement and disability trust funds for civilian employees of the United States from the totals of the Budget of the United States government.

AMENDMENT NO. 306

At the appropriate place, insert the following:

SEC. . UNEMPLOYMENT COMPENSATION TRUST FUND NOT TAKEN INTO ACCOUNT FOR DEFICIT PURPOSES.

It is the sense of the Senate that the assumptions underlying this budget resolution assume that the Congress should consider legislation to exclude the receipts and disbursements of the Federal Unemployment Compensation Trust Fund—

(1) should not be included in the totals of—

(A) the Budget of the United States government.

Mr. DOMENICI. I just make note of the fact they have been modified from those that were pending, and so when I send them to the desk, I assume I am requesting the modification, which I am entitled to.

The PRESIDING OFFICER. Without objection, the amendments are so modified.

Mr. DOMENICI. We disposed of Hollings, did we not?

The PRESIDING OFFICER. No, we have not.

Without objection, the Hollings amendments, as modified, are agreed to en bloc.

The amendments (Nos. 302, 303, 304, 305, and 306), as modified, were agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 325

Mr. DOMENICI. Mr. President, I have an amendment of Senator KIT BOND on the highway trust fund. It has been cleared on both sides. I send it 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 New Mexico [Mr. DOMENICI], for Mr. BOND, proposes an amendment No. 325.

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 text of the amendment is printed in the RECORD of May 21, 1997.)

Mr. BOND. Mr. President, I must start by saying that this is not an ISTEA amendment, this is not a formula amendment, this is not a 4.3 cents amendment, this is not an Amtrak amendment, this is not an off-budget amendment.

This is a sense-of-the-Senate amendment concerning reestablishing the linkage between the revenues deposited in the highway trust fund and transportation spending.

Mr. President, if I can take just a moment I want to read this short sense-of-the-Senate.

The Senate finds that—

One, there is no direct linkage between the fuel taxes deposited in the Highway Trust Fund and the transportation spending from the Highway Trust Fund.

Two, the Federal budget process has served this linkage by dividing revenues and spending into separate budget categories with fuel taxes deposited in the Highway Trust Fund as revenues; and most spending from the Highway Trust Fund in the discretionary category.

Three, each budget category referred to has its own rules and procedures.

Four, under budget rules in effect prior to the date of adoption of this resolution, an increase in fuel taxes permits increased spending to be included in the budget, but not for increased Highway Trust Fund spending.

It is the sense of the Senate that in this session of Congress, Congress should, within a unified budget, change the Federal budget process to establish a linkage between the fuel taxes deposited in the Highway Trust Fund, including any fuel tax increases that may be enacted into law after the date of adoption of this resolution, and the spending from the Highway Trust Fund. Changes to the budgetary process of the Highway Trust Fund should not result in total program levels for highways or mass transit that is inconsistent with those allowed for under the resolution.

This sense-of-the-Senate is self explanatory, but let me provide some background.

Mr. President, back in 1956 the Federal highway trust fund was established as a way to finance the Federal-Aid Highway Program. This was a dedicated trust fund supported by direct user fees/taxes. It was called a trust fund because, once the money went in, we were suppose to be able to trust that money would come back out for use on our roads, highways, and bridges.

However, the 1990 Budget Act eliminated the linkage between the revenues raised by the user taxes and the spending from the transportation trust fund. We know that we promised ourselves and our constituents that the highway user taxes deposited into the highway trust fund would be used for highways, but we now have an illogical process that does not always result in the desired outcome. With the process currently in place balances are accumulating in the trust fund and not being spent on the vitally important transportation needs we have.

To correct the problem, we must reform our budget process.

Mr. President, status quo is not sustainable.

Senator CHAFEE and I have introduced S. 404, the Highway Trust Fund Integrity Act. I know that not everyone agrees with the revenue constrained fund approach taken in that bill. However, I think everyone can agree with this sense-of-the Senate that we must work something out. We must establish the linkage to ensure that the taxes deposited into the highway trust fund are spend on transportation.

I share the concerns that many of my colleagues have—on both sides of the aisle—that we need to find ways to spend more on transportation. This budget resolution moves us closer to that goal. I want to thank the chairman of the Budget Committee and the ranking member for including in the budget resolution the assumption of spending all of the estimated highway trust fund tax receipts that comes in each year for highways.

All of us share the same belief that transportation funding is critical to our individual States and the entire country. Transportation links our communities, towns, and cities with markets. It links our constituents with their schools, hospitals, churches, and jobs. An effective transportation system will help move this country into the 21st century.

Mr. President, it is my hope that as this Congress moves forward on one of the most important and probably most difficult pieces of legislation—ISTEA—we also continue our efforts to ensure that ''trust'' is in the highway trust fund. I look forward to working with my colleagues to ensure that we do.

Mr. DOMENICI. I yield back any time on the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 325) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 321, AS MODIFIED

Mr. DOMENICI. Mr. President, I have a modification of Senator FAIRCLOTH's previously submitted amendment No. 321. It has been cleared by both our side and their side. I send it 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 New Mexico [Mr. DOMENICI], for Mr. FAIRCLOTH, proposes an amendment numbered 321, as modified.

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, as modified, is as follows:

At the end of title III, add the following:

It is the sense of the Senate that the provisions of this resolution assume that any revenue reconciliation bill should include tax incentives for the cost of post-secondary education, including expenses of workforce education and training at vocational schools and community colleges.

Mr. DOMENICI. I yield back any time on the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the amendment is agreed to.

The amendment (No. 321), 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. 348, AS MODIFIED

Mr. DOMENICI. I send to the desk on behalf of Senator KYL amendment No. 348, as modified. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. KYL, proposes an amendment 348, as modified:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ADDITIONAL TAX CUTS.

It is the sense of the Senate that nothing in this resolution shall be construed as prohibiting Congress in future years from providing additional tax relief if the cost of such tax relief is offset by reductions in discretionary or mandatory spending, or increases in revenue from alternative sources.

Mr. DOMENICI. I yield back any time.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 348), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 344—ADDITIONAL COSPONSORS

Mr. LAUTENBERG. Mr. President, I have a unanimous-consent request that Senators DASCHLE, HARKIN, and BUMPERS be added as original cosponsors to the Boxer-Durbin amendment No. 355.

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

FUNDING FOR NATURAL RESOURCE PROGRAMS

Mrs. BOXER. Mr. President, I would like to ask the distinguished ranking member of the Senate Appropriations Subcommittee on Energy and Water Development, Senator REID, and the distinguished ranking member of the Budget Committee, Senator LAUTENBERG, if they would respond to questions I have concerning funding for natural resource programs in the budget resolution for fiscal year 1998.

Mr. REID. I would be happy to respond to a question from the senator from California.

Mr. LAUTENBERG. I look forward to her question.

Mrs. BOXER. Let me first ask my friend and State neighbor, Senator REID, to recall the provision in last year's omnibus appropriations bill, that authorized the California Bay-Delta Environmental Enhancement and Water Security Act. The Act authorizes Federal participation in the CALFED Bay-Delta Program, which is charged with developing a balanced, comprehensive and lasting plan to restore and enhance the ecological health and improve water management in the Bay-Delta system. This program is a top priority of the State of California and has support from business, environmental and water users throughout the State. I would like to ask Senator REID, as the ranking member of the appropriations subcommittee with jurisdiction over this act, if he agrees with me that it is important to fund this program?

Mr. REID. I want to thank the Senator from California for bringing this issue to my attention. Indeed, I believe the Bay-Delta program serves as a national model on how we can bring environmental, agribusiness, and other water users to the same table with the goal of preserving our natural resources for many uses. I see the program has having a particular benefit for our Western States. If California restores its environment and improves its water supply reliability, then we relieve the pressure on the Colorado River and lessen any tensions among the seven Colorado River States. When California restores migratory bird habitat and provides water for wildlife refuges, the health of the Pacific flyway will be improved, benefitting States from Arizona to Alaska.

While the investments will be made in California, the benefits will be realized throughout the west. I look forward to working with the senator from California on the Bay-Delta project on the Appropriations Committee.

Mrs. BOXER. Thank you, Senator. Let me now ask our very distinguished ranking member of the Senate Budget committee, Senator LAUTENBERG, about the Bay-Delta program. Senator LAUTENBERG, as one of the negotiators involved in this current budget agreement and as a member of the Budget Committee leadership, is it your view that the amounts provided under the Natural Resources function in this Budget Resolution are sufficient to accommodate the President's request of $143 million in fiscal year 1998 to implement the California Bay-Delta Environmental and Water Security Act?

Mr. LAUTENBERG. Let me first also express my support for this critical program to protect California's Bay-Delta system. I do believe that the amount that the Budget Committee has provided under the natural resources function is sufficient to accommodate the funding of the California Bay-Delta Environmental Water Security Act.

Mrs. BOXER. I want to thank both of the Senators for their time to discuss the Bay-Delta project and, for their

support as fellow members of the Appropriations Committee, for the President's request for funding the program in fiscal year 1998.

FUNDING FOR VETERANS' PROGRAMS

Mr. SPECTER. Mr. President, I wish to comment on the impact this budget agreement will have on America's veterans, and to express my concerns that funding assumed under the agreement will not be sufficient to provide for adequate health care for America's veterans.

If it is approved, the budget resolution will require the Committee on Veterans' Affairs [VA] to report legislation which will reduce entitlement spending, over a 5-year period, by $2.7 billion compared to the budget baseline. That sounds like, and is, a substantial sum. However, I believe the committee will be able to meet this goal by extending the expiration dates of savings provisions already enacted as part of prior deficit reduction measures, and by agreeing to round down to the nearest dollar future cost-of-living adjustments.

No one is happy that controlling the deficit requires restrained growth in mandatory-account spending for veterans' benefits. But I am confident that the committee will be able to meet its mandatory spending instructions in such a way as to ensure that no provision in the final reconciliation bill will result in a veteran who receives a benefit this year not also receiving the same benefit next year. Indeed, even after the committee has complied with its reconciliation instructions, spending for veterans' benefits from mandatory accounts will increase each year the budget agreement is in effect.

I am also pleased that the proposed budget resolution permits the committee to report legislation which will allow VA to retain money it collects from private health insurance carriers when VA treats the nonservice-connected illnesses of veterans who have health insurance. Under current law, VA is required to bill insurance companies when it treats the nonservice-connected illnesses of insured veterans. However, VA is required to transfer the money it collects to the Treasury. Allowing VA to retain the money it collects will provide a real incentive for more efficient and effective collections.

However, the administration proposed its health insurance proceeds retention provision with a hook. The President, in requesting the authority to allow VA to retain health insurance proceeds, also proposed that VA receive, initially, a cut in appropriated funds for VA medical care and that appropriations be frozen at that reduced level over the succeeding 4 years. historically, VA has needed an increase of almost a half a billion dollars a year just to pay for VA employees' cost-of-living salary adjustments and for the increased costs of medical supplies and equipment.

In its April 24, 1997, ''Views and Estimates'' letter to the Budget Committee, the Veterans' Affairs Committee expressed its serious concerns about the wisdom of relying on an untested source of revenue—insurance collections—for a program as critical as veterans' health care. I continue to have that concern.

The budget resolution now before this body is even worse than the President's initial proposal. It does not merely carry forward the President's proposal to cut appropriations for VA medical care, and then maintain that reduced level of appropriations for 5 years. Under this proposal, VA discretionary spending in 1998 will be $400 million less than it was in fiscal year 1997, and $3.1 billion less than current levels over the 5-year term of the agreement, even after allowing for retained health insurance collections.

The cost of providing health care for veterans consumes over 417 billion of $18 billion plus in VA discretionary spending. Almost all of the rest of VA discretionary spending is expended on construction, medical research, and for the salaries of VA employees who process veterans' disability claims. There are no unimportant discretionary accounts with VA's budget. According to VA, each 4100 million pays for about 1,400 VA care givers, and for care for about 22,000 veterans.

In February, 1997, Dr. Kenneth Kizer, VA's Under Secretary for Health, announced an initiative to increase the number of veterans VA treats by 20 percent and to reduce VA's cost per patient by 30 percent. In time, reforms in the delivery of VA care may enable VA to absorb real reductions in health care funding. But those reforms have not yet taken root. Further, it takes money to make money. According to VA, reforms needed to achieve Dr. Kizer's ambitious goals will cost money to implement. If Congress reduces VA medical funding before VA's reforms are implemented, we should not be surprised if VA's goals of increasing the number of veterans treated, and reducing the average cost of treating each patient, are postponed or even abandoned. I believe that would be a false economy, and a tragedy for our veterans.

I recognize that discretionary spending assumptions are just that assumptions. The actual decisions will be made as the Congress debates and enacts appropriations bills to fund discretionary programs. The Appropriations Committee always faces heavy pressure to ensure adequate funding for VA medical care. This budget resolution will only increase that pressure.

Mr. President, 26 million American veterans will watch to see how—and if—the Congress will rise to the challenge presented by the discretionary spending assumptions affecting the VA in this budget resolution. I will fight to assure that adequate funding for veterans' health care is provided. In my estimation, appropriations for discretionary spending on veterans' programs, which are assumed under this budget agreement, are not sufficient. I intend to work hard, as chairman of the Veterans' Affairs Committee and as a member of the Appropriations Committee, to correct this inequity.

Ms. SNOWE. Mr. President, I am extremely pleased to have supported the amendment offered by my colleague from Florida, Senator MACK, which expresses the sense of the Senate that Federal funding for biomedical research should be doubled over the next 5 years. This amendment is based on a resolution which I cosponsored, Senate Joint Resolution 15—one of the first bills the Republican leadership introduced in the 105th Congress. That resolution, and the amendment we adopted last night, sends a message to the American people, as well as to scientists and policy makers, that Congress is committed to enhanced funding for this crucial research.

Americans consistently identify increased funding for medical research as something they believe should be a national priority. They want researchers to unravel the mysteries of cancer, Alzheimer's disease, Parkinson's, cystic fibrosis, heart disease, HIV, multiple sclerosis, and countless other diseases which plague Americans today. And they do not want their national leaders or scientists to rest until there is a cure.

We must bring the full force of our country's tremendous resources to bear on these diseases in the same way we rallied to be the first to set foot on the Moon. We are a nation that has split atoms, sent probes to the far reaches of the solar system, and eradicated polio from the face of the Earth. We ought to be able to conquer these diseases.

Over the years, we have increased our Federal commitment to medical research. For example, 25 years ago, Congress allocated just $400 million to the National Cancer Institute. Today, total funding for cancer research at the National Institutes of Health for this fiscal year is $2.7 billion. This represents an increase of close to 700 percent. And this infusion of Federal funding is working. For the very first time since cancer mortality statistics were first collected in 1930, mortality rates from cancer are actually decreasing.

Researchers are beginning to isolate the genes responsible for various diseases at a seemingly breathtaking speed, and gene therapy may someday offer exciting new treatments—or even a cure—for these diseases. Scientists are beginning to understand the very workings of cancer cells, and immunotherapy may offer cancer sufferers new hope. But how this knowledge may someday be translated into benefits for everyday Americans is yet unknown. We need to increase Federal funding so that we can capitalize on these important breakthroughs.

Throughout my tenure in both the House and Senate, I have worked hard to increase funding for medical research. In fact, on the first legislative day of this session, I introduced a bill

which would raise the reauthorization level for breast cancer funding to a record $590 million. The Mack resolution demonstrates the very same commitment to ensuring that Americans no longer suffer from diseases that cut their lives short and cause undue suffering. Our enhanced investment in medical research will save countless lives and health care dollars, and alleviate suffering in millions of Americans.

ACCURATE MEASURE OF THE COST OF LIVING

Mr. KERREY. Mr. President, this budget may solve our short-term budget problems, but my concern remains that it does not do enough about the long-term budget problems we face. If we want to keep the budget in check over the long-haul, we need to adopt policies that will slow entitlement spending in a rational, equitable way.

At present, we use the Consumer Price Index [CPI] to determine cost-of-living adjustments in our Federal tax and entitlement programs. There is wide, although not universal, agreement among leading economists, that the CPI overstates the cost-of-living and should be adjusted. Indeed the December 4, 1996 final report to the Senate Finance Committee from the Advisory Commission to Study the Consumer Price Index concluded that:

> The Commission's best estimate of the size of the upward bias looking forward is 1.1 percentage points per year. The range of plausible values is .8 to 1.6 points per year.

Mr. President, we ought not to make the problems we face in funding our entitlement programs even worse by paying benefits based on an overstated cost of living. Spending on entitlement programs is already crowding 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, research and development, and other infrastructure spending.

If steps are not taken to reverse this trend, nearly all Federal revenues will be consumed by entitlement spending and interest on the debt shortly after the year 2000. By 2030, revenues may not even cover entitlement spending, much less interest on the debt or a single dollar of discretionary spending. This is an unsustainable trend.

Adjusting the cost-of-living adjustments triggered by the CPI, by 1 percentage point, would produce nearly a trillion dollars in savings over 12 years and $46 billion in 2002 alone. To illustrate what just half of this amount—$23 billion—in domestic discretionary spending could fund, I have a list of programs and what they will cost in inflation-adjusted numbers in 2002. This entire list of programs could be funded by half of a 1 percentage point reduction in CPI, with money to spare.

I ask unanimous consent that the list be printed in the RECORD.

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

	Cost in fiscal year 2002
Cleaning up environmentally damaged sites	[1] $6.356
Head Start	[1] 4.455
Agriculture Research	[1] 2.005
National Park Service	[1] 1.770
Safe Drinking Water	[1] 1.425
Superfund	[1] 1.421
Fish and Wildlife Service	[1] 1.417
Clean Water Programs	[2] .736
NSF Education and Human Resources	[2] .682
Education Technology	[2] .370
Solar and Renewable Energy	[2] .281
Violence Against Women	[2] .214
Juvenile Justice Program	[2] .185
National Endowment for the Humanities	[2] .123
National Endowment for the Arts	[2] .111
Total in billions of dollars	21.551

[1] In billions of dollars.
[2] In millions of dollars.

Mr. KERREY. Expressed another way, $23 billion could fund nearly all of the Highway Trust Fund—$25.2 billion in 2002—or all of NIH—$14.294 billion in 2002—and all of EPA—$7.398 billion in 2002.

Mr. President, if we are making a mistake, we ought to correct it. Surely if it was almost universally believed that we were understating the cost-of-living, we would have already taken care of that problem. Although the time for making this change this year appears to have passed, I hope that the distinguished chairman and ranking member of the Finance Committee will continue their fine work to see that we correct this error sooner, rather than later.

LAND AND WATER CONSERVATION FUND

Mr. MURKOWSKI. Mr. President, I rise today to speak about the additional $700 million appropriation for the Land and Water Conservation Fund [LWCF] included in the balanced budget agreement. While I commend the President and congressional leadership for recognizing the importance of the LWCF, I have concerns that this additional appropriation will not be spent on the priorities for which the LWCF was established.

I urge congressional appropriators not to use this additional LWCF money on a handful of large projects, including the acquisition of Headwaters Forest in California and the New World Mine in Montana. Those projects were identified as priority land acquisitions by politicians, not by Federal land managers. Rather, I urge the appropriators to spend this additional LWCF money as the Land and Water Conservation Act directs on the hundreds of priority land acquisitions and local recreation projects identified by Federal land management agencies and the States.

As originally envisioned, the administration planned to acquire the Headwaters and the New World Mine through land exchanges. Now, under the terms of the budget agreement, these lands would not be acquired by land exchange but by purchase.

Mr. President, this change sets a horrible precedent. It is bad public policy, and the Congress should not be a partner in this land grab, as now proposed. I also fear that these land grabs, which do not involve public participation and which are inconsistent with land management plans, may become the norm as opposed to the exception.

Recently, the President announced the creation of the 1.7 million acre Grand Staircase-Escalante National Monument in Utah. He made the same sort of promises from Arizona that he made in Yellowstone when he spoke about the controversy surrounding the New World Mine. The Utah National Monument lands contain 176,000 acres of school trust lands that contain approximately 1.54 billion dollars' worth of coal deposits which, if extracted, would fund the Utah school systems. The President indicated that other Federal lands in Utah would be made available, and the schoolchildren in Utah would not be hurt by the creation of the National Monument. There are apparently no plans to complete land exchanges in Montana or California, and the taxpayers are going to take another hit for Presidential promises. One only has to wonder what we are going to do to make the schoolchildren of Utah whole. If we begin by fully funding the acquisitions at Headwaters and the Mine, how do we ignore Utah when the President decides to just buy them out. This is not how Congress intended for the Land and Water Conservation Act to be used.

Over 30 years ago, in a remarkable bipartisan effort, Congress and the President created the LWCF. The LWCF provides funds for the purchase of Federal land by the land management agencies—the Federal-side LWCF program—and creates a unique partnership among Federal, State, and local governments for the acquisition of public outdoor recreation areas and facilities—the State-side LWCF program. The LWCF is funded primarily from offshore oil and gas leasing revenues which now exceed $3 billion annually, and has been authorized through the year 2015 at an annual ceiling of $900 million.

However, LWCF moneys must be annually appropriated. And, despite the increase in offshore oil and gas revenues, the LWCF has not fared well in this decade. Expenditures from the LWCF have fluctuated widely over its life but have generally ranged from $200 to $300 million per year. In the 1990's, total appropriations to both the Federal and State sides of LWCF steadily declined from a high of $341 million during the Bush administration to $149 million in fiscal year 1997.

Most significantly, all of the fiscal year 1997 appropriation was for the exclusive purpose of Federal land acquisition. In 1995, Congress and the President agreed to shut down the State-

side LWCF program. For fiscal year 1998, the President has requested $165 million for Federal land acquisitions and only $1 million for monitoring previously funded State-side projects. The President did not request any funds for new State-side projects.

Mr. President, I believe the additional appropriation provided for in the budget agreement presents a significant opportunity to right those misguided decisions on the use of the LWCF.

The State-side of the LWCF has played a vital role in providing recreational and educational opportunities to millions of Americans. State-side LWCF grants have helped finance well over 37,500 park and recreation projects in all 50 States, including campgrounds, trails, and open space.

The availability of these outdoor recreation facilities is critical to the well-being of Americans. People who participate in outdoor recreation activities, whatever the activity, are happier and healthier. Recreation is an important component of our economy. Moreover, while trips to our National Parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In fiscal year 1995, the last year for which the State-side LWCF grant program was funded, there were nearly 3,800 applications for State-side grants. Unfortunately, there was only enough money to fund 500 projects. The demand for those local recreation resources is increasing.

That is why stateside LWCF grants are so important. Stateside LWCF grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for stateside LWCF grants, these grants provide vital seed money which local communities use to forge partnerships with private entities. In the absence of the grants, I fear local park and recreation services will fail to meet the ever-growing demands of the American public, and the Federal Government will be asked to fill the void—a role the Federal Government cannot, and should not, play.

At the same time, the Federal land management agencies have identified, through their planning processes, the lands they would like to purchase for inclusion in the Federal estate. Again, the purchases would be made with LWCF moneys. The lands often are in holdings in national parks or forests. Or, they may be lands with unique characteristics which the Federal land managers believe should be owned by the Federal Government. Interestingly, neither Headwaters Forest nor the New World Mine meet these criteria. Rather, both the Headwaters Forest and the New World Mine, have been labeled as Federal land priorities according to the politicians, not to the professional land managers.

The budget agreement, as interpreted by the Clinton administration, would ignore hundreds of prioritized projects and focus on a handful. The $315 million the President would like to spend on Headwaters Forest and New World Mine could be spent on hundreds of park and recreation facilities throughout the Nation. Would the American people rather own 5,000 acres in California and a mine in Montana, or park and recreation facilities Americans can enjoy on a daily basis?

Why should Congress bail out the administration because it could not fulfill the terms of deals it made on its own for the acquisition of Headwaters Forest and New World Mine?

Once again, when he announced each of those deals, the President promised the lands would be acquired through land exchanges. We stand ready to work with the President on land exchanges to accomplish his priorities in Montana and California. But this should be a process where the President and Congress work together. Instead, those who have been waiting for years for the Government to acquire their lands, as they were promised when we incorporated private lands into national parks and forests, will just have to wait. Moreover, children throughout urban America may not have a park to play in or bike trail to ride on because their money was spent on the old growth redwoods in California and the New World Mine in Montana

We have held no hearings on the New World Mine. There have been no hearings on Headwaters. Congress has not been a participant in this process. In fact, most of us know little about the two proposals. On the other hand, we know quite a bit about the stateside of the LWCF. All of our constituents and all of our States have benefited from new greenways, trails, scenic pathways, bicycle trails, parks, recreation facilities, ball parks, open spaces, and the list goes on and on and on.

Mr. President, I encourage my friends on the Appropriations Committee to seriously evaluate the President's proposal in light of the priority projects that could otherwise be funded under the LWCF. We have an opportunity to save and enhance a program that has proved to be beneficial to all Americans. Let us weigh the pros and cons, and be mindful of the dangerous precedent we will set if we just swim merrily along with the President into his ocean of land acquisition.

Unfortunately, the majority of city kids will never see the Headwaters or the site of the New World Mine. But a majority of city kids will see and be able to experience the results of the LWCF if properly applied. Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, during my tenure in the Senate, I have long been concerned about our Nation's economic fundamentals and long-term competitive and economic vitality. During the 1980's, budget deficits roared upward as both spending increased and major tax cuts were enacted. As Senator HOLLINGS mentioned here last night, it can be an intoxicating combination to slash taxes for constituents while pumping up spending. This is what we did in those years. In a way, we just stole from the future, from our childrens' future and from the strength of the economy that they will live in.

Fortunately in 1993, we turned this trend around. Since passage of the 1993 budget, our Nation has shaved $2.5 trillion off of our budget deficit. This is a stunning turnaround for our country, and we are on the verge of achieving the kind of balance and fiscal responsibility that I have been fighting for these many years. If the truth be told, this balanced budget resolution, which we are debating now, is rather modest and only cuts another $207 billion off during the next 5 years. This is a tenth of what we accomplished in 1993. However, this resolution is vastly better than the draconian and unfair budget package the Republican majority tried to pass in 1995.

Our fiscal prudence has brought down interest rates, helped increase investment and business activity, and increased our employment levels dramatically. Continuing this trend makes sense for our Nation and makes sense for New Mexico.

Balancing the budget is an important component of fiscal health—but we would be making a great mistake—to think that this solves all of our economic problems. We need to know the details of the tax framework, which we will soon debate, to fully understand how this budget will impact the lives and quality of life of our citizens. New Mexico is still trailing much of the Nation, and has a long way to go before my State will share as it should in the growth of this economy. New Mexicans have the lowest level of pension coverage in the Nation; the lowest level of health care coverage; the highest poverty rate in the Nation and the only State in the Nation to worsen its poverty level during the last 2 years; we also have the highest unemployment levels west of the Mississippi.

New Mexico is not expecting large hand-outs to improve its situation—but we need to be sure that the budget framework we are debating here—and the follow-on tax bill, which represents the small print at the bottom of the contract—impacts New Mexico fairly in relation to other parts of the Nation. I want to make sure that we invest in education, which provides the best chance for the people of my State to get ahead. And I want to make sure that any tax cuts we provide are responsible, equitable, and reward the hard working families in New Mexico and across the country.

While I support this budget, we need to be honest about the fact that this budget does not deal with the looming challenge of increased Social Security and Medicare entitlement spending caused by the aging of the Baby Boom generation. Also, we are not incorporating any structural changes in our

defense spending. In fact, it is hardly reflected in this budget that the Soviet Union has dissolved and that strategic threats to our Nation have dramatically decreased. Our defense strategy seems to be primarily the product of inertia.

Although the details of the accompanying tax bills are not yet clear, there are some items that concern me greatly. First, I am concerned that the $500 per child tax credit is not clearly specified as refundable. If this is not refundable, it means that low-income working families in New Mexico will not significantly benefit from this provision and will largely help those who are already better off in our society; 45 percent of the tax filers in New Mexico have adjusted gross incomes below $15,000; 70 percent have income levels below $30,000. This means that the majority of those in my State—and probably others—will not benefit much from this per child tax credit unless we make this credit refundable.

In the areas of capital gains relief, inheritance tax exclusions, and IRA tax cuts, I see something very dangerous brewing that we must not allow to happen. While I don't want to see Medicare cuts made just to put money in the pockets of the wealthy, I can support reasonable tax cuts—as long as they do not come at the expense of achieving real balance in our budget or at the expense of improving our schools or environment. But in this deal, $85 billion in cuts is pledged during the first 5 years of the agreement—and nearly double that amount, $165 billion, is pledged in the following 5 years, 2003–7. Given that the tax cuts are priced at $42 billion in the 10th year of this program—and are increasing at a rate of $5 billion a year during the last 3 years—we can logically anticipate tax cuts in the vicinity of $500 billion or more, or over half a trillion dollars, during the next 10 years 2008–17.

What is alarming about this is that if the numbers I just cited are believable, then all of this celebration on balancing the budget could be premature. The effect of a tax package with these characteristics would be to reduce taxes on well-off Americans by half a trillion dollars, while leaving middle and lower income working Americans with very little relief. A half trillion dollar reduction in our Federal revenues could throw our budget again into substantial deficit. And just at the time that we have discovered that we are once again living beyond our means, then the crushing entitlement costs of retiring Baby Boomers will hit us.

I hope we can develop a tax bill that will avoid this result—and I am confident that this budget resolution can be complied with in a fiscally responsible manner.

EDUCATION

As others have said before me, this budget resolution and the balanced budget agreement should be applauded for including many key education programs, including provisions such as increases in Pell grants to $3,000 per student, a new $35 billion program to help more students attend college, and substantial increases in funding for education technology, Goals 2000 grants to States, and other programs to help improve elementary and secondary education.

Despite these important elements, however, I believe there are at least two key remaining issues we should address if we hope to make this resolution a blueprint for a more effective system of public education.

The first of these education issues is school construction. Our schools' need for funding for school repair and construction is perhaps the most obvious and compelling need that is ignored in this resolution.

With a student population that is 47 percent rural and a significant portion of the Nation's BIA schools, New Mexico is facing a school construction problem that exceeds that of many other States. Over 90 percent of New Mexico's schools need to upgrade or repair onsite buildings; 44 percent of districts report having at least one building in need of serious repair or replacement. And as one of the fastest-growing States in the Nation, over 70 percent of our high school students are forced to attend schools that are as large or larger than the 900-student maximum at which student achievement begins to deteriorate.

For this reason, I am an original cosponsor of the Moseley-Braun amendment to restore $5 billion in funding to help local school construction efforts.

A second educational issue we need to address is rigorous standards for students receiving tuition tax deductions. Now that the President and the leadership have agreed on the need to develop a new $35 billion program to help more students go on to college, it will be essential to ensure that these students are prepared to succeed once they arrive.

For the proposed $10,000 tax deduction, we need to find uniform and rigorous measures of academic preparedness to ensure that these funds are being used effectively.

A clear measure of academic preparation is necessary because it is increasingly clear that fewer and fewer of those enrolling are receiving adequate preparation to meet the challenge of college-level work. And as a result, more and more students are dropping out, taking remedial courses, or struggling academically.

However, linking eligibility for these tax benefits to a student's grade point average—whether it be in college or in high school—ignores the fact that grades are not a sufficiently uniform or rigorous measure, given the decentralized nature of our schools and colleges.

We need to consider more uniform measures, including widely used examinations and adaptations of other assessments for high school students that may be available. Without taking reasonable steps to ensure the academic readiness of students, this new investment to encourage more students to attend college could be a cruel and expensive hoax.

I look forward to working with my colleagues to address this issue when the tax bill is being considered later this year.

Mr. President, I will support passage of this budget resolution and am glad that we are finally closing in on a balanced budget and the kind of fiscal responsibility that benefits our Nation and our people. But I support this resolution somewhat concerned about the implementing language. If we are not careful, we could adopt legislation which institutionalizes a disparity between what we raise and what we spend.

I pledge my best effort to see that the end result of all these efforts is of benefit to working families in my State and it is the hope that we will arrive at such an end result that causes me to vote ''Aye'' on the resolution.

Mr. ROTH. Mr. President, I am pleased that this budget agreement includes my proposal to give Amtrak a capital fund. My proposal creates an Amtrak reserve fund which would give Amtrak the capital funds that it needs to survive. Amtrak is currently borrowing to meet payroll and if additional capital funding is not provided, Amtrak President Tom Downs, has testified that the company will not survive beyond mid-1998.

Let me be clear. This reserve fund is not my first preference. Amtrak today needs funding that I would prefer to do through direct spending. However, this reserve fund language is a compromise with the chairman of the Budget Committee to ensure that the Appropriations Committee will continue to have complete control over the funding of Amtrak.

Our compromise language would allow spending caps for passenger rail to be raised by the amount of revenue raised in the Senate Finance Committee. It is the first step, and a very critical step, for ensuring that Amtrak would be able to receive the capital funds, subject to the appropriations process, it needs to survive.

This provision does not create a trust fund nor ensure the creation of a trust fund for Amtrak. It is merely a placemark in the budget which provides that should money be raised for Amtrak, the spending caps would be raised by that amount.

Three more steps are required if Amtrak is to see a capital fund:

First, legislation must be enacted to create a fund; second, legislation must be enacted which pays for the fund; and finally, once all these steps have been accomplished, the appropriators must act to fund Amtrak. Let me reiterate, that the fate of Amtrak will continue to be in the appropriators' hands.

Again, this is the first significant step to allow for a creation of a fund for Amtrak this year. This provision is

necessary so that the creation of such a fund would not be in violation of the Budget Act. It merely creates room in the budget to allow spending from the rail fund, provided money is raised to finance this fund.

Let me also say that this provision does not in any way put funding ahead of legislative reforms for Amtrak. Many Senators supporting this provision also support legislative reforms. I believe Amtrak must be able to operate like a business. Amtrak needs these reforms and they must be enacted this year. Senator HUTCHISON has recently introduced a major reform package which I generally support. I believe any additional capital funding must be done in conjunction with this reform package. This Amtrak reserve fund would not prevent this from happening. Again, the provision we are debating today merely says that should a trust fund be created and funded, there would be room in the budget.

Also, this provision does not rely on the transfer of a half-cent from the 4.3 cent per gallon motor fuels tax. It has nothing to do with the 4.3 cent per gallon motor fuels tax. This reserve fund would be financed without such a transfer. My goal, however, would be that total capital funding for Amtrak would equal the revenues derived from a half-cent.

Mr. President, we cannot lose our national passenger rail system. If something is not done to give Amtrak the capital funds it needs, Amtrak will not survive. This is not an idle threat. GAO has testified before my committee that this is the case. Amtrak President Tom Downs has testified that the company would not survive past 1998. Amtrak's financial report proves it. The question before us is whether or not we want this country to have a national passenger rail system. If we want a national system, we must give Amtrak a secure capital funding source. This provision is the first step in creating such a fund.

Mr. President, all major modes of transportation have a dedicated source of capital funding, except for intercity passenger rail. Amtrak needs a similar capital funding source to bring it's equipment, facilities and tracks into a state of good repair. Much of Amtrak's equipment and infrastructure has exceeded its projected useful life. The costs of maintaining this aging fleet and the need to modernize and overhaul facilities through capital improvements to the system are serious financial challenges for Amtrak. This provision is the first step in helping to reverse these problems and give Amtrak the resources necessary to meet its capital investment needs.

Mr. President, GAO, Amtrak, and the National Commission on Intermodal Transportation have called for a secure source of capital funding for Amtrak. I believe that now is the time for this Congress to reverse our current policy that favors building more highways at the expense of alternative means of transportation such as intercity passenger rail. Despite rail's proven safety, efficiency, and reliability in Europe, Japan, and elsewhere, intercity passenger rail remains severely underfunded in the United States. In fact, over half of the Department of Transportation's spending authority is devoted to highways and another quarter to aviation; rail still ranks last with roughly 3 percent of total spending authority.

Last year we spent $20 billion for highways while capital investment for Amtrak was less than $450 million. In relative terms, between fiscal year 1980 and fiscal year 1994, transportation outlays for highways increased 73 percent, aviation increased 170 percent, and transportation outlays for rail went down by 62 percent. In terms of growth, between 1982 and 1992 highway spending grew by 5 percent, aviation by 10 percent, while rail decreased by 9 percent.

A problem that is going to increase is the congestion on our roads. Between 1983 and 1990, vehicle miles traveled increased nationwide by 41 percent. If current trends continue, delays due to congestion will increase by more than 400 percent on our highways and by more than 1,000 percent on urban roads. Highway congestion costs the United States $100 billion annually, and this figure does not include the economic and societal costs of increased pollution and wasted energy resources.

Air travel is equally congested. Commercial airlines in the United States presently transport over 450 million passengers each year. A recent transportation safety board study revealed that 21 of the 26 major airports experienced serious delays and it is projected to get worse. Again, the costs are enormous. A 1990 DOT study estimated the financial cost of air congestion at $5 billion each year, and it expects this number to reach $8 billion by 2000.

Congestion is a problem and it must be addressed. However, the current path we are on directs more money for highways and airports. For us in the Northeast, building more roads is simply not an option. We do not have the land nor the financial resources to build more highways or more airports. For these reasons, we must provide more than just good roads but a good passenger rail system as well.

Adequately funded passenger rail can successfully address highway gridlock and ease airport congestion. Passenger rail ridership between New York and Washington is equal to 7,500 fully booked 757's or 10,000 DC–9's. Between New York and Washington, Amtrak has over 40 percent of the air-rail market.

Improved Northeast rail service will also have the same positive impact on road congestion. The 5.9 billion passenger miles were taken on Amtrak in 1994. These are trips that were not taken on crowded highways and airways. Improved rail service in the Northeast is projected to eliminate over 300,000 auto trips each year from highways as well as reduce auto congestion around the airports.

Improved rail service will also have a positive effect on rural areas. Twenty-two million of Amtrak's 55 million passengers depend on Amtrak for travel between urban centers and rural locations which have no alternative modes of transportation.

Mr. President, now is the time to invest in our rail system.

Opponents of this language say that we should stop subsidizing Amtrak. Amtrak needs to be self-sufficient.

I would like to see that happen, but to date, I am not aware of any transportation system that supports itself without Federal assistance. Further, I am not aware of any transportation system that supports itself through user fees. According to the Department of Transportation, in fiscal year 1994 nearly $6 billion more was spent on highways than was collected in user fees.

In fiscal year 1995 nearly $8 billion more was spent on highways than was collected in taxes. Transit which is exempted from the motor fuels tax, received $3 billion in revenues in motor fuels revenues last year. I repeat, no mode is self-financed.

If we want a national passenger rail system, we must fund it properly. This provision is an important step to give Amtrak the capital funds it needs to survive.

Mr. ROCKEFELLER. Mr. President, I have made the decision to vote in favor of the budget resolution before us to achieve a balanced budget and invest in key priorities for the country. This is not a vote to claim that this budget plan is perfect or a replica of the specific way I would best like to see the budget balanced and my own State's needs addressed. However, as a result of President Clinton working with Congress to reach this agreement, this plan represents a responsible course for completing the job of deficit reduction and launching essential steps for our future.

This budget plan is also a victory against the dangerous and reckless efforts we have seen over the past 2 years in the name of balancing the budget, reforming Medicare, and other attractive but misleading labels. I am extremely proud and now relieved that some of us succeeded in defeating the extreme cuts proposed in the budget plans offered by Republicans that would have done such grave damage to Medicare, education, infrastructure, and other priorities. The Republican plans literally raided Medicare to pay for tax cuts for the wealthy, and would have put crushing burdens on working families and our communities that were totally unnecessary and wrong.

This budget plan now before us is possible because of the tough choices and hard work done by President Clinton, with the sole help of Democrats and not a single Republican vote, in 1993 to enact a historic package of deficit reduction and economic growth

measures. Instead of the horrors predicted by opponents, that 1993 budget and economic plan cut the deficit from $290 billion to $67 billion. Over the past 4 years, we have watched the economy grow steadily, interest rates come down and stabilize, inflation remain low, and unemployment reach record lows.

Some of the critics of the bipartisan budget agreement before us now seem to be upset because this plan doesn't hurt enough. Since when is pain or sacrifice the goal of a Federal budget? The goals should be fairness, balance, priority-setting, and investment as we hammer out a budget that also adheres to fiscal discipline. And the reason we can now proceed to finish the job of balancing the budget is because some of us have been hard at work over the past years to limit spending, set priorities, and make the real choices.

This budget agreement is a plan with the necessary spending cuts and reform to balance the budget, with investments in urgent needs that Americans want us to address. This means accepting tradeoffs and limits. In fact, I have been obligated to vote against certain amendments in the past few days to increase spending in areas that I have a strong commitment to, from childrens programs to highway spending. But in order for this agreement to go forward, and enable us to fill in the details and even work out revisions, I feel a responsibility to help the bipartisan leadership maintain the fabric of this agreement.

Mr. President, I am especially pleased that this agreement includes $16 billion for expanding health care coverage for children. My hope is that this will translate directly into enacting the legislation introduced by Senator CHAFEE and myself, with broad, bipartisan support, to use the Medicaid Program to insure up to 5 million children with the most urgent needs. Our approach would build on a foundation that serves children and families well, in a cost-effective and targeted manner.

As the former chairman of the National Commission on Children, I view this budget agreement as the bipartisan commitment needed to fulfill other parts of the agenda we recommended to make children a higher priority in deeds, not just rhetoric, in America. With the education tax cuts promised for families, a children's tax credit, and more investment in early childhood and education, along with the childrens health care initiative promised, we can make sure this country prepares more of the next generation to be ready for the incredible challenges ahead of us.

Mr. President, while I generally support the provisions of the balanced budget resolution, I want to make a special point of the fact that I take strong exception to the proposed funding for veterans. It is my view that veterans, who have sacrificed for this country, are carrying a disproportionate share of the burden to balance the Federal budget.

As the ranking member of the Senate Veterans' Affairs Committee, this part of the budget is the area that I have a special responsibility to review in great detail. In addition, it affects West Virginians in countless ways. It is a sad statement that spending for veterans was not included in the list of protected programs by the President or congressional leadership. The result is that veterans benefits and services have been cut. In fiscal year 1998, discretionary veterans programs covering medical care, construction, and general administrative expenses will be decreased by $132 million in fiscal year 1998. To me, this represents a serious cut in veterans programs. Veterans groups and their advocates have agreed over the years to pull their weight in a concerted effort to balance the budget. However, this agreement does not reflect a sense of fairness. Aside from the deep cuts in Medicare and Medicaid and receipts from spectrum sales, veterans face the largest cuts in programs, and this is unacceptable.

The budget resolution effectively flatlines the Department of Veterans Affairs' [VA] medical care appropriation to $16.959 billion over the next 5 years, and in an attempt to supplement this funding shortfall, builds in a new revenue stream.

For the first time, VA will retain all third-party payments collected from insurance companies, and the budget agreement assumes that these fees will be available to support discretionary spending for VA medical care. In policy, I have always supported retention of these so-called Medical Care Cost Recovery [MCCR] collections on the basis that these collections would enhance medical services for veterans. Unfortunately, even with these new funds—$604 million in fiscal year 1998—the resulting level of funding would not be sufficient to support current services in fiscal year 1998. Projected out-year medical care spending would rise by less than one-half of one percent, while at the same time, the number of unique patients VA treats is projected to rise at an average annual rate of over 3.5 percent. If this same growth rate were applied to Medicare, America's seniors would rightly be marching on the Capitol.

Mr. President, I want my colleagues to know that when we speak of the funding level for VA medical care, we are really talking about such concerns as the long-term care needs of our World War II and Korean war veterans, the health care needs of ailing Vietnam and Persian Gulf war veterans, specialized services provided to veterans who are catastrophically disabled, and basic health and preventive care services provided to all our veterans.

Under the budget agreement, veterans seeking medical care from the VA would be dependent upon uncertain funding, including a base appropriation which is $54 million less than the previous year; an untested plan to secure funding from insurance companies; and another controversial proposal, Medicare reimbursement, which will require congressional approval. I believe that the Government can be fiscally responsible and reduce the Federal deficit and debt, and still fulfill our commitment to our Nation's veterans. Asking veterans to rely upon tenuous funding mechanisms for their medical care does not meet this basic criteria.

This proposed level of funding will also be particularly troublesome in those areas of the country which are losing VA health care funding as part of VA's new resource allocation model. Those facilities which are already slated to lose resources, including the Clarksburg VA Medical Center in my home State, will be hit even harder by the low level of fiscal year 1998 funding.

Mr. President, some have viewed this budget agreement as a victory for veterans. This is simply a misunderstanding of the facts. Veterans groups know and understand that a frozen appropriation coupled with cuts in other programs will translate into a reduction of services and benefits, and I understand that they will be opposing the resolution. I will be working throughout the appropriations process to assure that these cuts are diminished. In sum, the appropriators will have to do better if we are to honor our commitment to veterans.

Before concluding, I also warn my colleagues who are such strong proponents of capital gains and estate tax relief that these requirements are going to be subject to intense scrutiny by Americans who have every right to ask some tough questions. When working families struggle as hard as they do to make ends meet and give their children opportunities to succeed, they want to see a Federal budget with priorities that make sense.

Every year, when faced with the budget process and debate, I have to weigh the various principles and goals that guide me in all of my work as the Senator of West Virginia. I have fought certain plans and proposals strenuously, because of their tilted and unfair approaches. In the case of the budget agreement before us, I believe it is an effort that should go forward. It is a work-in-progress, and I will be working hard to improve it. But at the same time, it captures the basic goals that the people of West Virginia and the country are asking us to pursue. We need to complete the job of balancing the budget. We also need to take new steps to address the opportunities and needs of Americans, in education, health care, research, and other key areas. With a bipartisan budget agreement resolved to pursue these goals, I will vote to get the job underway.

Mr. FEINGOLD. Mr. President, this is a notable occasion.

We are adopting a bipartisan budget plan, an uncommon event, made even more exceptional because that plan outlines a path toward achieving balance in the unified budget.

As others have noted, this budget resolution is not perfect.

No one of us would have proposed precisely the same combination of provisions we have in this resolution, that is the nature of political compromise.

The result, however, is a package of provisions that does provide the opportunity to reach balance.

Mr. President, balancing our budget has been my highest priority as a Member of this body.

I ran on that issue in 1992, and I am pleased that we will enact a budget outline that puts us on track to achieve that goal.

Mr. President, it is important to note that this agreement would not have been possible without the President's deficit reduction package enacted in 1993.

Some now estimate that package achieved approximately $2 trillion in deficit reduction between 1993 and 2002.

By contrast, the deficit reduction achieved in this year's budget outline is much smaller, but it is still an important accomplishment.

Mr. President, I think it also needs to be said this important accomplishment was achieved without amending our Constitution.

Indeed, I am convinced that the lack of a constitutional amendment pushed both sides to get the job done right now.

No one was able to say to their constituents: ''Well, we passed a constitutional amendment to balance the budget, now it's up to State legislatures.''

Mr. President, we still have a ways to go.

This budget resolution is only the beginning; we still have to enact the necessary spending cuts to reach balance.

More importantly, our longer-term budget prospects need much more serious work.

In fact, my biggest concern is that the agreement leaves enough room for either or both sides to push tax or spending policies that worsen our longer-term budget prospects.

I am particularly concerned that while the tax cut agreement may look sustainable in the budget resolution, it may become entirely unsustainable in the long-run, and only aggravate the serious budget problems we know we will face with the retirement of the baby boomers.

We all must continue the bipartisan commitment reflected by this budget agreement to ensure the resulting tax and spending legislation does not undermine either the immediate goal of that agreement—balancing the unified budget—nor our ability to take the next critical steps—enacting necessary entitlement reform, balancing the budget without relying on the Social Security trust funds, and beginning to reduce our national debt.

Mr. President, while many can be congratulated for the work done to produce this budget, I want to note especially the work done by our Budget Committee Chairman, the senior Senator from New Mexico [Mr. DOMENICI] and our ranking member, the senior Senator from New Jersey [Mr. LAUTENBERG].

I joined the Budget Committee this past January, and this is my first experience as a member in working on a budget resolution.

To say the least, Mr. President, it has been a remarkable first experience.

We all realize that reaching this kind of settlement is not simply a matter of finding policies on which there is agreement.

The character and good will of the negotiators makes an enormous difference, and both sides of the aisle were well represented in this regard.

Mr. President, understandably, we often find ourselves focusing on the developing details of the agreement as the negotiations proceeded, and we all have specific matters to which we pay special attention.

All of that is appropriate.

But we often lose sight of the big picture, and the big picture here is that this budget resolution gives us the opportunity to actually achieve balance in the unified budget by 2002.

That is an historic achievement, and a great deal of the credit for that achievement should go to our chairman and ranking member.

I am proud to serve with them, and delighted to be a member of the committee they oversee.

I look forward to working with them next year on a budget resolution that takes the next important steps: enacting necessary entitlement reforms, achieving true balance without using the Social Security trust funds, and reducing the national debt.

MORNING BUSINESS

Mr. DOMENICI. I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

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

OECD SHIPBUILDING AGREEMENT IMPLEMENTING LEGISLATION

Mr. LOTT. The congressional participation in the OECD shipbuilding agreement continues in the 105th Congress. On April 22, 1997, Senator BREAUX introduced S. 629, the OECD Shipbuilding Agreement Act. On April 30, 1997, the Senate Committee on Commerce, Science, and Transportation, chaired by Senator MCCAIN, held a hearing on trade matters which included the OECD shipbuilding agreement. On June 5 that hearing will be continued with the focus on this particular maritime trade policy.

I must say that S. 629 represents the administration's attempt to reconcile their earlier legislative proposal made in the 104th Congress with the successful amendment made by the House of Representatives to that bill. Let me be clear, while the current bill does not address all of the concerns voiced by America's largest shipbuilders, it is a positive step in the right direction. My colleagues must not ignore it.

It also begins to deal with issues I raised in my two colloquies in the Senate with Senator SNOWE.

I intend to work with Senator BREAUX to amend S. 629 so that all appropriate maritime solutions are incorporated. At a recent maritime function, I challenged the audience to examine the new language and to offer constructive improvements. Our Nation has international maritime responsibilities and we must respond to the challenge.

I believe that with the introduction of S. 629, the administration has made an honest attempt to address the majority of the concerns.

I plan on working with my colleagues in both the Senate and the House of Representatives to ensure that acceptable ratification and implementation legislation for the OECD shipbuilding agreement is passed by this Congress.

Mr. BREAUX. I thank the majority leader for his efforts to address the concerns of all U.S. shipbuilders while achieving proper ratification and implementation of this important international agreement.

Mr. LOTT. A primary thrust of the amendment in the 104th Congress by the House of Representatives was to clarify that the agreement shall not affect in any way the Jones Act and other laws related to our essential coastwise trade. My colleagues know my position on the Jones Act—I support it unequivocally. I believe the language in S. 629 also supports the Jones Act by requiring the withdrawal of the United States from the agreement if it interferes with our coastwise trade laws. However, I am continuing to work with Senator BREAUX to further strengthen this provision.

Mr. BREAUX. I agree with the majority leader. This legislation represents a strong reaffirmation to the world of the United States steadfast support for the Jones Act.

Furthermore, the House of Representatives amended H.R. 2754 to clearly preserve the authority of the Secretary of Defense to define, for the purposes of exclusion from coverage under the agreement, the terms ''military vessel'', ''military reserve vessel'', and ''essential security interest''. While the administration and the Office of the USTR attempted to define ''military reserve vessel'' by including a description of current military reserve vessel programs, some have expressed concerns that this approach might in the future limit the flexibility of the Secretary of Defense to implement additional programs, such as the National Defense Features Program. I am working with Senator LOTT to redraft this provision in a way that will not limit United States national security options.

Mr. LOTT. Acknowledging the valid concerns raised by Representative

BATEMAN is appreciated. I believe together we can find the right definition to ensure our national security is protected. No one wants to jeopardize our military capabilities.

S. 629 would also grant the United States a 2-year extension for the title XI shipbuilding loan guarantee program to continue under its current terms and conditions. This too is a move toward equitable implementing language. However, other signatories, including Belgium, Portugal, Spain, and South Korea, were provided special arrangements, exemptions, and transition programs under the Agreement.

When the House of Representatives amended H.R. 2754 in the last Congress, it provided a 3-year transition period for the title XI program. This is an essential component for a fair agreement and I intend to work with Senator BREAUX to restore the full 3-year transition period as provided in last year's House bill.

Mr. BREAUX. H.R. 2754, as amended by the House of Representatives, would have required that third country antidumping cases taken by the Office of the USTR to the third country be adjudicated in a manner similar to that provided by the agreement. Some were concerned that S. 629 would require that the injurious pricing action be taken in accordance with the laws of that third country, without regard to whether those laws are consistent with the agreement. I intend to work with Senator LOTT to ensure that such third country proceedings are consistent with the injurious pricing actions of the agreement.

Mr. LOTT. Many of our American shipbuilders also expressed their concern to me that several countries with a significant shipbuilding industrial presence are not signatories to the agreement. This reduces the effectiveness of the agreement. S. 629 includes a provision not found in last year's House bill which would direct our Trade Representative to seek the prompt accession to the agreement by these other countries. This is one step in the right direction. Another step is that S. 629 also would direct our Trade Representative to use the mechanisms already available under existing U.S. trade laws to redress efforts by non-signatories to undermine the agreement.

Additionally, I expect our Trade Representative to vigorously protest the recent approval of approximately $2.1 billion in restructuring aid to shipyards in Germany, Spain, and Greece. I'm sure that all will agree that the agreement has no chance of holding together if any signatories work around its provisions in order to continue unfairly subsidizing their shipyards.

Mr. BREAUX. I would also like to note that S. 629 includes another important provision not found in H.R. 2754, as amended by the House of Representatives. S. 629 provides for U.S. shipyards to continue to receive 25-year title XI financing when competing in bids against subsidized non-signatory shipyards.

I want to once again thank the majority leader for his efforts to resolve the differences within the U.S. shipbuilding industry over the agreement and to find an appropriate solution that benefits the entire U.S. maritime industry.

Mr. LOTT. I anticipate a swift resolution of the jurisdictional issue. The Senate should focus on the successful enactment of a corrected version of S. 629.

I look forward to working with the other members of the Senate Commerce and Finance Committees to develop fair implementing language.

I want to personally thank you JOHN for your dedication to America's maritime industry and I look forward to a continued partnership in finding an acceptable consensus for the agreement's implementing language.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 21, 1997, the Federal debt stood at $5,348,057,972,766.87. (Five trillion, three hundred forty-eight billion, fifty-seven million, nine hundred seventy-two thousand, seven hundred sixty-six dollars and eighty-seven cents)

One year ago, May 21, 1996, the Federal debt stood at $5,115,827,000,000. (Five trillion, one hundred fifteen billion, eight hundred twenty-seven million)

Five years ago, May 21, 1992, the Federal debt stood at $3,923,950,000,000. (Three trillion, nine hundred twenty-three billion, nine hundred fifty million)

Ten years ago, May 21, 1987, the Federal debt stood at $2,289,948,000,000. (Two trillion, two hundred eighty-nine billion, nine hundred forty-eight million)

Fifteen years ago, May 21, 1982, the Federal debt stood at $1,068,477,000,000 (One trillion, sixty-eight billion, four hundred seventy-seven million) which reflects a debt increase of more than $4 trillion—$4,279,580,972,766.87 (Four trillion, two hundred seventy-nine billion, five hundred eighty million, nine hundred seventy-two thousand, seven hundred sixty-six dollars and eighty-seven cents) during the past 15 years.

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 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 11:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 408. An act to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

H.R. 1377. An act to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress regarding the 50th anniversary of the Marshall plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program.

The message further announced that pursuant to the provision of 22 U.S.C. 1928a, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly: Mr. BEREUTER, Chairman, Mr. SOLOMON, Vice Chairman, Mr. REGULA, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mrs. ROUKEMA, Mr. BALLENGER, Mr. HAMILTON, Mr. RUSH, Mr. LANTOS, and Mr. MANTON.

ENROLLED BILL SIGNED

At 1:35 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:

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 408. An act to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress regarding the 50th anniversary of the Marshall plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 1306. An act to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank.

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–1965. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled ''Transfer of Offenders'' (RIN1120–AA60) received on May 20, 1997; to the Committee on the Judiciary.

EC–1966. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report for calendar year 1996; to the Committee on the Judiciary.

EC–1967. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Export Requirements''; to the Committee on Labor and Human Resources.

EC–1968. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, the report of the financial condition of the American Legion for calendar year 1996; to the Committee on the Judiciary.

EC–1969. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Irish Potatoes'' (FV97–947–1) received on May 20, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1970. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend section 502 of title V of the Housing Act of 1949; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1971. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Suspension of Certain Order Provisions'' received on May 20, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Interstate Movement of Livestock'' received on May 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1973. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Medical Devices'' received on May 22, 1997; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and with a preamble:

S. Res. 57. A resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 610. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as ''the Chemical Weapons Convention'' and opened for signature and signed by the United States on January 13, 1993.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 768. A bill for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Thomas W. Thrash, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Alan S. Gold, of Florida, to be United States District Judge for the Southern District of Florida.

Eric L. Clay, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Arthur Gajarsa, of Maryland, to be United States Circuit Judge for the Federal Circuit.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

David J. Barram, of California, to be Administrator of General Services.

Mary Ann Gooden Terrell, 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.

(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.)

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. REID (for himself, Mr. GRASSLEY, and Mr. GLENN):

S. 779. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Finance.

S. 780. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. CRAIG, Mr. GRAMM, Mr. ENZI, Mr. COCHRAN, Mr. HELMS, and Mr. KEMPTHORNE):

S. 781. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 782. A bill to amend the Department of Agriculture Reorganization Act of 1994 to remove the provision that prevents the recovery of an amount disbursed as a result of an erroneous decision made by a State, county, or area committee; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMS:

S. 783. A bill to increase the accessibility of the Boundary Waters Canoe Area Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (by request):

S. 784. A bill to reform the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of Oregon:

S. 785. A bill to convey certain land to the City of Grants Pass, Oregon; to the Committee on Energy and Natural Resources.

By Mr. BRYAN (for himself and Mr. REID):

S. 786. A bill to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, Nevada, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 787. A bill to permit any state to use non-governmental personnel in the determination of eligibility under the Medicaid, Food Stamps and WIC programs; to the Committee on Finance.

By Mrs. MURRAY:

S. 788. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. D'AMATO, Mr. WYDEN, Mr. JEFFORDS, Mr. KOHL, and Mr. CHAFEE):

S. 789. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with additional information regarding medicare managed care plans and medicare select policies; to the Committee on Finance.

By Mr. DASCHLE:

S. 790. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. JOHNSON, and Mr. CONRAD):

S. 791. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, and Mr. JOHNSON):

S. 792. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

By Mr. DODD:

S. 793. A bill to amend the Public Health Service Act to require that the Center for Substance Abuse Treatment carry out treatment programs for adolescents; to the Committee on Labor and Human Resources. S. 794. A bill to amend the Public Health Service Act to revise and extend the grant program for services for children of substance

abusers; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. BREAUX, Ms. COLLINS, and Mr. ROCKEFELLER):

S. 795. A bill to improve the quality of health plans and health care that is provided through the Federal Government and to protect health care consumers; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 796. A bill to reduce gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. BAUCUS, and Mr. KENNEDY):

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 798. A bill to establish a Commission on Information Technology Worker Shortage; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY (for himself, Mr. WELLSTONE, Mr. LEVIN, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. DODD):

S. Con. Res. 28. A concurrent resolution expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. GRASSLEY, and Mr. GLENN):

S. 779. A bill to amend title XVIII of the Social Security Act to increase the number of physicians that complete a fellowship in geriatric medicine and geriatric psychiatry, and for other purposes; to the Committee on Finance.

THE MEDICARE PHYSICIAN WORKFORCE ACT OF 1997

S. 780. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Labor and Human Resources.

THE GERIATRICIANS LOAN FORGIVENESS ACT OF 1997

Mr. REID. Good morning Mr. President. I come to the floor today to offer two bills which are written to address the national shortage of geriatricians we are experiencing in this country. A problem I am sorry to say that is getting worse, not better. I am pleased to have as original cosponsors of my bills Senator GRASSLEY, the distinguished Chairman of the Senate Special Committee on Aging and Senator GLENN, also a member of the Aging Committee, one for whom I have tremendous respect and regard.

Our Nation is growing older. Today, life expectancy for women is 79, for men it is 73. While the population of the United States has tripled since 1900, the number of people age 65 or older has increased 11 times, to more than 33 million Americans. By 2030, this group is projected to double in size to nearly 70 million.

Mr. President, I first became concerned about this problem when a read a report issued by the Alliance for Aging Research in May of 1996 entitled, ''Will you Still Treat Me When I'm 65?'' The report concluded that there are only 6,784 primary-care physicians certified in geriatrics. This number represents less than one percent of the total of 684,414 doctors in the United States. The report goes on to state that the United States should have at least 20,000 physicians with geriatric training to provide appropriate care for the current population, and as many as 36,000 geriatricians by the year 2030 when there will be close to 70 million older Americans.

The bills I am introducing today, the Medicare Physician Worforce Improvement Act of 1997 and the Geriatricians Loan Forgiveness Act of 1997, aim—in modest ways and at very modest cost—to encourage an increase in the number of trained doctors seniors of today and tomorrow will need, those with certified training in geriatrics.

One provision of the Medicare Physician Workforce Improvement Act of 1997 will allow the Secretary of Health and Human Services to double the payment made to teaching hospitals for geriatric fellows capping the double payment to be provided to a maximum of 400 fellows per year. This is intended to serve as an incentive to teaching hospitals to promote and recruit for geriatric fellows.

Another provision directs the Secretary of Health and Human Services to increase the number of certified geriatricians appropriately trained to provide the highest quality care to Medicare beneficiaries in the best and most sensible settings by establishing up to five geriatric medicine training consortia demonstration projects nationwide. In short, allow Medicare to pay for the training of doctors who serve geriatric patients in the settings where this care is so often delivered. Not only in hospitals, but also ambulatory care facilities, skilled nursing facilities, clinics, and day treatment centers.

The second bill I am offering today, The Geriatricians Loan Forgiveness Act of 1997 has but one simple provision. That is to forgive $20,000 of education debt incurred by medical students for each year of advanced training required to obtain a certificate of added qualifications in geriatric medicine or psychiatry. My bill would count their fellowship time as obligated service under the National Health Corps Loan Repayment Program.

Mr. President, the graduating medical school class of physicians in 1996 reported they had incurred debts of $75,000 on average. My bill will offer an incentive to physicians to pursue advanced training in geriatrics by forgiving a small portion of their debt.

Last year Medicare paid out more than $6.5 billion to teaching hospitals and academic medical centers toward the costs of clinical training and experience needed by physicians after they graduate from medical school. It is ironic, only a tiny fraction of those Medicare dollars are directed to the training of physicians who focus mainly on the needs of the elderly. Of over 100,000 residency and fellowship positions that Medicare supports nationwide, only about 250 are in geriatric medicine and psychiatry programs. Existing slots in geriatric training programs oftentimes go unfilled. With 518 slots available in geriatric medicine and psychiatry in 1996, only 261, barely one-half of them were filled.

By allowing doctors who pursue certification in geriatric medicine to become eligible for loan forgiveness, and by offering an incentive to teaching institutions to promote the availability of fellowships, and recruit geriatric fellows, my bills will provide a measure of incentive for top-notch physicians to pursue fellowship training in this vital area.

We must do more to ensure quality medicine today for our seniors and it is certainly in our best interest to prepare for the future when the number of seniors will double. Geriatric medicine requires special and focused training. Too often, problems in older persons are misdiagnosed, overlooked, or dismissed as the normal result of aging because doctors are not trained to recognize how diseases and impairments might appear differently in the elderly than in younger patients. One need only look at undiagnosed clinical depression in seniors or the consequences of adverse reaction to medicines to see how vital this specialized training really is. This lack of knowledge comes with a cost, in lives lost, and in unnecessary hospitalizations and treatments.

We need trained geriatricians to train new medical students. Of the 108 medical schools reporting for the 1994 to 1995 academic year, only 11 had a separate required course in geriatrics, 53 offered geriatrics as an elective, 96 included geriatrics as part of another required course and one reported not offering geriatrics coursework at all. Mr. President, this is simply not good enough.

In a country where by 2030, 1 in 5 citizens will be over the age of 65, there are only two departments of geriatrics at academic medical centers across the entire country. Yet, every academic medical center has a Department of Pediatrics. This just does not seem to make sense to me. While certainly no

one would argue the need for emphasis on pediatrics, there is no less of a need for emphasis on geriatrics as well. In England, it is my understanding that every academic medical center has a department of geriatrics. Do our friends in England know something we do not?

Mr. President, we have here a perfect case where an ounce of prevention will be worth a pound of cure. While not every patient over 65 will need a geriatrician, in fact most will not, we need academicians and researchers to train the medical community about the field of geriatrics and we need primary care physicians to have access to trained geriatricians when a patient's case warrants it. As our oldest old population increases, the population growing the fastest and most appropriate for geriatric intervention, we must ensure that access to geriatricians becomes a reality.

I believe the Medicare Physician Workforce Act of 1997 and the Geriatricians Loan Forgiveness Act of 1997 are steps in the right direction. While they will not solve the total problem, they do make a critical first step.

Mr. President, I am grateful to the American Geriatrics Society for their assistance in working with my staff on this bill and I especially want to thank my cosponsors, Senators GRASSLEY and GLENN, for their support and leadership on this issue.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

THE AMERICAN GERIATRICS SOCIETY,
New York, NY, May 20, 1997.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the American Geriatrics Society (AGS), I am writing to offer our strongest support to the ''Medicare Physician Workforce Improvement Act of 1997'' and the ''Geriatricians Loan Forgiveness Act of 1997.''

With more than 6500 physician and other health care professional members, the AGS is dedicated to improving the health and well being of all older adults. While we provide primary care and supportive services to all patients, the focus of geriatric practice is on the frailest and most vulnerable elderly. The average age of a geriatrician's caseload exceeds 80, and our patients often have multiple chronic illnesses. Given the complexity of medical and social needs among our country's oldest citizens, we are strongly committed to a multi-disciplinary approach to providing compassionate and effective care to our patients.

As you know, America faces a critical shortage of physicians with special training in geriatrics. Even as the 76 million persons of the baby boom generation reach retirement age over the next 15 to 20 years, the number of certified geriatricians is declining. By providing modest incentives—which will encourage teaching hospitals to increase the number of training fellowships in geriatric medicine and psychiatry, provide loan assistance to physicians who pursue such training, and support development of innovative and flexible models for training in geriatrics—your bills represent very positive steps toward reversing that trend.

The American Geriatrics Society has been pleased to work closely with your office to develop initiatives to preserve and improve the availability of highest quality medical care for our oldest and most vulnerable citizens. We believe that the ''Medicare Physician Workforce Improvement Act'' and the ''Geriatricians Loan Forgiveness Act'' represent a cost-effective approach to training the physicians our nation increasingly will need. We commend you for your leadership on an issue of such vital importance to the Medicare program and our elderly citizens.

Sincerely,

DENNIS JAHNIGEN, *MD,*
President.

ALLIANCE FOR AGING RESEARCH,
Washington, DC, May 16, 1997.

Hon. HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: As the Executive Director for the Alliance for Aging Research, an independent, not-for-profit organization working to improve the health and independence of older Americans, I am writing in support of the ''Medicare Physician Workforce Improvement Act'' and the ''Geriatricians Loan Forgiveness Act.''

As you know, on May 14, 1996 the Alliance released a report, ''Will You Still Treat Me When I'm 65?'', addressing the national shortage of geriatricians. Currently, there are only 6,784 primary-care physicians certified in geriatrics, the area of medicine that addresses the complex needs of older patients. That is less than one percent of the total of 684,414 doctors in the U.S. We currently need 20,000 geriatricians and a total of 36,858 by the year 2030 to care for the graying baby boomers. These two pieces of legislation take the important first steps in solving this problem.

In addition to increasing the number of physicians trained in geriatrics, we need to develop a strong cadre of academics and researchers within our medical schools to help mainstream geriatrics into both general practice and specialties. Increasing the number of fellowship positions in geriatric medicine will improve the situation.

We must have this kind of support and commitment from the federal government, along with private philanthropy and business if we are to sufficiently care for our aging population. The Alliance for Aging Research is encouraged by your leadership and support in this area and we look forward to working with you to bring these issues before Congress.

Best regards,

DANIEL PERRY,
Executive Director.

● Mr. GRASSLEY. Mr. President, I am pleased to be an original cosponsor of two very important bills being offered by my colleague on the Senate Special Committee on Aging, Senator HARRY REID. The legislation we are introducing today will encourage more of our nation's physicians to specialize in geriatric medicine. As our population continues to age and with the impending retirement of the baby boomers, the need for trained geriatricians will be great. In my home State of Iowa, 15 percent of the population is over 65 with the third largest percentage of elderly in the Nation.

The incentives for residents to choose geriatrics as a specialty are limited. The financial rewards are fewer than most other specialties. In addition, patients require more time and attention because they typically have a multitude of health problems. With the cost of education so high, many residents face enormous debt when they complete medical school. Institutions have trouble attracting students to specialize in geriatric medicine due to the lack of financial incentives.

The Geriatricians Loan Forgiveness Act of 1997 will provide help to residents. This bill gives the Secretary of the Department of Health and Human Services [DHHS] the authority to forgive up to $20,000 of loans under the National Health Service Corps Loan Repayment Program on behalf of a resident who completes the required 1 year fellowship to become a geriatrician. The maximum amount of residents eligible is 400.

The other bill I am cosponsoring today is the Medicare Physician Workforce Improvement Act of 1997. We spent nearly $7 billion last year on graduate medical education under the Medicare Program. Yet, only 200 of the over 100,000 residency and fellowship positions funded by Medicare are in geriatric medicine. This does not make sense. Medicare is a program for seniors. Therefore, we should be supporting physicians who specialize in geriatrics.

The Medicare Physician Workforce Improvement Act has two provisions to encourage academic medical centers to train physicians in geriatrics under the Medicare graduate medical education [GME] program. The first provision provides for an adjustment in a hospital's count of primary care residents to allow each resident enrolled in an approved medical residency or fellowship program in geriatric medicine to be counted as two full-time equivalent primary care residents for the 1-year period necessary to be certified in geriatric medicine. A limit is placed on the number of residents enrolled each year to control the cost. No more than 400 fellows nationwide can be eligible in any given year. This provision will encourage institutions to train more geriatricians using Medicare funds.

The second provision is budget neutral. It directs the Secretary of DHHS to establish five geriatric medicine training consortium demonstration projects nationwide. The demonstration will allow current Medicare GME funds to be distributed to a consortium consisting of a teaching hospital, one or more skilled nursing facilities, and one or more ambulatory care or community-based facilities to train residents in geriatrics. This provision could be beneficial to rural areas and other areas not served by an academic medical center.

I applaud Senator REID for his efforts to provide our Nation's elderly with qualified trained geriatricians. I ask my colleagues on both sides of the aisle to join Senator REID and me in support of these legislative initiatives.●

By Mr. HATCH (for himself, Mr. CRAIG, Mr. GRAMM, Mr. ENZI, Mr. COCHRAN, Mr. HELMS and Mr. KEMPTHORNE):

S. 781. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

THE OMNIBUS PROPERTY RIGHTS ACT

Mr. HATCH. Mr. President, I am pleased today to once again introduce the Omnibus Property Rights Act. Many Members of the Senate have as a paramount concern the protection of individual rights protected by our Constitution.

One particular right—the right to own and use private property free from arbitrary governmental action—is increasingly under attack from the regulatory state. Indeed, despite the constitutional requirement for the protection of property rights, the America of the late 20th century has witnessed an explosion of Federal regulation that has jeopardized the private ownership of property with the consequent loss of individual liberty.

Under current Federal regulations, thousands of Americans have been denied the right to the quiet use and enjoyment of their private property. Arbitrary bureaucratic enforcement of Federal and State regulatory programs has prevented Americans from building homes and commercial buildings, plowing fields, repairing barns and fences, clearing brush and fire hazards, felling trees, and even removing refuse and pollutants, all on private property.

Fairness and simple justice demand that Americans owning property be entitled to the full use of their property. Ensuring compensation for regulatory takings is the first step toward restoring the fundamental right to own and use private property guaranteed by the takings clause of the fifth amendment to our Constitution. That is why I am once again introducing legislation—the Omnibus Property Rights Act—to protect private property owners from overzealous regulators. This bill, similar in substance and procedure to the bills I introduced last Congress, represents the most comprehensive legislative mechanism to date to foster and protect the private ownership of property.

The omnibus bill contains three different approaches contained in different titles.

The first substantive title of the bill encompasses property rights litigation reform. This title establishes a distinct Federal fifth amendment ''takings'' claim against Federal agencies by aggrieved property owners, thus clarifying the sometimes incoherent and contradictory constitutional property rights case law. Property protected under this section includes real property, including fixtures on land, such as crops and timber, mining interests, and water rights. This title is triggered when a taking, as defined by the Supreme Court, occurs. Moreover, it allows for compensation when the property, or ''affected portion'' of property, is reduced in value by 33 percent or more.

It has been alleged that this bill would impede government's ability to protect public health, safety, and the environment. This is not true. This first title contains a ''nuisance exception'' to compensation. It codifies that part of the 1992 Supreme Court decision in Lucas versus South Carolina Coastal Council, which held that restrictions on property use based on ''background principles of the state's law of property and nuisance'' need not be compensated. Thus, by adopting the Supreme Court's recent Lucas holding, the Omnibus Property Rights Act provides that only innocent property holders are to be compensated for government takings. Those that demonstrably misuse their property to pollute or to harm public health and safety are not entitled to compensation under the bill's nuisance provision.

Finally, this title also resolves the jurisdictional dispute between the Federal district courts and the Court of Federal Claims over fifth amendment ''takings'' cases—sometimes called the Tucker Act shuffle—by granting each court concurrent jurisdiction.

A second title in essence codifies President Reagan's Executive Order 12630. Under this title, a Federal agency must conduct a private property taking impact analysis before issuing or promulgating any policy, regulation, or related agency action which is likely to result in a taking of private property.

A third title provides for alternative dispute resolution in arbitration proceedings.

The three titles of the Omnibus Property Rights Act together function to provide the property owner with mechanisms to vindicate the fundamental constitutional right of private ownership of property, while instituting powerful internal incentives for Federal agencies both to protect private property and include such protection in agency planning and regulating.

It is very significant that the nonpartisan Congressional Budget Office, after a year of research, concluded in a study dated March 8, 1996, that the incentives built into the very similar bills I introduced last Congress would have encouraged agencies to act more responsibly, that the administrative cost of the bill would be quite small, and that compensation costs would be even smaller.

Despite some critics' charges that these very similar bills would be too costly, CBO found that the costs of both the omnibus bills will diminish to an insignificant level over time. This is predicated on the CBO finding that each of the omnibus bills contain powerful incentives, which over time will reduce costs. These include: First, the bills' bright line legal standards, which better enable agencies to avoid takings disputes; second, the takings impact assessment requirement, which requires agencies to analyze the affect of proposed regulations on property rights; and third, the requirement that compensation be paid from the agency's budget, which inevitably will act as a deterrent to unconstitutional and unlawful takings. Based on extensive research, CBO estimated that each omnibus bill should cost no more than $30 or $40 million a year for the first 5 years of implementation, thereafter diminishing to insignificant amounts. The new bill will cost even less.

IMPORTANCE OF PRIVATE PROPERTY

The private ownership of property is essential to a free society and is an integral part of our Judeo-Christian culture and the Western tradition of liberty and limited government. Private ownership of property and the sanctity of property rights reflects the distinction in our culture between a preexisting civil society and the state that is consequently established to promote order. Private property creates the social and economic organizations that counterbalance the power of the state by providing an alternative source of power and prestige to the state itself. It is therefore a necessary condition of liberty and prosperity.

While government is properly understood to be instituted to protect liberty within an orderly society and such liberty is commonly understood to include the right of free speech, assembly, religious exercise and other rights such as those enumerated in the Bill of Rights, it is all too often forgotten that the right of private ownership of property is also a critical component of liberty. To the 17th century English political philosopher, John Locke, who greatly influenced the Founders of our Republic, the very role of government is to protect property: ''The great and chief end therefore, on Men uniting into Commonwealths, and putting themselves under Government, is the preservation of their property.''

The Framers of our Constitution likewise viewed the function of government as one of fostering individual liberties through the protection of property interests. James Madison, termed the ''Father of the Constitution,'' unhesitantly endorsed this Lockean viewpoint when he wrote in The Federalist No. 54 that ''[government] is instituted no less for the protection of property, than of the persons of individuals.'' Indeed, to Madison, the private possession of property was viewed as a natural and individual right both to be protected against government encroachment and to be protected by government against others.

To be sure, the private ownership of property was not considered absolute. Property owners could not exercise their rights as a nuisance that harmed their neighbors, and government could use, what was termed in the 18th century, its despotic power of eminent domain to seize property for public use. Justice, it became to be believed, required compensation for the property taken by government.

The earliest example of a compensation requirement is found in chapter 28 of the Magna Carta of 1215, which reads, ''No constable or other bailiff of ours shall take corn or other provisions from anyone without immediately tendering money therefor, unless he can have postponement thereof by permission of the seller.'' But the record of English and colonial compensation for taken property was spotty at best. It has been argued by some historians and legal scholars that compensation for takings of property became recognized as customary practice during the American colonial period.

Nevertheless, by the time of American independence, the compensation requirement was considered a necessary restraint on arbitrary governmental seizures of property. The Vermont Constitution of 1777, the Massachusetts Constitution of 1780, and the Northwest Ordinance of 1787, recognized that compensation must be paid whenever property was taken for general public use or for public exigencies. And although accounts of the 1791 congressional debate over the Bill of Rights provide no evidence over why a public use and just compensation requirement for takings of private property was eventually included in the fifth amendment, James Madison, the author of the fifth amendment, reflected the views of other supporters of the new Constitution who feared the example to the new Congress of uncompensated seizures of property for building of roads and forgiveness of debts by radical state legislatures. Consequently, the phrase ''[n]or shall private property be taken for public use, without just compensation'' was included within the fifth amendment to the Constitution.

CURRENT PROTECTION OF PROPERTY RIGHTS FALL SHORT

Judicial protection of property rights against the regulatory state has been both inconsistent and ineffective. Physical invasions and government seizures of property have been fairly easy for courts to analyze as a species of eminent domain, but not so for the effect of regulations which either diminish the value of the property or appropriate a property interest.

This key problem to the regulatory takings dilemma was recognized by Justice Oliver Wendell Holmes in *Pennsylvania Coal Co.* v. *Mahon,* 260 U.S. 393 (1922). How do courts determine when regulation amounts to a taking? Holmes' answer, ''if regulation goes too far it will be recognized as a taking,'' 260 U.S. at 415, is nothing more than an ipse dixit. In the 73 years since Mahon, the Court has eschewed any set formula for determining how far is too far, preferring to engage in ad hoc factual inquiries, such as the three-part test made famous by *Penn Central Transportation Co.* v. *City of New York,* 438 U.S. 104 (1978), which balances the economic impact of the regulation on property and the character of the regulation against specific restrictions on investment-backed expectations of the property owner.

Despite the valiant attempt by the Rehnquist Court to clarify regulatory takings analysis in *Nollan* v. *California Coastal Comm'n,* 483 U.S. 825 (1987), *Lucas* v. *South Carolina Coastal Council,* 112 S.Ct. 2886 (1992), and in its recent decision of *Dolan* v. *City of Tigard,* No. 93–518 (June 24, 1994), takings analysis is basically incoherent and confusing and applied by lower courts haphazardly. The incremental, fact-specific approach that courts now must employ in the absence of adequate statutory language to vindicate property rights under the fifth amendment thus has been ineffective and costly.

There is, accordingly, a need for Congress to clarify the law by providing bright line standards and an effective remedy. As Chief Judge Loren A. Smith of the Court of Federal Claims, the court responsible for administering takings claims against the United States, opined in *Bowles* v. *United States,* 31 Fed. Cl. 37 (1994), ''[j]udicial decisions are far less sensitive to societal problems than the law and policy made by the political branches of our great constitutional system. At best courts sketch the outlines of individual rights, they cannot hope to fill in the portrait of wise and just social and economic policy.''

This incoherence and confusion over the substance of takings claims is matched by the muddle over jurisdiction of property rights claims. The Tucker Act, which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate the right to just compensation for a Government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the Federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the Government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court.

This Tucker Act shuffle is aggravated by section 1500 of the Tucker Act, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and brought by the same plaintiff. Section 1500 is so poorly drafted and has brought so many hardships, that Justice Stevens, in *Keene Corporation* v. *United States,* 113 S.Ct. 2035, 2048 (1993), has called for its repeal or amendment.

Title II of the Omnibus Property Rights Act addresses these problems. In terms of clarifying the substance of takings claims, it first clearly defines property interests that are subject to the act's takings analysis. In this way a floor definition of property is established by which the Federal Government may not eviscerate. This title also establishes the elements of a takings claim by codifying and clarifying the holdings of the Nollan, Lucas, and Dolan cases.

For instance, Dolan's rough proportionality test is interpreted to apply to all exaction situations whereby an owner's otherwise lawful right to use property is exacted as a condition for granting a Federal permit. And a distinction is drawn between a noncompensable mere diminution of value of property as a result of Federal regulation and a compensable partial taking, which is defined as any agency action that diminishes the fair market value of the affected property by 33 percent or more. The result of drawing these bright lines will not be the end fact-specific litigation, which is endemic to all law suits, but it will ameliorate the ever increasing ad hoc and arbitrary nature of takings claims.

Finally, I once again want to respond to any suggestion that may arise that this act will impede Government's ability to protect the environment or promote health and safety through regulation. This legislation does not, contrary to the assertions of some, emasculate the Government's ability to prevent individuals or businesses from polluting. It is well established that the Constitution only protects a right to reasonable use of property. All property owners are subject to prior restraints on the use of their property, such as nuisance laws which prevents owners from using their property in a manner that interferes with others.

The Government has always been able to prevent harmful or noxious uses of property without being obligated to compensate the property owner, as long as the limitations on the use of property inhere in the title itself. In other words, the restrictions must be based on background principles of State property and nuisance law already extant. The Omnibus Property Rights Act codifies this principle in a nuisance exception to the requirement of the Government to pay compensation.

Nor does the Omnibus Property Rights Act hinder the Government's ability to protect public health and safety. The act simply does not obstruct the Government from acting to prevent imminent harm to the public safety or health or diminish what would be considered a public nuisance. Again, this is made clear in the provision of the act that exempts nuisance from compensation. What the act does is force the Federal Government to pay compensation to those who are singled out to pay for regulation that benefits the entire public.

In other words, it does not prevent regulation, but fulfills the promise of the fifth amendment, which the Supreme Court in *Armstrong* v. *United States,* 364 U.S. 40, 49 (1960), opined is

''to bar Government from forcing some people alone to bear public burdens, which in all fairness and justice, should be borne by the public as a whole.''

I hope that all Senators will join me in supporting this long overdue legislation.

By Mr. LUGAR:

S. 782. A bill to amend the Department of Agriculture Reorganization Act of 1994 to remove the provision that prevents the recovery of an amount disbursed as a result of an erroneous decision made by a State, county, or area committee; to the Committee on Agriculture, Nutrition, and Forestry.

THE USDA'S FINALITY RULE REPEAL ACT OF 1997

● Mr. LUGAR. Mr. President, I introduce legislation to repeal an outdated agricultural law that has cost taxpayers millions of dollars over the last several years.

Historically, as part of its statutory mandate to support farmers' income, the Department of Agriculture made payments to farmers for the planting of certain crops and in cases of natural disaster. In the process of carrying out this mission, USDA sometimes mistakenly overpaid farmers.

A provision of the 1990 farm bill, known as the finality rule or the 90-day rule, allowed farmers to keep these overpayments if they were not discovered within 90 days of the payment or application for farm program benefits. Repayment is required in cases of fraud or misrepresentation involving the farmer.

Whatever its merits in 1990, changes in farm policy and new evidence indicate that the finality rule should be repealed. At the time of the 1990 farm bill, to be eligible for farm program payments, it was necessary for the county or State USDA office to determine that farmers were actively engaged in farming and that their operations were structured properly. Farmers often relied on these determinations before deciding which crops to plant, the size of the plantings, and how to structure their farming operation for the crop year.

However, the landmark reforms in the 1996 farm bill eliminated these justifications for the finality rule. Under the 1996 farm bill, farm payments are no longer linked to the planting decisions of farmers and the structure of the farming operation is unlikely to change. Today, payments are made based on a formula which does not vary from one year to the next.

The finality rule does not only apply to farm program payments. It applies to most types of payments received by farmers including disaster relief assistance. But these disaster payments have been dramatically scaled back in recent years. In 1994, Congress passed the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act which largely eliminated disaster assistance payments for most major crops. Instead of disaster aid, farmers were encouraged to buy crop insurance.

A recent report from the General Accounting Office provides further evidence that the finality rule should be repealed. According to GAO, from November 1990 through September 1996, USDA applied the finality rule to 10,694 cases in which the overpayments were not discovered within the 90-day timeframe. The rule allowed farmers to keep $4.2 million in overpayments. Nearly 90 percent of the overpayments involved crop disaster initiatives or old-style farm programs which no longer exist.

GAO also looked closely at finality rule payments in fiscal years 1995 and 1996. Even though the justification for the finality rule was to prevent farmers from having to repay large amounts of money years after the money was paid, GAO found that most of the overpayments involved small sums and were discovered within 9 months or less. According to GAO, in the years studied, 86 percent of the finality rule cases involved $500 or less. In addition, 59 percent had overpayments amounting to 10 percent or less of the correct payment amounts, and two-thirds were discovered within 9 months of the date of payment or the filing of a program application. It should be noted that while most of the overpayments were small, a few large overpayments accounted for the bulk of the dollar value of the overpayments. An examination of the GAO data indicate that the finality rule, in its application, has not served its original stated purpose.

Mr. President, the U.S. Department of Agriculture agrees that the finality rule should be repealed. In those limited number of cases in which repayment would work a hardship on the farmer, the very cases that finality rule was supposed to assist, USDA has indicated that it would use existing procedures already in place for debt collection in hardship cases.

In summary, Mr. President, the finality rule was largely designed for programs which have been dramatically altered, it generally does not serve the hardship cases for which it was designed, and it can be replaced by other existing procedures designed for hardship cases. The Department of Agriculture and the General Accounting Office support its repeal. It is time to remove this outdated law from the books. I urge my colleagues to support this bill.

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. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY OF AMOUNTS BASED ON ERRONEOUS DECISIONS OF STATE, COUNTY, AND AREA COMMITTEES.

Section 281 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7001) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.●

By Mr. D'AMATO (by request):

S. 784. A bill to reform the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes.

THE PUBLIC HOUSING MANAGEMENT REFORM ACT OF 1997

● Mr. D'AMATO. Mr. President, as chairman of the Committee on Banking, Housing and Urban Affairs, I introduce the Public Housing Management Reform Act of 1997 at the request of the Secretary of the Department of Housing and Urban Development, the Honorable Andrew M. Cuomo.●

By Mr. SMITH of Oregon:

S. 785. A bill to convey certain land to the city of Grants Pass, OR; to the Committee on Energy and Natural Resources.

THE GRANTS PASS LAND TRANSFER ACT OF 1997

● Mr. SMITH of Oregon. Mr. President, I am today introducing legislation to transfer 320 acres of Oregon and California grant lands currently under the jurisdiction of the Bureau of Land Management [BLM] to the city of Grants Pass, OR. I am pleased to introduce this legislation because it exemplifies how I believe our government should work. I believe government works best when the local community has an opportunity to participate in making decisions important to them.

Since 1968, the city of Grants Pass has leased 200 acres of BLM land to operate the Merlin Municipal Solid Waste Facility under permit by the Oregon Department of Environmental Quality [DEQ]. The current lease ends April 14 in the year 2000 and, pursuant to BLM's national policy, the lease will not be renewed. The city of Grants Pass has made an incredible commitment of time, manpower, and financial resources over several years to address and minimize the environmental concerns of the Merlin landfill. The long-term management and resolution of these environmental issues can best be handled by the city of Grants Pass through ownership of the property.

The 120 acres not part of the Merlin landfill are described by BLM as ''scab lands'' and are not subject to timber harvest. In addition, if the additional 120 acres are retained they would be landlocked or without access. For these reasons, the BLM recommends that these 120 acres be included in the land transfer. The 120 acres and any of the 200 acres not used for solid waste management will be retained exclusively for public use.

The reason for this legislation is simple: Existing Federal law providing for the transfer of Federal land either does not cover Oregon and California grant lands, presents administrative procedural requirements, or does not provide

the United States with the necessary environmental liability safeguards.

The Grants Pass land transfer legislation is supported at all levels of government—local, State, and Federal. This legislation is a companion bill to that of my good friend and colleague from the House, Congressman BOB SMITH, and is being heard today before the House Subcommittee on National Parks and Public Lands. I encourage my colleagues to join me in support of this legislation.

Mr. President, I ask unanimous consent that the provisions of the bill be inserted in the RECORD.

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

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF BLM LAND TO GRANTS PASS, OREGON.

(A) CONVEYANCE REQUIRED.—Effective on the date the City of Grants Pass, Oregon tenders to the Secretary of the Interior an indemnification agreement and without monetary compensation, all right, title, and interest of the United States in and to the real property described in subsection (b) is conveyed, by operation of law, to the City of Grants Pass, Oregon (in this section referred to as the ''City'').

(b) PROPERTY DESCRIBED.—

The real property referred to in subsection (a) is that parcel of land depicted on the map entitled '' '' and dated , 1997, consisting of—

(1) approximately 200 acres of Bureau of Land Management land on which the City has operated a landfill under lease; and

(1) approximately 200 acres of Bureau of Land Management land that area adjacent to the land described in subparagraph (1).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Secretary shall require the City to agree to indemnify the Government of the United States for all liability of the Government that arises from the property.●

By Mrs. MURRAY:

S. 788. A bill to suspend temporarily the duty on certain materials used in the manufacture of skis and snowboards; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mrs. MURRAY. Mr. President, I introduce legislation of importance to the economy and quality of life in my home State of Washington. The measure I am introducing will help maintain the competitiveness of an industry that makes vital contributions to our State and this Nation.

One of my top priorities here in the U.S. Senate is to support policies that promote economic growth for people in Washington State and across the country. To me, this means preserving current jobs and creating new jobs in all sectors of our economy.

The K2 Corp., located on Vashon Island in Washington State, makes an important contribution toward achieving this goal. As the last remaining major U.S. manufacturer of skis and just one of three major snowboard makers in this country, K2 employs more than 700 people at its Vashon Island facility. The products made by K2 represent a substantial percentage of the American skis and snowboards sold around the world. Maintaining the competitiveness of K2 helps ensure the United States remains a player in the global ski market.

To the extent possible, K2 purchases materials used in the manufacture of skis and snowboards from companies based in Washington State and other regions of our country. However, K2 is unable to find a domestic source that meets its requirements for two key raw materials—steel edges and polyethylene base material. As a result, K2 must purchase these two commodities abroad and pay customs duties on the imported products. This forces K2 to spend more for these materials, thus diverting resources that could be used to expand business and develop new technologies.

My legislation seeks to make these resources available to K2 suspending U.S. customs duty on imports of these two raw materials—steel edges and polyethylene base material. It helps ensure K2 and America continue to have a role in the international ski industry. Together, these materials comprise a very small portion of all the materials used to produce skis. However, without the ability to acquire them at a reasonable cost, K2's ability to compete on an international scale would be adversely affected.

K2 strives to continue as a key player in the increasingly competitive international ski and snowboard market. This duty suspension legislation will help enable K2 to compete and to continue supporting our Nation's economy. I urge my colleagues to support this legislation, which strengthens the U.S. ski and snowboard industry and supports American jobs.●

By Mr. GRASSLEY (for himself, Mr. BREAUX, Mr. D'AMATO, Mr. WYDEN, Mr. JEFFORDS, Mr. KOHL and Mr. CHAFEE):

S. 789. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with additional information regarding Medicare managed care plans and Medicare select policies; to the Committee on Finance.

MEDICARE BENEFICIARY INFORMATION ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today with my colleague, Senator BREAUX, to introduce the Medicare Beneficiary Information Act of 1997. Medicare is a Federal program paid for with taxpayer dollars. Therefore, Congress has the duty and obligation to ensure beneficiaries have access to necessary information to select an appropriate health plan for their individual health care needs.

This legislation is based upon many of the recommendations made to members of the Senate Special Committee on Aging at a hearing we held on April 10, 1997. This bill will improve competition among Medicare health plans and provide Medicare beneficiaries with the useful information they need to make an informed choice when selecting a health plan. Good, reliable information that allows consumers to select among competing options is essential for any market to work. The health care market is no exception. Under Medicare, accurate, widely-available comparative information does not exist. The Medicare Beneficiary Information Act of 1997 addresses this problem by including the following provisions:

While beneficiaries now have to call all the health plans in their area, wait for the marketing materials to come, and then try and compare all the different brochures with no standard terminology required, this bill instructs the Secretary to develop comparison charts for each Medicare HMO market and for Medicare Select plans. The Secretary has discretion to utilize existing mechanisms in place, such as regional Health Care Financing Administration [HCFA] offices and Insurance Counseling Assistance [ICA's] programs, to develop and distribute these charts.

Comparison charts would be distributed by Medicare health plans in their marketing materials and at the time of enrollment and annually thereafter. In addition, the charts would be available upon request through HCFA. The charts would help beneficiaries understand the difference between the HMO's in their market. The charts would also contain a description of standard fee-for-service Medicare, so beneficiaries have a reference point.

The charts will tell beneficiaries about, for example, the health plans' additional benefits; additional premiums; out-of-pocket expenses; disenrollment rates, as recommended by the General Accounting Office at the Aging Committee hearing; appeal rates, reversed and denied; coverage for out-of-area services.

The bill also requires plans to inform beneficiaries about their rights and responsibilities using understandable, standard terminology regarding benefits; appeals and grievance procedures; restrictions on payments for services not provided by the plan; out-of-area coverage; coverage of emergency services and urgently needed care; coverage of out-of-network services; and any other rights the Secretary determines to be helpful to beneficiaries.

These provisions are also included in the bill I introduced on May 6, entitled the ''Medicare Patient Choice and Access Act of 1997,'' or S. 701. Senator BREAUX and I believe that providing Medicare beneficiaries with proper information to select the health plan that best meets their individual health care needs is so important, we decided to introduce this free-standing bill. Increasing choices within the Medicare program has strong bipartisan support, but this approach is meaningless if beneficiaries cannot make an informed choice. Our bill can be enacted and implemented quickly. HCFA is already collecting this data and plans to start

distributing comparative information this summer through the Internet. However, Internet access is not enough. We need to provide this information in written form and through Medicare counseling programs as well. Medicare beneficiaries, as research has shown, prefer reviewing written materials and having someone with which to talk. Our bill would enable beneficiaries to obtain a user-friendly chart utilizing existing Medicare counseling programs, local Medicare offices and through health plans participating in the Medicare program.

We ask our colleagues on both side of the aisle to join us in cosponsoring this important legislation. I ask unanimous consent that a copy of the bill be submitted for the RECORD. I also ask unanimous consent that a news column by Senator BREAUX be included in the RECORD.

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

S. 789

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 ''Medicare Beneficiary Information Act of 1997''.

SEC. 2. MEDICARE BENEFICIARY INFORMATION.

(a) IN GENERAL.—Section 1876(c)(3)(E) of the Social Security Act (42 U.S.C. 1395mm(c)(3)(E)) is amended to read as follows:

''(E)(i) Each eligible organization shall provide in any marketing materials distributed to individuals eligible to enroll under this section and to each enrollee at the time of enrollment and not less frequently than annually thereafter, an explanation of the individual's rights and responsibilities under this section and a copy of the most recent comparative report (as established by the Secretary under clause (ii)) for that organization.

''(ii)(I) The Secretary shall develop an understandable standardized comparative report on the plans offered by eligible organizations, that will assist beneficiaries under this title in their decisionmaking regarding medical care and treatment by allowing the beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with. In developing such report the Secretary shall consult with outside organizations, including groups representing the elderly, eligible organizations under this section, providers of services, and physicians and other health care professionals, in order to assist the Secretary in developing the report.

''(II) The report described in subclause (I) shall include a comparison for each plan of—

''(aa) the premium for the plan;

''(bb) the benefits offered by the plan, including any benefits that are additional to the benefits offered under parts A and B;

''(cc) the amount of any deductibles, coinsurance, or any monetary limits on benefits;

''(dd) the number of individuals who disenrolled from the plan within 3 months of enrollment and during the previous fiscal year, stated as percentages of the total number of individuals in the plan;

''(ee) the procedures used by the plan to control utilization of services and expenditures, including any financial incentives;

''(ff) the number of applications during the previous fiscal year requesting that the plan cover certain medical services that were denied by the plan (and the number of such denials that were subsequently reversed by the plan), stated as a percentage of the total number of applications during such period requesting that the plan cover such services;

''(gg) the number of times during the previous fiscal year (after an appeal was filed with the Secretary) that the Secretary upheld or reversed a denial of a request that the plan cover certain medical services;

''(hh) the restrictions (if any) on payment for services provided outside the plan's health care provider network;

''(ii) the process by which services may be obtained through the plan's health care provider network;

''(jj) coverage for out-of-area services;

''(kk) any exclusions in the types of health care providers participating in the plan's health care provider network; and

''(ll) any additional information that the Secretary determines would be helpful for beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with.

''(III) The comparative report shall also include—

''(aa) a comparison of each plan to the fee-for-service program under parts A and B; and

''(bb) an explanation of medicare supplemental policies under section 1882 and how to obtain specific information regarding such policies.

''(IV) The Secretary shall, not less than annually, update each comparative report.

''(iii) Each eligible organization shall disclose to the Secretary, as requested by the Secretary, the information necessary to complete the comparative report.

''(iv) In this subparagraph—

''(I) the term 'health care provider' means anyone licensed under State law to provide health care services under part A or B;

''(II) the term 'network' means, with respect to an eligible organization, the health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section; and

''(III) the term 'out-of-network' means services provided by health care providers who have not entered into a contract agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contracts entered into or renewed under section 1876 of the Social Security Act (42 U.S.C. 1395mm) after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 3. APPLICATION OF ADDITIONAL INFORMATION TO MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 1882(t) of the Social Security Act (42 U.S.C. 1395ss(t)) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following:

''(G) notwithstanding any other provision of this section to the contrary, the issuer of the policy meets the requirements of section 1876(c)(3)(E)(i) with respect to individuals enrolled under the policy, in the same manner such requirements apply with respect to an eligible organization under such section with respect to individuals enrolled with the organization under such section; and

''(H) the issuer of the policy discloses to the Secretary, as requested by the Secretary, the information necessary to complete the report described in paragraph (4).''; and

(2) by adding at the end the following:

''(4) The Secretary shall develop an understandable standardized comparative report on the policies offered by entities pursuant to this subsection. Such report shall contain information similar to the information contained in the report developed by the Secretary pursuant to section 1876(a)(3)(E)(ii).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to policies issued or renewed on or after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 4. NATIONAL INFORMATION CLEARINGHOUSE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish and operate, out of funds otherwise appropriated to the Secretary, a clearinghouse and (if the Secretary determines it to be appropriate) a 24-hour toll-free telephone hotline, to provide for the dissemination of the comparative reports created pursuant to section 1876(c)(3)(E)(ii) of the Social Security Act (42 U.S.C. 1395mm(c)(3)(E)(ii)) (as amended by section 2 of this Act) and section 1882(t)(4) of the Social Security Act (42 U.S.C. 1395ss(t)(4)) (as added by section 3 of this Act). In order to assist in the dissemination of the comparative reports, the Secretary may also utilize medicare offices open to the general public, the beneficiary assistance program established under section 4359 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-3), and the health insurance information counseling and assistance grants under section 4359 of that Act (42 U.S.C. 1395b-4).

GIVING OLDER CONSUMERS BETTER INFO ON HEALTH CARE BENEFITS

(John Breaux, U.S. Senator for Louisiana)

The federal government needs to provide older Americans with better information about all their health care options. That was the conclusion of a senate hearing I recently cochaired as the new ranking Democrat on the Senate Special Aging Committee. We called in a number of health care experts to talk about the quality of information provided to millions of Medicare beneficiaries, including nearly 600,000 in Louisiana.

Many who testified said that right now Medicare beneficiaries are not being given all the information they need to adequately compare the costs and benefits of their health care coverage.

We learned that many beneficiaries simply do not know how managed care is different from standard fee-for-service Medicare. And they are not getting simple explanations of the differences among the Medicare Health Maintenance Organizations (HMO's) in their local areas. Because it is generally agreed that HMO's best serve their enrollees when they compete on factors other than just price, providing Medicare beneficiaries with more and better information is essential.

Consumers ideally need simple, readable comparison charts so they are able to readily understand the differences between plans. Currently, the Health Care Financing Administration (HCFA), which administers Medicare, does not provide beneficiaries with any comparative data. This means older people who want to learn about managed care options must call a toll-free number to see what HMO's are in their area and then call each company one-by-one and request their health care information. The problem is that each local plan with a Medicare contract presents information using different formats and language, so it's difficult or even impossible to make cost and benefit comparisons.

And while the vast majority of Medicare beneficiaries—87 percent nationally—remain enrolled in traditional fee-for-service Medicare, this is changing rapidly. The number of beneficiaries nationwide who enroll in HMO's is growing by about 30 percent a year. In Louisiana, the growth rate is more than 50 percent. The number of health plans with Medicare contracts is also increasing rapidly. In 1993, there were 110 such plans. Last year, the number more than doubled to 241.

In a recent report to the Congress, the General Accounting Office (GAO) was critical of the type of information older Americans get on their health care options. The Prospective Payment Assessment Commission also said in a recent report that ''cost and benefit definitions should be standardized so that beneficiaries can better compare plans.''

And the Institute of Medicine last year reported that ''current information available to Medicare beneficiaries lags far behind the kinds of assistance provided by progressive private employers to their employees.''

One way to begin addressing these disturbing structural problems is to provide more and better information so that beneficiaries can make informed choices. It is really a fairly simple concept, but one that government often loses sight of—people make wiser and less costly decisions for themselves and their families if they have the right kind of information.

In fact, in its October 1996 report, GAO recommended that the federal government require plans to use standard formats and terminology; produce benefit and cost comparison charts with all Medicare options available for all areas; and analyze, compare and widely distribute certain statistics about HMO's, including their disenrollment rates and rate of complaints.

Clearly, we must find a better way to inform Medicare consumers about their choices because good information is the key to making the right health care choices for ourselves and our loved ones.

By Mr. DASCHLE:

S. 790. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES LEGISLATION

Mr. DASCHLE. Mr. President, I am pleased to introduce legislation to expand the current inventory charitable donation rule to include Indian tribes. This proposal is short and simple.

Under current law, companies may obtain a special charitable donation tax deduction under Internal Revenue Code section 170(e)(3) for contributing their excess inventory to the ill, the needy, or infants. While not limited to any particular type of company or inventory, this deduction commonly is used by food processing companies whose excess food inventories otherwise would spoil. Indian tribes have had difficulty obtaining these donations, however, because of an ambiguity in the law as to whether or not donating companies may deduct donations to organizations on Indian reservations.

The current language in section 170(e)(3) requires charitable donations of excess inventory to be made to organizations that are described in section 501(c)(3) of the Code and exempt from taxation under section 501(a). While Indian tribes are exempt from taxation, they are not among the organizations described in section 501(c)(3). Accordingly, it is not clear that a direct donation of excess inventory to an Indian tribe would qualify for the charitable donation deduction under section 170(e)(3).

Ironically, the Indian Tribal Government Tax Status Act found in section 7871 provides that an Indian tribal government shall be treated as a State for purposes of determining tax deductibility of charitable contributions made pursuant to section 170. Unfortunately, the act does not expressly extend to donations made under section 170(e)(3) because that provision technically does not include States as eligible donees.

Mr. President, it is well documented that Native Americans, like other citizens, may meet the qualifications for this special charitable donation. No one would argue that it is not within the intent of section 170(e)(3) to allow contributions to Native American organizations to qualify for the special charitable donation deduction in that section of the code. The bill I am introducing today simply would allow those contributions to qualify for the deduction. By allowing companies to make qualified contributions to Indian tribes under section 170(e)(3), the bill would clearly further the intended purpose of both Internal Revenue Code section 170(e)(3) and the Indian Tribal Government Tax Status Act.

The appropriateness of the measure is exhibited by the fact that it was included in the Revenue Act of 1992 (H.R. 11), which was vetoed for unrelated reasons. At that time, the measure was supported on policy grounds by the staffs of the joint committee on Taxation and Finance Committee. In 1995, the joint committee estimated that the proposal would have a negligible effect on Federal receipts over the 6-year period it estimated.

I strongly encourage my colleagues to support this bill and ask unanimous consent that its text be printed in the RECORD.

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

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to a special rule for certain contributions of inventory or other property) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR INDIAN TRIBES.—

''(i) IN GENERAL.—An Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

''(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government, such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1996.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. JOHNSON and Mr. CONRAD):

S. 791. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

TAX TREATMENT OF TELEPHONE COOPERATIVES ACT OF 1997

Mr. DASCHLE. Mr. President, today I am introducing legislation that reaffirms the intent of the U.S. Congress, originally expressed in 1916, to grant tax exempt status to telephone cooperatives. This exemption is now set forth in section 501(c)(12) of the Internal Revenue Code.

I am joined by my distinguished colleagues, Senators DORGAN, GRASSLEY, JOHNSON, and CONRAD.

This legislation is identical to a bill I introduced in the 103d and 104th Congresses and to a measure that was included in the Revenue Act of 1992, which ultimately was vetoed.

Congress has always understood that a tax exemption is necessary to ensure that reliable, universal telephone service is available in rural America at a cost that is affordable to the rural consumer. Telephone cooperatives are nonprofit entities that provide this service where it might otherwise not exist due to the high cost of reaching remote, sparsely populated areas.

The facilities of a telephone cooperative are used to provide both local and long distance communications services. Perhaps the most important of these for rural users is long distance. Without these services, both local and long distance, people in rural areas could not communicate with their own neighbors, much less with the world. While telephone cooperatives comprise only a small fraction of the U.S. telephone industry—about 1 percent—their services are vitally important to those who must rely upon them.

Under Internal Revenue Code section 501(c)(12), a telephone cooperative qualifies for tax exemption only if at least 85 percent of its gross income consists of amounts collected from members for the sole purpose of meeting losses and expenses. Thus, the bulk of the revenues must be related to providing services needed by members of the cooperative, that is, rural consumers. No more than 15 percent of the cooperative's gross income may come from nonmember sources, such as property rentals or interest earned on funds on deposit in a bank. For purposes of the 85 percent test, certain categories of income are deemed neither member nor nonmember income and are excluded from the calculation. The reason for the 85 percent test is to ensure that cooperatives do not abuse their tax exempt status.

A technical advice memorandum [TAM] released by the Internal Revenue Service a few years ago threatens to change the way telephone cooperatives characterize certain expenses for purposes of the 85 percent test. If the rationale set forth in the TAM is applied to all telephone cooperatives, the majority could lose their tax exempt status.

Specifically, the IRS now appears to take the position that all fees received by telephone cooperatives from long distance companies for use of the local lines must be excluded from the 85 percent test and that fees received for billing and collection services performed by cooperatives on behalf of long distance companies constitute nonmember income to the cooperative.

The legislation I am introducing today would clarify that access revenues paid by long distance companies to telephone cooperatives are to be counted as member revenues, so long as they are related to long distance calls paid for by members of the cooperative. In addition, the legislation would indicate that billing and collection fees are to be excluded entirely from the 85 percent test calculation.

Mr. President, it is no secret that mere distance is the single most important obstacle to rural development. In the telecommunications industry today, we have the ability to bridge distances more effectively than ever before. Technology in this area has advanced at an incredible pace; however, maintaining and upgrading the rural telecommunications infrastructure is an exceedingly expensive proposition. We must do all we can to encourage this development, and ensuring that telephone cooperatives retain their legitimate tax exempt status is a vital step toward this goal. I believe that providing access to customers for long distance calls as well as billing and collecting for those calls on behalf of the cooperative's members and long distance companies are indisputably part of the exempt function of providing telephone service, especially to rural communities. The nature and function of telephone cooperatives have not materially changed since 1916, and neither should the formula upon which they rely to obtain tax exempt status.

In the 104th Congress, the Joint Committee on Taxation estimated the cost of this legislation to be $61 million over a 6-year period. At the appropriate time, I will recommend appropriate offsets to cover the cost of this measure over the 10-year period required under the Budget Act.

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. 791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY.

(a) NONMEMBER INCOME.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end the following new subparagraph:

''(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), 50 percent of the income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expenses of the cooperative.''

(2) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) of such Code is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) from billing and collection services performed for a nonmember telephone company.''

(3) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) of such Code is amended by inserting before the comma at the end thereof '', other than income described in subparagraph (E)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1996.

(5) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this subsection shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

(b) TREATMENT OF CERTAIN INVESTMENT INCOME OF MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

(1) IN GENERAL.—Paragraph (12) of section 501(c) of such Code (relating to list of exempt organizations) is amended by adding at the end the following new subparagraph:

''(F) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account reserve income (as defined in section 512(d)(2)) if such income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, does not exceed 35 percent of the company's total income. For the purposes of the preceding sentence, income referred to in subparagraph (B) shall not be taken into account.''

(2) PORTION OF INVESTMENT INCOME SUBJECT TO UNRELATED BUSINESS INCOME TAX.—Section 512 of such Code is amended by adding at the end the following new subsection:

''(d) INVESTMENT INCOME OF CERTAIN MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—

''(1) IN GENERAL.—In determining the unrelated business taxable income of a mutual or cooperative telephone company described in section 501(c)(12)—

''(A) there shall be included, as an item of gross income derived from an unrelated trade or business, reserve income to the extent such reserve income, when added to other income not collected from members for the sole purpose of meeting losses and expenses, exceeds 15 percent of the company's total income, and

''(B) there shall be allowed all deductions directly connected with the portion of the reserve income which is so included.

For purposes of the preceding sentence, income referred to in section 501(c)(12)(B) shall not be taken into account.

''(2) RESERVE INCOME.—For purposes of paragraph (1), the term 'reserve income' means income—

''(A) which would (but for this subsection) be excluded under subsection (b), and

''(B) which is derived from assets set aside for the repair or replacement of telephone system facilities of such company.''

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received or accrued after December 31, 1996.

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD and Mr. JOHNSON):

S. 792. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

THE SPECIAL USE VALUATION FOR FAMILY FARMS ACT OF 1997

Mr. DASCHLE. Mr. President, since 1988, I have studied the effects on family farmers of a provision in estate tax law known as section 2032A. While section 2032A may seem a minor provision to some, it is critically important to family run farms. A problem with respect to the Internal Revenue Service's interpretation of this provision has been festering for a number of years and threatens to force the sale of many family farms.

Section 2032A, which bases the estate tax applicable to a family farm on its use as a farm, rather than on its market value, reflects the intent of Congress to help families keep their farms. A family that has worked hard to maintain a farm should not have to sell it to a third party solely to pay stiff estate taxes resulting from increases in the value of the land. Under section 2032A, inheriting family members are required to continue farming the property for at least 15 years in order to avoid having the IRS recapture the tax savings.

At the time section 2032A was enacted, it was common practice for one or more family members to cash lease the farm from the other members of the family. This practice made sense in a situation in which some family members were more involved than others in the day-to-day farming of the land. Typically, the other family members would continue to be at risk with respect to the value of the farm and participate in decisions affecting the farm's operation. Cash leasing among family members remained a common practice after the enactment of section 2032A. An inheriting child would continue to cash lease from his or her siblings, with no reason to suspect from the statute or otherwise that the cash leasing arrangement might jeopardize the farm's qualification for special use valuation.

Based at least in part on some language that I am told was included in a Joint Committee on Taxation publication in early 1982, the Internal Revenue

Service has taken the position that cash leasing among family members will disqualify the farm for special use valuation. The matter has since been the subject of numerous audits and some litigation, though potentially hundreds of family farmers may yet be unaware of the change of events. Cases continue to arise under this provision.

In 1988, Congress provided partial clarification of this issue for surviving spouses who cash lease to their children. Due to revenue concerns, however, no clarification was made of the situation where surviving children cash lease among themselves.

My concern is that many families in which inheriting children or other family members have cash leased to each other may not even be aware of the IRS's position on this issue. At some time in the future, they are going to be audited and find themselves liable for enormous amounts in taxes, interest and penalties. For those who cash leased in the late 1970's, this could be devastating because the taxes they owe are based on the inflated land values that existed at that time.

A case that arose in my State of South Dakota illustrates the unfairness and devastating impact of the IRS interpretation of section 2032A. Janet Kretschmar, who lives with her husband, Craig, in Cresbard, SD, inherited her mother's farm along with her two sisters in 1980. Because the property would continue to be farmed by the family members, estate taxes were paid on it pursuant to section 2032A, saving over $50,000 in estate tax.

Janet and Craig continued to farm the land and have primary responsibility for its day-to-day operation. They set up a simple and straightforward arrangement with the other two sisters whereby Janet and Craig would lease the sisters' interests from them.

Seven years later, the IRS told the Kretschmars that the cash lease arrangement had disqualified the property for special use valuation and that they owed $54,000 to the IRS. According to the IRS, this amount represented estate tax that was being recaptured as a result of the disqualification. This came as an enormous surprise to the Kretschmars, as they had never been notified of the change in interpretation of the law and had no reason to believe that their arrangement would no longer be held valid by the IRS for purposes of qualifying for special use valuation. The fact is that, if they had known this, they would have organized their affairs in one of several other acceptable, though more complicated, ways.

For many years, I have sought inclusion in tax legislation of a provision that would clarify that cash leasing among family members will not disqualify the property for special use valuation. In 1992, such a provision was successfully included in H.R. 11, the Revenue Act of 1992 and passed by Congress. Unfortunately, H.R. 11 was subsequently vetoed. In 1995, I introduced this provision as freestanding legislation; however, it did not reach the full Senate for a vote.

Today, I am reintroducing a bill that is identical to the section 2032A measure which was passed in the Revenue Act of 1992. I am joined in this effort by Senators DORGAN, CONRAD and Mr. JOHNSON whose expertise on tax and rural issues are well known.

I must emphasize that there may be many other cases in other agricultural States where families are cash leasing the family farm among each other, unaware that the IRS could come knocking at their door at any minute. I urge my colleagues in the Senate who may have such cases in their State to work with us and support this important clarification of the law.

I intend to request that the Joint Committee on Taxation estimate the revenue impact of this proposal. At an appropriate time thereafter, I will recommend any necessary offsets over a 10-year period as required by the Budget Act.

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. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN CASH RENTALS OF FARMLAND NOT TO CAUSE RECAPTURE OF SPECIAL ESTATE TAX VALUATION.

(a) IN GENERAL.—Subsection (c) of section 2032A of the Internal Revenue Code of 1986 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end the following new paragraph:

''(8) CERTAIN CASH RENTAL NOT TO CAUSE RECAPTURE.—For purposes of this subsection, a qualified heir shall not be treated as failing to use property in a qualified use solely because such heir rents such property on a net cash basis to a member of the decedent's family, but only if, during the period of the lease, such member of the decedent's family uses such property in a qualified use.''

(b) CONFORMING AMENDMENT.—Section 2032A (b)(5)(A) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to rentals occurring after December 31, 1976.

By Mr. DODD:

S. 793. A bill to amend the Public Health Service Act to require that the Center for Substance Abuse Treatment carry out treatment programs for adolescents; to the Committee on Labor and Human Resources.

THE SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS ACT

S. 794. A bill to amend the Public Health Service Act to revise and extend the grant program for services for children of substance abusers; to the Committee on Labor and Human Resources.

THE SUBSTANCE ABUSE TREATMENT FOR ADOLESCENTS ACT

Mr. DODD. Mr. President, I rise today to introduce two bills which seek to address one of the most critical problems tearing at the fabric of American society: substance abuse. When we consider health care costs, lost time on the job, increased crime, and other related factors, it is estimated that drug and alcohol abuse cost this Nation more than $300 billion in 1993. While some efforts to address this problem have been successful, there is still a great deal of work to be done. The two bills that I am introducing, the Services for Children of Substance Abusers Act and the Substance Abuse Treatment for Adolescents Act, seek to provide additional tools for families to fight the battle of addiction and its debilitating social consequences.

Addiction threatens the American family in several ways. The long term emotional health of an individual is shaped during childhood, and the children of substance abusers face numerous obstacles during their development. The children of substance abusers are typically deprived of the parent's attention and concern, and often the financial support to provide food, clothing, and shelter. In the most dramatic cases, children are exposed to substances prenatally and are deprived of a healthy future before they are even born.

An estimated 7 million children are growing up with at least one substance abusing parent, and more than 200,000 women who gave birth in the United States in 1992 used illegal drugs at some time during their pregnancy. In addition, alcohol consumption by pregnant women has recently surged, despite public campaigns about the effects of alcohol on the developing fetus. Clearly these parents will need help if they hope to overcome their addictions and raise healthy children. Unfortunately, these parents often face several obstacles on the road to recovery.

The basic problem with our current drug and alcohol treatment programs is that they fail to address the wide range of problems that addicted parents face. Many were physically or sexually abused as children. Many are victims of domestic violence. Many lack any formal job skills. Many will need child care assistance if they hope to enroll in a treatment program. Many fear that they will lose their children if they come forward for treatment. In short, these parents face several problems which extend far beyond their addictions.

The Children of Substance Abusers Act is currently authorized in the Public Health Services Act, but it has never been funded. Today, I introduce a revised version of this legislation that seeks to give families affected by substance abuse somewhere to turn. The heart of the bill is the grant program which will provide $50 million for a comprehensive range of health, developmental, and social services to children, parents, and other family members. These services will enhance the

ability of parents to access drug and alcohol treatment and promote family preservation, where appropriate.

The bill ensures that all children whose parents are substance abusers can enter the program and receive a range of services. The legislation addresses another critical need by providing grants to train professionals, child welfare workers, and other providers serving children to identify and address the effects of familial substance abuse.

For years we have talked about the impact of substance abuse on families. We have all visited the neonatal intensive care units, and we have all seen reports on children who were abused and neglected because their parents were on drugs. The time has come for Congress to respond to what is going on in this country and take an aggressive step toward alleviating these problems.

The Children of Substance Abusers Act is critical to our efforts to reach out to those families that are struggling with substance abuse, and I urge my colleagues to support the legislation I introduce today and fund this critical program.

On another front, the increased prevalence of substance abuse among young Americans poses an additional public health crisis. Last year, the percentage of teens using drugs within the past month rose from 8.2 to 10.9 percent, and the rate of drug use among 12 to 17 year-olds has doubled since 1992. I am particularly disappointed to learn that Connecticut's students report higher rates of drug use than their peers nationwide.

Annually, more than 400,000 Americans under the age of 18 are in need of treatment, and in Connecticut approximately 6,700 students need substance abuse treatment. However, young people have few places to turn. Most treatment programs are designed for adults, and there are limited resources available for the treatment of adolescents with drug and alcohol problems.

Federal and state initiatives have focused on preventing children from becoming substance abusers. While prevention efforts are effective and necessary, they do not provide for those adolescents with substance abuse problems. In addition, most substance abusing adolescents have co-occurring disorders, such as depression, learning disabilities, post-traumatic stress disorders, and other health problems which make treatment even more challenging.

The Substance Abuse Treatment for Adolescents Act seeks to create a funding stream for adolescent treatment. This would be the first time that any money has ever been earmarked specifically for adolescent treatment, setting aside an estimated $70 million annually to address this problem. This bill would also eliminate the need within the public system for adolescent providers to compete with other groups for scarce treatment dollars, thereby allowing them to focus upon the real problem: successfully treating adolescent substance abusers.

Mr. President, this legislation marks a significant step on the road toward improved treatment for adolescent substance abuse. It tells families that we care about their children's health and well-being, and it sends a signal to those individuals who struggle to help our kids overcome addiction that their hard work is not for naught, but will soon be rewarded.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 793

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 ''Substance Abuse Treatment for Adolescents Act''.

SEC. 2. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Section 507 of the Public Health Service Act (42 U.S.C. 290bb) is amended by adding at the end the following:

''(d) PROVISION OF SERVICES.—Notwithstanding any other provision of law, the Secretary, acting through the Center for Substance Abuse Treatment, shall ensure that not less than 20 percent of the amounts appropriated under this subpart for the programs and activities of the Center for Substance Abuse Treatment for each fiscal year, but in no case less than $20,000,000, is used to carry out adolescent specific substance abuse treatment programs. Such programs shall include the provision of services to such adolescents as well as the conduct of evaluations and research concerning the effects of such services.''.

S. 794

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 ''Services for Children of Substance Abusers Reauthorization Act''.

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) ADMINISTRATION AND ACTIVITIES.—

(1) ADMINISTRATION.—Section 399D(a) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in paragraph (1), by striking ''Administrator'' and all that follows through ''Administration'' and insert ''Director of the Substance Abuse and Mental Health Services Administration''; and

(B) in paragraph (2), by striking ''Administrator of the Substance Abuse and Mental Health Services Administration'' and inserting ''Administrator of the Health Resources and Services Administration''.

(2) ACTIVITIES.—Section 399D(a)(1) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting the following: ''through family social services; child protective services; child care providers (including Head Start, schools, and early childhood development programs); community-based family resource and support centers; the criminal justice system; health and mental health providers through screenings conducted during regular childhood examinations and other examinations; self and family member referrals; treatment services; and other service providers and agencies serving children and families; and''; and

(C) by adding at the end the following:

''(D) to provide education and training to health care professionals, child welfare providers, and the personnel or such providers who provide services to children and families.''.

(3) IDENTIFICATION OF CERTAIN CHILDREN.—Section 399D(a)(3)(A) of the Public Health Service Act (42 U.S.C. 280d(a)(3)(A)) is amended—

(A) in clause (i), by striking ''(i) the entity'' and inserting ''(i)(I) the entity'';

(B) in clause (ii)—

(i) by striking ''(ii) the entity'' and inserting ''(II) the entity''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) the entity will identify children who may be eligible for medical assistance under a State program under title XIX of the Social Security Act.''.

(b) SERVICES FOR CHILDREN.—Section 399D(b) of the Public Health Service Act (42 U.S.C. 280d(b)) is amended—

(1) in paragraph (1), by inserting ''alcohol and drug,'' after ''psychological,''; and

(2) by striking paragraph (5) and inserting the following:

''(5) Drug and alcohol treatment and prevention services.''.

(c) SERVICES FOR AFFECTED FAMILIES.—Section 399D(c) of the Public Health Service Act (42 U.S.C. 280d(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting before the semicolon the following: '', or through an entity the meets applicable State licensure or certification requirements regarding the services involved''; and

(B) by adding at the end the following:

''(D) Aggressive outreach to family members with substance abuse problems.

''(E) Inclusion of consumer in the development, implementation, and monitoring of Family Services Plan.''; and

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

''(A) Alcohol and drug treatment services, including screening and assessment, diagnosis, detoxification, individual, group and family counseling, relapse prevention, and case management.'';

(B) by striking subparagraph (C) and inserting the following:

''(C) Pre- and post-pregnancy family planning services and counseling on the human immunodeficiency virus and acquired immune deficiency syndrome.'';

(C) in subparagraph (D), by striking ''conflict and''; and

(D) in subparagraph (E), by striking ''Remedial'' and inserting ''Career planning and''.

(d) ELIGIBLE ENTITIES.—Section 399D(d) of the Public Health Service Act (42 U.S.C. 280d(d)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(d) ELIGIBLE ENTITIES.—The Secretary shall distribute the grants through the following types of entities:'';

(2) in paragraph (1), by inserting ''or prevention'' after ''drug treatment''; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''; and'' and inserting ''; or''; and

(B) in subparagraph (B), by inserting ''or pediatric health or mental health providers and family mental health providers'' before the period.

(e) SUBMISSION OF INFORMATION.—Section 399D(h) of the Public Health Service Act (42 U.S.C. 280d(h)) is amended—

(1) in paragraph (2)—

(A) by inserting ''including maternal and child health'' before ''mental'';

(B) by striking ''treatment programs''; and

(C) by striking ''and the State agency responsible for administering public maternal and child health services'' and inserting '', the State agency responsible for administering alcohol and drug programs, the State lead agency, and the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act''; and

(2) in paragraph (3)(B), by inserting before the semicolon the following: ''when the child can be cared for at home without endangering the child's safety''.

(f) REPORTS.—Section 399D(i)(6) of the Public Health Service Act (42 U.S.C. 280d(k)(6)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(F) the number of children described in subparagraph (C) for whom the permanent plan is other than family reunification;''.

(g) EVALUATIONS.—Section 399D(l) of the Public Health Service Act (42 U.S.C. 280d(l)) is amended—

(1) in paragraph (4), by inserting before the semicolon the following: '', including increased participation in work or employment-related activities and decreased participation in welfare programs'';

(2) in paragraph (5), by striking ''children whose'' and inserting ''children who can be cared for at home without endangering their safety and whose''; and

(3) in paragraph (6), by inserting before the semicolon the following: ''if the reunification would not endanger the child''.

(h) REPORT TO CONGRESS.—Section 399D(m) of the Public Health Service Act (42 U.S.C. 280d(m)) is amended—

(1) in paragraph (2), by adding ''and'' at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (4) and (5).

(i) DATA COLLECTION.—Section 399D(n) of the Public Health Service Act (42 U.S.C. 280d(n)) is amended by adding at the end the following: ''The periodic report shall include a quantitative estimate of the prevalence of alcohol and drug problems in families involved in the child welfare system, the barriers to treatment and prevention services facing these families, and policy recommendations for removing the identified barriers, including training for child welfare workers.''.

(j) DEFINITION.—Section 399D(o)(2)(B) of the Public Health Service Act (42 U.S.C. 280d(o)(2)(B)) is amended by striking ''dangerous''.

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 399D(p) of the Public Health Service Act (42 U.S.C. 280d(p)) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1998, and such sums as may be necessary for fiscal year 1999.''.

(l) GRANTS FOR TRAINING AND CONFORMING AMENDMENTS.—Section 399D of the Public Health Service Act (42 U.S.C. 280d) is amended—

(1) by striking subsection (f);

(2) by striking subsection (k);

(3) by redesignating subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (o), and (p) as subsections (e) through (o), respectively;

(4) by inserting after subsection (c), the following:

''(d) TRAINING FOR HEALTH CARE PROFESSIONALS, CHILD WELFARE PROVIDERS, AND OTHER PERSONNEL.—The Secretary may make a grant under subsection (a) for the training of health care professionals, child welfare providers, and other personnel who provide services to vulnerable children and families. Such training shall be to assist professionals in recognizing the drug and alcohol problems of their clients and to enhance their skills in identifying and obtaining substance abuse prevention and treatment resources.'';

(5) in subsection (k)(2) (as so redesignated), by striking ''(h)'' and inserting ''(i)''; and

(6) in paragraphs (3)(E) and (5) of subsection (m) (as so redesignated), by striking ''(d)'' and inserting ''(e)''.

By Mr. TORRICELLI (for himself and Mrs. FEINSTEIN):

S. 796. A bill to reduce gun trafficking, and for other purposes; to the Committee on the Judiciary.

THE GUN KINGPIN DEATH PENALTY ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today, on behalf of myself and the distinguished Senator from California, Senator FEINSTEIN, to introduce the Gun Kingpin Death Penalty Act of 1997. I hope that our colleagues will soon join us in sending a clear and strong signal to our most violent gunrunners—your actions will no longer be tolerated.

Mr. President, the fight against gun violence is a long-term, many-staged process. We have already succeeded in enacting the Brady bill and the ban on devastating assault weapons. Last year, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun.

And these laws have been effective: 186,000 prohibited individuals have already been denied a handgun due to Brady background checks—70 percent of these people were convicted or indicted felons. Traces of assault weapons have plummeted since the ban, and prices have gone up. And our law enforcement officers are no longer dying at the hands of criminals armed with assault weapons.

As I said, we have been successful. But we cannot be satisfied with victories in battle—we must use every avenue possible to win the war against gun violence.

Mr. President, it is for this reason that I rose just a few weeks ago with Senator DURBIN to introduce a new prosecutorial tool in the fight to stop gun traffickers—the Gun Kingpin Penalty Act of 1997. That bill would institute a sliding scale of mandatory minimum penalties for the worst gunrunners, and I hope we can debate it soon.

But we must also address the problem of the most violent and dangerous offenders—those who commit murder in furtherance of their gun trafficking crimes. So I rise again today to issue a new challenge—send a message to murderous gunrunners that their violence must stop.

Our Gun Kingpin Death Penalty Act of 1997, which is modeled after the Drug Kingpin Death Penalty legislation already enacted into law, provides that any criminal who commits murder or successfully orders a murder committed during the course of trafficking in more than 25 firearms may receive life in prison or the death penalty. This provision gives Federal prosecutors one more tool in the fight against gun trafficking, and sends out a warning to all violent gunrunners—think twice before you act.

Mr. President, when I rose with Senator DURBIN last month to introduce the first in this two-bill attack on gunrunners, I cited recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms which clearly demonstrate what many of us already knew all too well—several key highways in this country have become so-called firearm freeways—pipelines for merchants of death who deal in illegal firearms.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other State—less than one gun per 100,000 residents, or 75 total guns. In contrast, Mississippi exported 29 of these guns per capita last year.

Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out-of-State—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

In fact, the top six exporters of illegal guns used to commit crimes in New Jersey supplied 62 percent of the guns, 585, and only one of those six States—North Carolina—has strong gun control laws.

This represents a one-way street—guns come from States with lax gun laws straight to States—like New Jersey—with strong laws.

New Jersey has long been proud to have some of the toughest gun control laws in the Nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out-of-State gunrunners who treat our State like their own personal retail outlet.

It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from States with weak laws. We must act on a Federal level to send a clear message that this cannot continue and will not be tolerated. And we must send an equally clear message that gunrunners who commit murder risk the ultimate of penalties.

Finally, Mr. President, I remind my colleagues that we cannot rest satisfied simply because we have succeeded in the past. The problem of illegal gun traffickers will not just go away, and we cannot stand by and watch as innocent men, women, and children die at

the hands of criminals armed with these guns. I urge my colleagues to support this bill. I ask 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. 796

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 ''Gun Kingpin Death Penalty Act of 1997''.

SEC. 2. DEATH PENALTY FOR CERTAIN FIREARMS TRAFFICKING VIOLATIONS.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p) In addition to any other penalties set forth in this title, any person engaging in an offense under paragraph (1)(A) or (3) of section 922(a) that involves 25 or more firearms, who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of an individual, and such killing results, shall be sentenced—

''(1) to a term of imprisonment of not less than 20 years and up to life imprisonment; or

''(2) to death.''.

By Mr. CHAFEE (for himself, Mr. BAUCUS and Mr. KENNEDY):

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; to the Committee on Environment and Public Works.

THE JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

Mr. CHAFEE. Mr. President, today I introduce legislation to help resolve the most serious problem identified by patrons and visitors of the Kennedy Center—the lack of adequate on-site parking. Joining me today as original cosponsors are: Senators BAUCUS and KENNEDY.

This legislation provides authority to the Kennedy Center Board of Trustees to construct an addition to the existing parking garage at each of the north and south ends of the Center. Importantly, Mr. President, the garage addition authorized in this bill will come at a cost to the Federal Government. The project will be financed through the issuance of industrial revenue bonds which will be repaid entirely with revenue derived from operation of the expanded garage. Indeed, a provision included in the legislation explicitly prohibits the use of appropriated funds for the purpose of constructing or financing the parking garage expansion.

Also included in the bill is authorization for the Center to take action on site modifications for the improvement of security on the site. The Center has conducted a complete security review, and among the recommendations are changes to the main approach and plaza. This legislation allows the Center to pursue site modifications for the protection of the building and its visitors.

Consistent with the John F. Kennedy Center Act Amendments of 1994, the Center's plans for the garage expansion and other related site improvements will be developed in close consultation with the Department of Interior. In fact, the National Park Service sent a letter today to the president of the Kennedy Center, Mr. Lawrence J. Wilker, conveying its approval of the conceptual plan for this project.

Mr. President, let me say that this proposal reflects the commitment of the Kennedy Center trustees to continually improve this Presidential monument for the benefit of the Public—in a manner that is financially responsible. And indeed, the Center is an operation run in a financially sound way.

A little-known fact about the Kennedy Center is that 90 percent of the Center's annual operating income is derived from private sources. The Federal Government provides only 10 percent of the Center's annual operating income—and these Federal funds are carefully limited to nonperformance activities. This legislation maintains that impressive private-to-Federal funding ratio.

I am proud to serve as a trustee of the Kennedy Center, and commend the board for its stewardship of this treasured asset—the national center for the performing arts and living memorial to the late President.

In closing, Mr. President, I want to thank Senators BAUCUS and KENNEDY for their help in drafting this bill. I look forward to working with them and other colleagues to secure timely adoption of the measure.

By Mr. WARNER:

S. 798. A bill to establish a Commission on Information Technology Worker Shortage; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION ON THE INFORMATION TECHNOLOGY WORKER SHORTAGE ESTABLISHMENT ACT OF 1997

Mr. WARNER. Mr. President, the shortage of skilled workers is one of the most critical issues facing the U.S. information technology [IT] industry today. Our position as world leader in this industry is threatened—not by technology—but by a shortage of necessary labor.

This issue is underscored by what we see in the want-ads every week: thousands of high-paying jobs unfilled, because there are not enough skilled applicants.

There is a shortage of nearly 200,000 workers nationwide. The economic impact of this shortfall is being felt in every State and congressional district across America.

Virginia, with its growing high-tech industry, is particularly hard hit—it is currently estimated that 18,000 jobs are currently unfilled. Technology-based businesses in Virginia number over 2,450, employ more than 290,000 workers, and contribute more than $13.8 billion in wages to the State's economy. At current rates of growth, by 2002 these numbers are expected to jump to over 4,000 companies, employing about 330,000, with $22 billion in wages. The average technology sector worker in Virginia earned $45,288 in 1996, compared to an average wage of $26,608 in the Virginia economy as a whole. By 2002, the average technology sector wage could grow to over $63,000.

By any measure, these are the jobs of the future. But unless our workforce is educated and trained properly, these jobs will remain unfilled or, worse yet, move to countries with the necessary qualified people. This 2-5-million-person industry is projected to nearly double in size by the year 2000. But its growth is being stunted by the inability of firms to hire the talent that they need to expand.

Let me be clear: this problem is not confined to just high technology companies and it is not limited to one region of the country. It extends to any firm that depends on information technology employees to expand its markets, reach its customers, or improve its products.

Education is a key component of the solution to this problem. However, schools are not graduating enough qualified individuals to meet the need. From 1986 to 1994, the number of bachelor degrees in computer science, for example, fell 43 percent from 42,195 to 24,200. As the Senate begins the reauthorization process for the Higher Education Act of 1965 and the formulation of job training legislation, I hope we will give particular emphasis to the impact that the shortage of skilled technology workers is having on the economy, and recognize the need to ensure that our work force is prepared for the next century.

As cochair of the Senate Information Technology Caucus and a new member of the Senate Labor and Human Resources Committee, I want to bring this matter to the attention of the Congress and the public, to demonstrate the far-reaching implications this crisis will have on the IT industry and the American economy as a whole.

We need to look at all options for addressing this problem. That is why I am introducing legislation establishing a National Commission on the Information Technology Worker Shortage. The Commission will be comprised of industry leaders, educators, and government officials who will study this issue and provide Congress with potential solutions. The Commission will draw on the brightest minds and the best ideas to craft the solutions necessary to encourage more students to enter technical fields, to ensure that teachers and schools are equipped to train them, and to incorporate the best private sector initiatives. The Commission will report concrete legislative and administrative recommendations to the President and to Congress within the year.

Mr. President, the Commission will provide the national focus and attention that this problem demands. I hope my colleagues will join me in supporting this initiative.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 293

At the request of Mr. HATCH, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid Programs.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 453

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 453, a bill to study the high rate of cancer among children in Dover Township, New Jersey, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 532

At the request of Mr. BAUCUS, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 532, a bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 551

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 551, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions.

S. 646

At the request of Mr. FORD, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 646, a bill to ensure the competitiveness of the United States textile and apparel industry.

S. 738

At the request of Mrs. HUTCHISON, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 738, a bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from California [Mrs. BOXER], the Senator from California [Mrs. FEINSTEIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Oregon [Mr. SMITH] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as ''National Character Counts Week.''

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Virginia [Mr. ROBB], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Florida [Mr. MACK], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

AMENDMENT NO. 309

At the request of Mr. KERRY the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Missouri [Mr. BOND] were added as cosponsors of amendment No. 309 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 312

At the request of Mr. KERREY the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of amendment No. 312 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 320

At the request of Mr. GRAMM the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of amendment No. 320 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 322

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 322 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

At the request of Mr. INHOFE his name was added as a cosponsor of amendment No. 322 proposed to S. Con. Res. 27, supra.

AMENDMENT NO. 324

At the request of Mr. BOND the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of amendment No. 324 proposed to S. Con. Res. 27, an original

concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 330

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 330 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 336

At the request of Ms. MOSELEY-BRAUN the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of amendment No. 336 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 336 proposed to S. Con. Res. 27, supra.

AMENDMENT NO. 340

At the request of Mr. SPECTER the names of the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Iowa [Mr. HARKIN], the Senator from Florida [Mr. MACK], the Senator from New York [Mr. D'AMATO], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. INOUYE], the Senator from Maine [Ms. COLLINS], the Senator from Texas [Mrs. HUTCHISON], the Senator from California [Mrs. FEINSTEIN], and the Senator from Nevada [Mr. REID] were added as cosponsors of amendment No. 340 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 344

At the request of Mr. LEAHY his name was added as a cosponsor of amendment No. 344 proposed to S. Con. Res. 27, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

At the request of Mr. WELLSTONE his name was added as a cosponsor of amendment No. 344 proposed to S. Con. Res. 27, supra.

At the request of Mr. DASCHLE the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Hawaii [Mr. AKAKA], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Illinois [Mr. DURBIN], the Senator from Connecticut [Mr. DODD], the Senator from Nevada [Mr. REID], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of amendment No. 344 proposed to S. Con. Res. 27, supra.

SENATE CONCURRENT RESOLUTION 28—RELATIVE TO A STUDY OF MERCURY

Mr. LEAHY (for himself, Mr. WELLSTONE, Mr. LEVIN, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 28

Whereas there has been a two-to-threefold global increase in mercury in the environment since the 1850's, increases of 3 times have been found in wilderness areas of the United States, and much higher increases have been found in developed areas of the United States;

Whereas mercury is truly a State, national, and international concern because mercury is atmospherically transported indiscriminately across political boundaries;

Whereas atmospheric deposition resulting from human activities, including area sources, waste incineration and disposal, and fossil fuel burning contributes to mercury loading in the environment;

Whereas mercury is a persistent bioaccumulative toxic substance that presents particular problems in aquatic systems;

Whereas fish consumption advisories have been issued for at least 1,500 water bodies in 37 States, including Vermont, because of high levels of mercury contamination in fish, resulting in losses to tourism and fishing industries and related activities;

Whereas, according to estimates by the Administrator of the Environmental Protection Agency, each year in the United States between 80,000 and 85,000 pregnant women are exposed to mercury levels high enough to produce risk to their children;

Whereas the study of mercury required under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), required to be completed by November 15, 1994, represents the best information in the world on the use, generation, and disposal of mercury;

Whereas the Administrator of the Environmental Protection Agency effectively completed the draft report in 1995, but has continually delayed submittal of the study to Congress;

Whereas there are known substitutes for most mercury-containing products and devices, except for high-efficiency lighting;

Whereas over 500,000,000 mercury-containing lamps are annually produced in the United States, representing one of the largest sources of mercury in municipal waste streams, and typical waste management practices involve compaction, which results in mercury releases, before and during disposal;

Whereas landfill air emissions test data for mercury is lacking;

Whereas the Administrator of the Environmental Protection Agency is establishing simultaneously maximum achievable control technologies for mercury sources pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), proposing tightening water quality criteria for mercury under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), placing priority on mercury-contaminated superfund sites, but is proposing to exempt mercury-containing lamps from hazardous waste regulations;

Whereas the United States and Canada have jointly agreed in the Agreement on Air Quality, Agreement on Great Lakes Water Quality, 1978, and Agreement on Virtual Elimination of Persistent Toxic Substances in the Great Lakes Basin to control transboundary emissions and to cooperate on research and development projects to eliminate toxic substances, including mercury; and

Whereas Federal and State governments have taken many actions to reduce mercury in the environment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that the Administrator of the Environmental Protection Agency should—

(1) immediately release to Congress the study of mercury required under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B));

(2) initiate a pilot program for landfill air emission tests for mercury in the Northeast and nationally; and

(3) not exempt mercury-containing lamps from hazardous waste regulations, but should instead adopt universal waste rules that foster mercury recycling.

Mr. LEAHY. Mr. President, I would like to draw the Senate's attention to something that is going on at the Environmental Protection Agency that is of great concern to many of our House and Senate colleagues, and to myself. For the past year, I have been working with the Environmental Protection Agency, the White House and now, the Science Advisory Board, to release a 1,700-page report on the sources, health risks, and control measure for mercury pollution in our country. This report is the best and most complete assemblage of state-of-the-art information to date on the sources and health effects of mercury pollution. It has undergone extensive internal and external peer review. American taxpayers have already paid more than $1 million in contract dollars and for more than 25,000 hours of staff time to develop this report. Had the report been submitted to the Congress when it was effectively completed roughly 17 months ago, the information it contains would have been available to the public and for use by State and Federal decisionmakers.

Because of the widespread public and congressional concern over the health and environmental effects of mercury pollution, the 1990 Clean Air amendments required the EPA to conduct a study of mercury and submit that study to Congress by November 1994. Instead, the EPA submitted the report to the Science Advisory Board for review because new studies are expected to be published over the next 2 years. Well, as we all know, one thing you can be sure of in this world is that researchers will continue to research; there will always be new studies, and this is as it should be. We need sound science to make public policy decisions. But we also need up-to-date science, and that is what this report offers. As time passes, the information contained in the report becomes increasingly less useful for regulatory and judicial decisions.

Mercury poses a serious and growing public health and environmental threat to our Nation. Thirty-seven States have issued human health consumption advisories because of unacceptable levels of mercury in freshwater fish. According to EPA estimates, as many as

85,000 pregnant women are exposed to mercury levels high enough to produce risks to their children. Yet many States cannot identify the sources and quantities of this pollutant or address the problems that arise both within and outside State borders.

We Vermonters are deeply concerned about what is being transported by air currents across our borders. Acid rain taught us that our tough laws on the environment were not enough to protect us. We could be affected from other areas of the country whose environmental standards may not be as high as our own. Yet despite these standards, Vermont and other States have become a dumping ground. We saw some of our healthiest forests die off from pollution that came from outside our region. Unlike the many compounds causing acid rain, mercury does not break down. It circulates through the environment. It is not going to go away when we turn off the tap. It will settle in the lakes, streams, and soils of those States that were also the dumping ground for acid rain.

The public has a right to this report and the States need it to make sensible decisions about reducing mercury in the environment. Instead, it has been sitting on the shelf for nearly 2 years now. By holding back the mercury report, the administration is denying to Federal and State regulatory bodies and to the public information that will be critical to the revision of health advisories, air pollution measures, and utility restructuring proposals. But releasing the report is only the first step in addressing mercury pollution. The concurrent resolution I am submitting today also addresses the need to reduce mercury releases into the environment.

One major source of mercury is municipal waste due to the disposal of mercury-containing lamps. EPA has proposed a rule to either exempt mercury-containing lamps from hazardous waste regulations or to include them in the universal waste rule, but EPA has made little progress since 1995. Exempting mercury-containing lamps from the hazardous waste rule would allow more than 500 million lamps to be deposited in solid waste landfills or conveyed to waste incinerators, perpetuating the uncontrolled release of mercury into the environment. In Vermont, we are building a recycling industry to collect mercury-containing lamps. We are trying to keep mercury out of our waste stream. Without a Federal effort to encourage the same preventive steps in other States, this effort will be for naught. By including mercury-containing lamps in the universal waste rule, we would encourage recycling and the elimination of these products from the municipal solid waste stream.

Another integral step in addressing mercury pollution is development of a better inventory of mercury emissions. One of the recommendations of the mercury report is to acquire test data on notable sources of mercury. My concurrent resolution calls upon EPA to begin landfill testing in pilot sites across the country. Several States have already expressed an interest in testing, and Florida has already begun testing at landfills. The only testing conducted at the Federal level was in New York City where two studies raised contradictory findings. In a 1994 Minnesota study, more than 10 percent of the overall emissions of mercury were attributed to landfills. We need to verify these initial findings through a national pilot program. Unfortunately, the 1,700-page mercury report does not include an examination of landfills.

It is my hope that by releasing the mercury report, promulgating regulations on disposal of mercury-containing lamps and testing for mercury emissions, we will lay the groundwork for the long-overdue reduction of mercury from several sources. I am pleased to be joined by my colleagues, Senators WELLSTONE, JEFFORDS, LEVIN, MOYNIHAN, FEINGOLD, and DODD, in submitted this Senate concurrent resolution. I hope that this resolution will draw to this issue the attention not only of the Senate, but also of the administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m., on Thursday, May 22, 1997, in open session, to receive testimony on the Quadrennial Defense Review.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 22, 1997, to conduct a hearing on the following nominees: Mr. James A. Harmon, of New York, to be the president of the Export-Import Bank of the United States; and Ms. Jackie M. Clegg, of Utah, to be the first vice president of the Export-Import Bank of the United States.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 22, 1997, to conduct a hearing on electronic funds transfer and electronic benefit transfer and the effect of these programs on Federal benefit recipients.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 22, 1995, at 9:30 a.m. on oversight of professional boxing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 22, at 4 p.m. for a markup.

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

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, May 22, 1997, at 10 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 22, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing to consider revisions to title 44/GPO: Review and Recommendations of Draft Legislation.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 22, 1997, at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 22, 1997, at 2 p.m. to hold a hearing on: ''Antitrust Implications of the College Bowl Alliance.''

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation be authorized to meet on May 22, 1997, at 2 p.m. on S. 442—Internet Tax Freedom Act.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday,

May 22, 1997, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a Hearing on Substance Abuse and Mental Health Services Administration [SAMHSA] during the session of the Senate on Thursday, May 22, 1997, at 9:30 a.m.

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

ADDITIONAL STATEMENTS

HONORING THE GRAND OPENING OF THE LANDMARK INN HOTEL

● Mr. LEVIN. Mr. President, I rise today to pay tribute to Bruce and Christine Pesola, of Marquette, MI, whose restoration of the Landmark Inn Hotel has preserved one of the Upper Peninsula's architectural and historic treasures for a new generation.

The Landmark Inn Hotel originally opened on January 8, 1930, and was known as the Hotel Northland. At that time, the Northland was the premier hotel in the Upper Peninsula. Throughout the years, the hotel has housed many notable people, including Amelia Earhart, Bud Abbott and Lou Costello, and musical legends Duke Ellington and Louis Armstrong.

When Bruce and Christine Pesola purchased the hotel in 1995, it had stood vacant for more than 12 years. While many people were calling for the demolition of the building, the Pesolas were dedicated to preserving this piece of history. Described by one local newspaper as a ''squalid, vacant blemish on the city's skyline,'' the rehabilitation of the Landmark Inn will contribute significantly to restoration efforts in downtown Marquette. As a longtime proponent of historic preservation, I was pleased to support the Pesolas in their efforts to secure the project's eligibility for historic preservation certification from the Department of the Interior, enabling the Pesolas to receive federal tax credits in return for their commitment to retaining the historic characteristics of the hotel.

The renovation of the Landmark Inn Hotel stands as an example of the benefits of historic preservation. Not only will Marquette gain a quality hotel in the downtown area, the people of the city of Marquette and the State of Michigan will retain an important link to the past. I know my colleagues will join me in expressing congratulations and best wishes for future success to Bruce and Christine Pesola on the occasion of the grand opening of the Landmark Inn Hotel.●

TRIBUTE TO THE NEW HAMPSHIRE DELEGATES ATTENDING A NATIONAL SUMMIT ON VOLUNTARISM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the New Hampshire delegates who represented the Granite State at the National Summit on Voluntarism in Philadelphia from April 27 through April 29. The 3-day summit focused on the challenges facing our Nation's children and youth, and encouraged Americans to dedicate their time and talents to communities and children. It was organized on the suggestion that America's young people have access to five fundamental resources. These resources include an ongoing relationship with an adult, safe places during nonschool hours to learn, a healthy start, a skill through effective education, and the opportunity to give back through community service.

I would like today to honor the individuals from my state who gave their time and energy so our children can remain safe and strong. They are: Amy McGlashan of New Hampshire College and University Council, Daniel Forbes of St. Anselm College, Carlos Agudelo of the ALPHA Alliance, Regis Lemaire of the Office of Youth Services, David Fish of the United Parcel Service, Darlene E. Schmidt of CFX Bank, Joshua Morse of Southern New Hampshire Services, JoAnn St. Pierre of the Voluntary Action Center, Ann Puglielli of St. Anselm College, Richard Shannon of New Hampshire Catholic Charities, Susan Gilbert of Manchester, Suzanne Carbon of the Grafton County Family Court, Catie Doucette of the White Mountain School, Ed Farrell of the White Mountain School, Dick Fowler of the Division of Children and Youth Services, Katie Kelley of the Pathfinders Program, Theresa Kennett of Kennett High School, Bruce Labs of Woodsville High School, Sara Lang of Woodsville High School, Mike Purcell of White Mountain Mental Health, Lynn Wheeler of Nighswander, Lord & Martin, Debbie Tasker of the Dover Adult Learning Center, Bernie Mucci of Tyco International Ltd., Elise Klysa of the Timberland Corp., Ron Borelli of Aavid Thermal Technologies Inc., Karen Brown of Channel 9 News, Chris Gallagher of the Corporation for National Service, Sidney Swartz of the Timberland Corp., and Ken Freitas of the Timberland Corp.

Each and every delegate from the State of New Hampshire has achieved success in effective citizen service. They are experienced in creating opportunities for others to contribute to solutions, and have a record of getting things done. Above all, they are trusted by others in their community and for that they can be very proud.

The summit proved to be beneficial. The representatives from New Hampshire combined their efforts with delegates from Delaware. They came up with creative plans to bring adults and college students into Manchester's public schools together to help establish a mentoring program. The New Hampshire delegates will meet again in the summer to review this proposal and the other ideas they collected and decide how to use them.

I commend the New Hampshire delegates on their willingness to help make the Granite State a better place to live, and to ignite the spirit of voluntarism to provide a strong foundation for America's youth. New Hampshire is fortunate to be blessed by their leadership and dedication. I applaud them for their outstanding work, and am proud to represent all of them in the U.S. Senate.●

TRIBUTE TO RICHARD LLOYD THOMPSON, SR.

● Mr. DODD. Mr. President, I rise today to pay tribute to a truly remarkable man who, on May 30, 1997, will celebrate his retirement after 38 years as an educator—Richard Lloyd Thompson, Sr. of Middletown, CT.

Within every middle-sized town in America, there is a small handful of individuals that form the backbone of that community. Everyone knows and respects these individuals, because they are continually working to strengthen neighborhoods and help others. They always place the needs of others above their own, and they continually give of themselves to ensure that their hometown is a better place in which to live. Dick Thompson is one of these individuals.

People like Dick Thompson are every bit as important to the city of Middletown, CT as major employers like Aetna, Pratt & Whitney, and Wesleyan University. He has helped to educate more than a generation of students in Middletown, and countless children and their families in this town have had their lives positively impacted by him.

Dick has seen Middletown grow and mature before his own eyes. After teaching in the Hartford Public Schools for 10 years, he came to Middletown in 1971 to serve as the principal at Bielefield Elementary School. When Dick accepted this job, he entered a newly racially integrated school as the first nonwhite school administrator in the history of this school system. Through the strength of his own character, he was able to guide the school through a period of social uneasiness, and he has been an institution within the Middletown school system ever since.

But Dick Thompson's contributions extend far outside the school. He has served on Middletown's Planning and Zoning Commission, their Charter Revision Commission, and their Salvation Army Advisory Committee. To illustrate the broad variety of his community involvement, he has been named an honorary deputy by the Middlesex County Sherriff's Association, and he has also served as a Middlesex County justice of the peace.

I have been fortunate to get to know Dick personally through his involvement with the Democratic Party. He has been a local and State delegate for Middletown's Democratic Town Committee, and he has also served on Middletown's Democratic Nominating Committee.

Despite the broad range of Dick Thompson's community service, the driving force behind all of his activities has been his concern for children. As someone who was orphaned at the age of 5, and who lived in an orphanage from ages 5 to 18, Dick is keenly aware of the needs of children and the positive impact that the surrounding community can have on a child's life. Dick sits on Middletown's Youth Services Commission, and he has taken a very active role in the lives of children through his service as a Deacon in his church. Dick has been a mentor for many children, and he has helped to instill these young people with a strong set of values that they will carry for a lifetime.

As Dick approaches his retirement, I am certain that he would consider his commitment to his family to be his greatest accomplishment. Dick has been happily married to his wife Betty for more than 30 years, and together they have raised two wonderful children. Following in the family tradition, their daughter, Claudette Renee, worked as an educator of children and adults. She worked for Head Start programs in both Boston and Atlanta, and she currently serves as a technical director for an international corporation in Maryland. Their son, Richard, graduated from law school in 1994, and he is working as an attorney in the Washington, D.C. area. There is no greater source of pride for a parent than to see his children succeed, and Dick should be pleased to know that his pride in his children is exceeded only by their admiration for their father.

Again, I want to congratulate Dick Thompson on his retirement, and I wish him the best of luck in all his future endeavors.●

BROOKE COUNTY'S BICENTENNIAL CELEBRATION

● Mr. ROCKEFELLER. Mr. President, I rise today in recognition of a historical milestone in my state of West Virginia. In 1797, Brooke County, named after Gov. Robert Brooke of Virginia, was officially born. I take this opportunity to congratulate Brooke County on its bicentennial celebration.

Brooke County, located in the northern Panhandle of West Virginia, was created from part of Ohio County. The first session of the Brooke County court took place in the home of William Sharpe on May 23, 1797. Since that day, the residents of Brooke County have played a vital role in the development of West Virginia and the Nation. Its residents fought to protect our Nation in the War of 1812 and to keep it intact in the Civil War. They founded Brooke Academy, the first educational institution on the Ohio River, south of Pittsburgh and west of the Alleghenies. However, they are not only sound in body and mind, but also in their souls, as the Christian Church, the Disciples of Christ, and the Church of Christ all have their early roots in 19th century Brooke County.

From the Duval Glass House, the first glasshouse in West Virginia, to the delicious Grimes golden apples, the residents of Brooke County have been steeped in a tradition of innovation. Their accomplishments are numerous and far-reaching. Part of the highly industrialized Ohio Valley, Brooke County has seen its innovation at work, as their industries have grown from early paper bag and marble manufacturers to a variety of steel industries including the most modern steel coating mill in the world.

On behalf of all citizens from the Mountain State, I would like to once again commend Brooke County on its 200th birthday and ask that my distinguished colleagues join with me in recognizing its rich history of accomplishments and innovation.

● Mr. MCCAIN. Mr. President, several weeks ago the ABC News ''20/20'' program aired a piece entitled ''Your Tax Dollars at Work,'' a report about an airport construction project in northwest Arkansas. The report focused on allegations that the new airport was unnecessary and a waste of Federal tax dollars. As chairman of the Commerce Committee, I believed it was incumbent on me to followup on these allegations. I consequently requested that the General Accounting Office [GAO] review the project to ensure that the Federal Aviation Administration [FAA] followed the agency's established process to allocate discretionary airport funds to this project.

I want to state at the outset that the GAO has said that nothing illegal has taken place with respect to the project. In its review, however, shortcomings were discovered with the FAA's grant decisionmaking process that need to be addressed. The FAA's decision to provide grants for the new Northwest Arkansas Federal Government does not always do the best job in managing the taxpayers' money. In this case, the FAA could have better managed the airport grant program. The FAA decided to fund this airport, although the circumstances on which it made its decision changed. When this new airport is built and ready for use in 1998, the Federal Government's share will be $70 million, almost two-thirds of the airport's total cost. It remains to be seen, however, if the airport will have an airline to serve it and if passengers will use it.

The FAA must ensure that the limited Federal funds available for developing the Nation's airports to go to the most deserving projects. Maintaining and improving the Nation's airport system requires continual capital investment and the FAA provides Federal grants to help with that development. As with other Federal programs, the airport grant program has taken its share of cuts as we work toward balancing the budget. This situation makes it even more important that the FAA does the best possible job in managing the program's approximately $1.5 billion in funds.

From the beginning, there were problems with the FAA's decisionmaking process in awarding grants to NWARA. The FAA went outside its priority system, and relied in part on its subjective assessment in awarding the airport $70 million over the 12-year period from 1991 through 2002. The FAA made its decision in 1990 and did not reconsider its position, although the circumstances on which the decision was based changed in the immediate following years. In making its decision, the FAA assumed that a nearby airport, Drake Field in Fayetteville, AR, would close and that all air service would move to NWARA. Drake Field, however, remains open and improvements to this airport have been made. The airlines are happy with the airport. Rather than closing, it appears that Drake Field will compete with NWARA. These airports are less than 30 miles apart. The FAA also said airlines were behind the construction of NWARA. To this day, however, no airlines have made a firm commitment to use this new airport.

The FAA also decided to provide grants to NWARA under a rarely used special mechanism called a letter of intent. This mechanism allows the FAA to schedule grant payments in future years beyond the program's authorization period. Of the tens of thousands of grants the FAA has awarded, only about 50 letters of intent have been issued and only two—one of which went to NWARA—have been issued in the last 4 years. The Congress established letters of intent only to fund projects that significantly enhance the capacity of the national airport system. The FAA, however, awarded the letter of intent to NWARA without having defined what constitutes a significant capacity enhancement for small airports like NWARA. The agency also used a cost-benefit analysis to justify the letter of intent, analysis that was not redone even though it was not clear that certain assumptions the agency made would hold, such as the closing of Drake Field.

The sloppiness of the FAA's decisionmaking process on this project has been disappointing, although legal. The GAO and other observers agree that it would be a waste of investments already made to withhold Federal funding now. NWARA has received about 40 percent of its total $70 million in grant funding, and construction of the airport is under way. The airport's runways will be completed by the end of 1997 and its terminal soon thereafter.

Nevertheless, the review of this project has been a valuable exercise. We must be certain that scarce Federal

resources are allocated to their highest and best uses. The FAA must be able to demonstrate compelling reasons for using subjective assessments to place projects on the priority list for Federal funding. The GAO will soon report to the FAA on how it can tighten up its grant award process, and better adhere to the criteria that the agency has laid out for itself. In the meantime, the Commerce Committee will continue to oversee the FAA's management of its grant program.●

OLDER AMERICANS MONTH

● Mr. SARBANES. Mr. President, since 1963 when President Kennedy began this important tradition, May has been designated ''Older Americans Month,'' a time set aside each year for our country to honor senior citizens for their many accomplishments and contributions to our Nation.

Those of us who have worked diligently in the U.S. Senate to ensure that older Americans are able to live in dignity and independence during their retirement years, look forward to this opportunity to pause and reflect on the contributions of those individuals who have played such a major role in the shaping of our great Nation. We honor them for their hard work and the countless sacrifices they have made throughout their lifetimes, and look forward to their continued contributions to our country's welfare.

Today's senior citizens have witnessed more technological advances than any other generation in our Nation's history. Seniors today have lived through economic depressions and recessions, times of war and peace, and incredible advancements in the fields of science, medicine, transportation and communications. It is imperative that we address the needs of these Americans who have devoted so much of their life experience and achievement to the betterment of our society. The celebration of Older Americans Month provides us with the opportunity to highlight the importance of reauthorizing the Older Americans Act. As a vigorous and consistent supporter of measures to benefit senior citizens, I am pleased to be a past cosponsor and strong supporter of this important legislation. First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need into today's dynamic network of community and home-based services so critical to many of our Nation's seniors.

The need for such legislation becomes especially apparent in light of current demographic trends. Senior citizens today comprise more than 12 percent of the country's population. Baby boomers, who represented one-third of all Americans in 1994, will enter the 65-years-and-older category over the next 13–34 years, substantially increasing this segment of our population. In my own State of Maryland, more than 768,400 individuals are over the age of 60, representing 15 percent of Maryland's total population. By the year 2020, that percentage is expected to increase to just over 23 percent. These demographic transformations pose significant challenges and opportunities and the Older Americans Act provides an excellent framework from which to address these challenges as we move into the next century. It is not enough to just honor our senior citizens. We must continue to enact meaningful legislation which will help meet the needs of this valuable and constantly expanding segment of our society.

The theme of this year's celebration is ''Caregiving: Compassion in Action.'' In my view, it is most appropriate that—as the percentage of the population over age 65 continues to grow—we take this opportunity to focus on how we, as a society, will care for our seniors. It is, therefore, incumbent upon us all to be prepared to both understand and address the needs of our seniors as they become an increasingly larger segment of American society. Many of us are already addressing this serious need. The Administration on Aging estimates that each day, as many as five million senior citizens in the United States are recipients of care from more than 22 million informal caregivers. As programs such as Medicare and Medicaid continue to feel the pressures of the current Federal budget process, the noble and compassionate work of these dedicated individuals is particularly critical.

Mr. President, I have always believed strongly in the potential of this significant and growing population to contribute to the development of policies that effect all Americans. Our Nation's seniors are an ever-growing resource that deserves our attention, our gratitude, and our heart-felt respect. As observance of Older American Month comes to a close, I look forward to working with my colleagues in the Senate in implementing public policies which affirm the contributions of older Americans to our society and ensure that they continue to thrive with dignity.●

CONGRATULATIONS TO WHEAT MONTANA FARMS AND BAKERY ON MONTANA SMALL BUSINESS OF THE YEAR

● Mr. BURNS. Mr. President, I rise today to extend my congratulations to Dean Folkvord of Wheat Montana Farms and Bakery of Three Forks on winning the Small Business Person of the Year Award. It is a real pleasure to recognize Dean and his family for his dedication and hard work.

There is a fierce competition in Montana for Small Business Person of the Year since 98 percent of our businesses are classified as small, and that makes Dean's accomplishments special. I was amazed when I learned of it, but Wheat Montana mills more wheat in a year than is grown in Montana. It takes a truly successful operation to handle that much wheat.

Mr. President, I am proud to say we have many small business success stories like Wheat Montana, and many folks like Dean keeping our economy growing and putting Montanans to work. There were two close runners-up for this award this year, and many other small businesses were awarded in other categories. Together, they are the engine that keeps Montana running.

Congratulations again to Dean Folkvord and the Wheat Montana family, and to Montana's entire small business community for all you do.●

HONORING THE MANITOWOC WORLD WAR II SUBMARINE EFFORT

● Mr. FEINGOLD. Mr. President, recently, the distinguished Senior Senator from Wisconsin [Mr. KOHL] and I, along with our colleague from the House of Representatives, Representative THOMAS PETRI, wrote to the Secretary of the Navy, the Honorable John H. Dalton, indicating our strong support for the proposal to name the third *Seawolf* class submarine the *Manitowoc*, recognizing the unique contribution by the city of Manitowoc, WI, to the development of U.S. submarine superiority in World War II.

The Manitowoc Shipbuilding Co. produced 28 submarines during World War II—roughly ten percent of America's submarine fleet during that war. The 25 Manitowoc-built submarines in the Pacific theater sank 132 enemy ships.

Prior to World War II, the Manitowoc Shipbuilding Co. had never produced submarines. As America entered the war, and the Nation committed its resources and energies to the effort, this shipbuilding company took on the task of retooling, retraining its employees, and restructuring its facilities to produce high-quality submarines at a wartime pace. They completed production of the submarines 19 months ahead of schedule and $1.8 million under budget. In all, some 7,000 people were employed at the Manitowoc Shipbuilding Co. at the height of World War II production, many working numerous nonstop shifts. Many also came from other cities and towns and the Manitowoc community opened up its arms to support these workers, giving them a home-away from home, which helped to maintain the morale of these essential workers in the war effort.

I am pleased to note that the Wisconsin State Senate has just passed a measure urging the Navy to name the new submarine the *Manitowoc*. Naming the new sub the *Manitowoc* would honor those who served on the Manitowoc-built subs, those individuals who worked 24 hours a day to build them, and the city which extended its support to the Herculean production effort. It would be a fitting tribute.●

SAFETY AND HEALTH ADVANCEMENT ACT OF 1997

● Mr. BURNS. Mr. President, as an original cosponsor of S. 765 I want to stress the importance of this measure and urge my colleagues to support its passage.

Mr. President, the Safety and Health Advancement Act is based on one simple premise: The Occupational Safety and Health Administration [OSHA] can be more effective at ensuring safe working environments by working with businesses than by waiting for violations to occur and then issuing fines. The purpose of this bill is to refocus OSHA's mission from enforcement to consultation, without putting a straightjacket on its ability to enforce when required.

S. 765 takes a number of important steps to help small business comply with OSHA standards. First, it establishes a third-party review process whereby a licensed auditor may consult with businesses and certify that the are in compliance with applicable OSHA standards. If certified, the business will be exempt for 2 years from any civil penalty prescribed by the OSH Act.

Second, S. 765 broadens the technical assistance program run by the States and OSHA. Under this program, the Montana Safety Bureau, with assistance from OSHA, consults with businesses and helps them meet OSHA standards. If in compliance, the business is exempt from general inspections for 2 years. This is a good program, but it is not widely used and it is underfunded, especially in Montana. S. 765 expands and makes permanent this assistance program.

Third, this bill writes into law OSHA's Voluntary Protection Program and requires the Secretary of Labor to encourage small businesses to use the program. If a business applies under the program and is certified as safe, it is exempt from inspections and certain paperwork requirements. Only 300 employers are currently in this program, but I know of plenty of small businesses that would qualify.

Finally, this bill requires OSHA to submit all proposed standards to the National Academy of Sciences for review and comments, and bars OSHA from using quotas for inspections, citations, or penalties.

Mr. President, I will soon be chairing a Small Business Committee field hearing in Montana to hear from small businesses how Federal and State regulations adversely affect them. The loudest complaints I will hear will be about OSHA and its heavy-handed enforcement policies. As a former small businessman, I know that working with small businesses to help them comply with OSHA standards will have better results than enforcement alone. By encouraging compliance, workplaces will be safer and workers will be better off.●

IN MEMORY OF ANDREW TEN

● Mrs BOXER. Mr. President, I rise today in memory of a remarkable young boy, and in tribute to his devoted family. Andrew Ten was just 12 years old when he passed away this week from complications resulting from a chronic neurologic, pulmonary, and gastrointestinal condition that left him physically handicapped for most of his short life. His life-treatening diseases required constant home medical and nursing care, 24 hours a day, 365 days a year.

Andrew came to my attention through his father, Rabbi Harold Ten, whose devotion to and love for his son was equaled only by his perserverence and tenacity in fighting the injustices of the health insurance system millions of Americans must endure every day. I will not delve into the details of young Andrew's case, but suffice it to say that he and his family were the victims of a system that encourages capriciously unilateral decisionmaking by the medical-industrial complex that fails to account for the real-life, human tragedies that families confront every day.

It was another example of how the understandable drive to hold down health care costs and maximize the profits often forces insurance carriers to make decisions that make no sense on a human level. It was an example of serious flaws and omissions in the laws protecting the consumer from health care system abuses, something we must not forget.

It was also an example of how one person can wage a battle against the inertia that often results in injustice. If it were not for the intervention of my office, after I had been contacted by Rabbi Ten, young Andrew would not have received the critical medical care he needed. But, it should not have come to that. The law should have been enough to protect Andrew and his family.

That is a fight for another day. Today, I want to offer my condolences to Rabbi Ten and his family on their loss. My heart goes out to them, who have fought so hard to prolong the life of their son and brother. I know that they will show the same courage and faith as they mourn his death.●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1128a–1928d, as amended, appoints the Senator from Utah [Mr. HATCH] as a member of the Senate Delegation to the North Atlantic Assembly during the First Session of the 105th Congress, to be held in Luxembourg, May 28–June 1, 1997.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware [Mr. BIDEN] as vice chairman of the Senate Delegation to the North Atlantic Assembly during the 105th Congress.

ORDERS FOR FRIDAY, MAY 23, 1997

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, May 23.

I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution, as under the previous order.

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

PROGRAM

Mr. DOMENICI. For the information of all Senators, at 9:30 a.m. tomorrow morning, the Senate will begin consideration of the resolution and begin a lengthy series of rollcall votes. And I cannot stress lengthy series of rollcall votes sufficiently. There will be a number of votes in order to complete action on the resolution. Senators should be prepared to remain on the Senate floor during that period to enable us to expedite this process to allow us to finish our business at a reasonable hour tomorrow. In addition, during Friday's session, the Senate will consider the CWC implementation bill, nominations that may be available on the Executive Calendar, and any other items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. 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, at 9:20 p.m., the Senate adjourned until Friday, May 23, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 22, 1997:

SOCIAL SECURITY ADMINISTRATION

KENNETH S. APFEL, OF MARYLAND, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

DEPARTMENT OF STATE

STANLEY O. ROTH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE WINSTON LORD.

MARC GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JOHN CHRISTIAN KORNBLUM.

JOHN CHRISTIAN KORNBLUM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

DAVID J. SCHEFFER, OF VIRGINIA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.