Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Faircloth

NOT VOTING—1

Helms

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

NOMINATION OF MICHAEL P. McCUSKEY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I withdraw the request for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois?

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2218

The PRESIDING OFFICER. The pending amendment is Dorgan amendment No. 2218, on which there are 2 minutes of debate equally divided, with the Senator from North Dakota controlling 1 minute and the Senator from New Mexico controlling 1 minute.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the budget resolution contains a sense of the Senate that the Tax Code shall be sunsetted at the end of the year 2001. It doesn't provide what might be replacing that. It doesn't suggest whether after the current Tax Code is sunsetted there will be a flat tax, a VAT tax, a national sales tax; it just says sunset the Tax Code.

The chairman of the Finance Committee, Senator ROTH, says the following:

> I believe that a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code.

The Tax Executives Institute, which represents thousands of corporations around the country, has said the same thing. It would be irresponsible to say let's get rid of the Tax Code without telling people what they are going to put in its place. What do you say to somebody who is going to buy a home tomorrow and they expect their mortgage interest deduction is going to be——

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. There will be order in the Senate.

Mr. FORD. I think the Senator from North Dakota should have some of his time back because nobody has heard him.

Mr. DORGAN. Mr. President, last evening, the Senator from New Mexico characterized the amendment as an amendment which supports the current Tax Code. It is a clever way to debate, I guess, what this amendment is about. I support reforming the current Tax Code, making it better, more simple, more fair, but I don't believe we ought to say, ''Let's abolish the current Tax Code and tell the American people there is nothing that we are going to put in its place this moment, you guess about that; you guess about that.''

It may be a national sales tax of 30 or 35 percent. That is what the recent study from the Brookings Institute says it would have to be. Maybe it is a flat tax where a billionaire pays the same rate as a person who works for $20,000 a year.

Let me conclude. The Senator from Maryland makes the point that I made last night. How would anybody tomorrow plan their expansion, plan their next action if they didn't know what the Tax Code was going to be in the year 2002?

How will anybody decide to buy a house wondering whether they are going to have a mortgage interest deduction?

How will anybody decide about their charitable contributions if they don't know that the tax system is going to allow that as a deduction? That is the point.

This is not the thing to do. The chairman of the Finance Committee said so and many, many others around the country, including the President, said so.

Let us strike this provision and replace it with the language I have suggested that supports the mortgage interest deduction, the charitable deduction, and others in the current code. We can improve the current code, and we should, but we ought not allow this provision to stay in the Budget Act.

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

The Senator from New Mexico has 1 minute.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. Please, could we have order in the body.

Mr. DOMENICI. Mr. President, I compliment the occupant of the Chair, the distinguished Senator from Kansas, and I compliment the distinguished Senator from Arkansas, Senator HUTCHINSON. They have given us an opportunity to see to it that we reform the Tax Code of the United States. It has been talked about for so long and nothing ever happens. They have devised a way where they are saying to the committees of the U.S. Congress, and to the President, let us get on with it. And here is the leverage: If you do not, we will not have a Tax Code in the year 2001.

I believe this is the only way you are going to get tax reform when those who are in charge of the job—with all the special interests gobbling them up not wanting any change. I think the only way it will occur is if this sense-of-the-Senate proposal becomes law. It is not law today when we approve of it. It will become law when a committee sends a bill to the President. But we ought to go on record saying we want reform, we want major reform of a broken down code, and we want it soon, not 15 more years of debate.

If I have any additional time, I yield it.

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

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2279 TO AMENDMENT NO. 2218, AS MODIFIED

(Purpose: To express the Sense of the Senate regarding passage of an IRS restructuring bill that provides real relief for taxpayers and provides appropriate oversight as well as to express the Sense of the Senate that the tax code should be terminated)

Mr. HUTCHINSON. I have a second-degree amendment to the Dorgan amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 2279 to amendment No. 2218, as modified.

Mr. FORD. Parliamentary inquiry. How much time does the Senator from Arkansas have on his second-degree amendment?

The PRESIDING OFFICER. Under the order, there is 1 minute on each side.

Mr. DORGAN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Did the unanimous consent request entered into last night prohibit second-degree amendments?

Mr. DOMENICI. No, it did not.

Mr. DORGAN. Second-degree amendments would be allowed? I did not hear your answer to Senator FORD. How much time is allowed?

The PRESIDING OFFICER. One minute on each side.

Mr. FORD. One minute.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I do not believe we need to be voting on the Dorgan amendment, which is simply a vote on behalf of the status quo. We need an affirmative vote on the need to sunset the current Tax Code.

The PRESIDING OFFICER. Would the Senator withhold?

Could we have order in the body?

Mr. BYRD. May we have a reading of the amendment?

The PRESIDING OFFICER. The clerk will please read the amendment.

The assistant legislative clerk read as follows:

Strike all after the first word of the matter proposed to be inserted and insert the following:

SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE'S IRS RESTRUCTURING BILL.

(a) FINDINGS.—The Senate finds that—

(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on IRS restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20–0 to report an IRS restructuring package that contains more oversight over the IRS, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill:

(A) removal of the statutory impediments to the Commissioner of Internal Revenue's efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization,

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse,

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability,

(D) real, meaningful relief for innocent spouses,

(E) provisions which abate penalties and interest after 1 year so that the IRS does not profit from its own delay,

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the IRS can pursue a lien, levy, or seizure,

(G) provisions which forbid the IRS from coercing taxpayers to extend the 10-year statute of limitations for collection,

(H) provisions which require the IRS to terminate employees who abuse taxpayers or other IRS employees,

(I) provisions which make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an IRS restructuring bill which provides the most taxpayer protections, the greatest degree of IRS employee accountability, and enhanced oversight.

SEC 302. SENSE OF CONGRESS REGARDING THE SUNSET OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—Congress finds that a simple and fair Federal tax system is one that—

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

(2) provides tax relief for working Americans;

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

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

The PRESIDING OFFICER. There is now 1 minute of debate on each side.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, if I might just explain the amendment. There are two major provisions to the amendment. One would say that until we are able to replace this Tax Code, we need to restructure and reform the IRS. Senator ROTH has done a marvelous job in highlighting the abuses of the Internal Revenue Service. This puts us on record, in the sense of the Senate, that we should as expeditiously as possible provide taxpayer protections.

The second major provision is that we should set a date certain in which this massive, incomprehensible Tax Code will be sunsetted, and we will have a replacement code written 6 months in advance of that.

We give the sense of the Senate in those two respects.

This chart in the Washington Post shows what we did in the Taxpayer Relief Act regarding one provision, IRA rules. We complicated it from this to this. The American taxpayer knows that. We need to simplify, we need to reform the IRS. And there is nothing irresponsible about setting a sunset date on sunsetting the existing Tax Code.

We sunset the ISTEA bill, we sunset the higher education bill, we sunset the farm bill. But we just add to, and add to, and add to the Tax Code. We have elections. We have a process. We have hearings. We will have a responsible process by which we write a replacement code and the American people will come to a consensus.

I ask your support for this second-degree amendment.

Mr. NICKLES. I ask for the yeas and nays. I ask for the yeas and nays.

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

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 in opposition?

Mr. DORGAN. Mr. President, I believe I have a minute in opposition.

The PRESIDING OFFICER. That is correct. The Senator from North Dakota has 1 minute.

Mr. DORGAN. Mr. President, this is, with all due respect, a sloppy way to legislate. I do not—I guess I heard part of this being read a moment ago. The reason it is offered, I assume, is some do not want to vote on the amendment that I offered.

I wrote the amendment, noticed it to the Senate. Everyone had an opportunity to read it, look at it yesterday, make a judgment about it. Now we have an amendment that is sent to the desk as a second-degree. Certainly you have a right to do that, but we are going to vote on my amendment. However, your amendment is disposed of, I might say to the Senator, my amendment is going to be offered as a second-degree. We are going to vote on my amendment. So we can do it sooner; we can do it later. One way or the other, we are going to vote on my amendment. It just seems to me that in a day in which we are going to be dealing with 30, 50, 60 amendments, if we start doing second degrees because somebody doesn't want to vote on an amendment, we will be here until next Tuesday.

As I said, the Senator has every right to offer a second degree. I don't contest that. I'm saying we are not going to get out of here if this is the way the Senate is going to do its business. We will not get out of here.

I wrote an amendment. I made it available to everybody in the Senate to see, review, look at it, to make a judgment. I expected when I came here this morning we would have a vote. That is what I thought the unanimous consent was about last evening. Now I discover we have a second-degree and we go through a reading. We will be here forever if this is the way we will do business.

Again I say if you think you will avoid a vote on this, you will not. When we dispose of this, if I'm recognized, I will offer a second degree. If I'm not, I will be here because I'm going to get recognized and I will offer a second degree, and when I do, we will vote on my amendment.

Mr. LEVIN. Mr. President, this sense-of-the-Senate amendment would put the Senate on record in support of sunsetting the tax code on December 31, 2001, before a system was set up to replace it and without assurance that such a system would be in place.

There is no question that the Internal Revenue Code is too complicated and needs reform. In fact, as a result of the tax bill which was signed into law last year, 285 new sections were added.

One of the problems with the amendment before us is that it would do away with the current tax system without a guarantee that it would be replaced in a timely and orderly manner, if at all, so people can plan their lives. The sunsetting is not dependent on the adoption of a replacement. Households and businesses rely on provisions of the tax code for budgeting purposes.

Mr. President, we need a new tax code, but we also must make sure that a simplified and fairer tax code is in place. To pretend that we can sunset the current code without knowing what will take its place and without having the guarantee of a replacement in a timely manner, is misleading.

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

The question is on agreeing to the Hutchinson amendment No. 2279. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

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

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

[Rollcall Vote No. 62 Leg.]

YEAS—59

Abraham	Ashcroft	Bingaman
Allard	Bennett	Bond
Brownback	Grassley	Nickles
Burns	Gregg	Reid
Campbell	Hagel	Roberts
Chafee	Hatch	Roth
Coats	Hutchinson	Santorum
Cochran	Hutchison	Sessions
Collins	Inhofe	Shelby
Coverdell	Jeffords	Smith (NH)
Craig	Kempthorne	Smith (OR)
D'Amato	Kohl	Snowe
DeWine	Kyl	Specter
Domenici	Lott	Stevens
Enzi	Lugar	Thomas
Faircloth	Mack	Thompson
Frist	McCain	Thurmond
Gorton	McConnell	Warner
Gramm	Moseley-Braun	Wyden
Grams	Murkowski	

NAYS—40

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Boxer	Glenn	Mikulski
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Robb
Cleland	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Torricelli
Dodd	Kerry	Wellstone
Dorgan	Landrieu	
Durbin	Lautenberg	

NOT VOTING—1

Helms

The amendment (No. 2279) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DORGAN. 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. DORGAN. 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. 2280 TO AMENDMENT NO. 2218, AS MODIFIED AND AMENDED

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

Mr. DORGAN. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) proposes an amendment numbered 2280 to amendment No. 2218, as modified.

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

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

The amendment is as follows:

At the end of the amendment add the following:

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

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits.

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

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

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

(5) sunsetting the entire income tax code without decribing a replacement threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement tax system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of non-profit institutions.

Mr. DORGAN. Mr. President, let me explain to my colleagues that the findings are the same as the underlying amendment that I offered with the exception that at the end, under ''Sense of Congress''—I will simply read very briefly what I have added.

It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions—

That was my previous amendment—

and that a sunset of the Tax Code that does not provide a replacement tax system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of nonprofit institutions.

This is a second degree that I am offering.

I don't know that I need to say much more about it except that it essentially is a vote on what I had offered in the first instance.

My intent here is very simple. It is not to denigrate those who have different ideas than I have about this issue. It is, however, to say that I think suggesting that we throw away the current Tax Code, as imperfect as it is and as much in need of reform as it is, without suggesting what will come in its place is to say to all Americans who are homeowners that we are not sure that we are going to have a tax system in the future that allows you to deduct your home mortgage interest, we are not sure we are going to have a tax system in the future that allows charitable contributions to be deducted.

So I think the responsible thing to do is to say to the American people that when there is a sunset, if there is, that there is a replacement that will be included in these provisions.

The PRESIDING OFFICER. Who yield's time?

Mr. DOMENICI. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, 15 minutes ago, 59 Senators voted in favor of what I think all of us support: reforming and restructuring the IRS and protecting the taxpayers to a date certain on sunsetting the Tax Code that no one in this country defends.

Do not be fooled. This amendment is a second-degree amendment offered by my dear colleague from North Dakota that would undo much of what we just did. We don't want to undo that. There is nothing in the sense of the Senate that we just adopted that would threaten in any way charitable deductions or home mortgage deductions or any of the other particular aspects of the current code that you may like. It would say that on a date certain we are going to have a new code that is fairer and simpler, more comprehensible to the American people, and that it is a tax code that they deserve.

I ask my colleagues to reject this second-degree amendment designed only to undo what we just expressed to the American people—that we believe the IRS is out of control and that we have a code that needs to be simplified and that needs to be made more fair.

I ask my colleagues to vote against this amendment.

Mr. DOMENICI. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I ask unanimous consent that on the remaining stacked amendments there be no second-degree amendments in order.

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

Mr. DOMENICI. I move to table the second-degree amendment that is pending and 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. DORGAN. Mr. President, might I propose a parliamentary inquiry?

The PRESIDING OFFICER. We are in a nondebatable posture.

Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. The second-degree amendment that I am offering does not in fact replace what the Senate voted on previously. Is that not correct?

The PRESIDING OFFICER. The Senator is correct. The language is added onto the amendment as amended.

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 North Dakota No. 2280. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''nay.''

The result was announced—yeas 1, nays 98, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—1

Thompson

NAYS—98

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Bumpers	Harkin	Robb
Burns	Hatch	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 2280) was rejected.

VOTE ON AMENDMENT NO. 2280 TO AMENDMENT NO. 2218, AS MODIFIED AND AMENDED

The PRESIDING OFFICER. The question is on adoption of the Dorgan second-degree amendment.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent to speak for 30 seconds.

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

Mr. HUTCHINSON. Mr. President, I think Senator DOMENICI's motion to table gave all of us on this side of the aisle time to look closely at what the second-degree amendment by the Senator from North Dakota actually did. I have no objection to that second-degree amendment. I think it merely expresses—it does not undo or reverse the sense of the Senate that we adopted earlier with 59 votes. It expresses support for the charitable tax deduction and the homeowner deduction. I ask my colleagues to join me in support of Senator DORGAN's second-degree amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I request unanimous consent to speak for 30 seconds simply to say the intent of the second-degree amendment was to say to the American people that whatever the merits of reforming our Tax Code—and most of us, myself included, think it does need reform—that when we decide to change the Tax Code, if we decide to do that, its replacement shall give some assurance to the American people that we are not going to scrap their ability to deduct their home mortgage interest, to scrap the ability to deduct charitable contributions. That is the purpose of that second-degree amendment. I appreciate very much support on that amendment.

THE PRESIDING OFFICER. The question is on agreeing to the second-degree amendment of the Senator from North Dakota.

The amendment (No. 2280) 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. BUMPERS. Will the Senator from New Mexico yield for an observation? The last vote took approximately 25 minutes.

VOTE ON AMENDMENT NO. 2218, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment as further amended. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask that the yeas and nays be vitiated.

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

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2218), as modified, as amended, 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. We are ready for the next amendment, Mr. President.

AMENDMENT NO. 2170

The PRESIDING OFFICER. The next amendment is amendment No. 2170, offered by the Senator from Colorado, Senator ALLARD.

The yeas and nays have been ordered on the motion to waive the Budget Act.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado is seeking recognition.

Mr. DOMENICI. I yield 1 minute.

Mr. ALLARD. Mr. President, I want to just briefly explain what my amendment does. Right now, the total debt that we are facing in this country is $5.6 trillion. The interest that we pay on that total debt is more than the entire defense budget, and I believe we need a plan to pay down that total debt.

My amendment proposes such a plan. It takes the surplus that is reflected in the budget proposal that is before us here on the floor of the Senate today, and takes those first 5 years and allocates them towards that debt pay-down plan. It says that after the 5 years that are reflected in the budget plan, then we dedicate $11.7 billion a year towards paying down the debt. If we will do that, we can pay down the debt in 30 years and save more than $3.7 trillion in interest.

The $11.7 billion which we set aside after the 5 years which is reflected in this budget, that is less than 1 percent of the total budget. I am here to ask the Senate to join me in putting in place a plan to pay down the total debt.

I reserve the remainder of my time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Allard amendment. It is going to impose excessively rigid strictures on the way we function. What it says, very simply, is that any time that income does not exceed expense, that revenues do not exceed outlays, there is a 60-vote point of order to make any change to accommodate it.

Just think what the consequences might be. We use our opportunities here to sometimes adjust to an economy that is in stress. We could be endangering our national security, because though a declaration of war may not have been made, the fact of the matter is that military preparation may be necessary in advance of that.

What happens if our outlays exceed our revenues? We cannot go ahead and take care of our necessary business. What happens in times of depression when, in fact, revenues may be down and we may have a need to increase our expenses to help us carry our citizens through that period of time?

What it does is it excessively restricts our ability to function. Proper fiscal policy is an important part of operating our Government. I urge my colleagues to vote no on the request to waive the Budget Act.

MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Allard amendment No. 2170. The 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—53

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Brownback	Grams	Roberts
Burns	Grassley	Roth
Campbell	Gregg	Sessions
Chafee	Hatch	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	Wyden
Feingold	McCain	

NAYS—45

Abraham	Dorgan	Lautenberg
Akaka	Durbin	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Graham	Moynihan
Boxer	Hagel	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Bumpers	Inouye	Robb
Byrd	Johnson	Rockefeller
Cleland	Kennedy	Santorum
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone

NOT VOTING—2

Helms	Landrieu

The PRESIDING OFFICER. On this vote the yeas are 53, and the nays are 45. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to.

The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the next amendment?

AMENDMENT NO. 2195

The PRESIDING OFFICER. Amendment No. 2195, the amendment offered by the Senator from New Jersey, Senator LAUTENBERG, motion to waive the Budget Act, is the order of business.

Mr. LAUTENBERG. Mr. President, this amendment establishes a reserve fund to allow revenues, taxes paid by large corporate taxpayers, to be used in a manner that is directly connected to environmental cleanup.

Right now, the bill that we are considering permits only the use of $200 million out of a total revenue base of $1.7 billion to be used for environmental cleanup. Frankly, I think that is wrong.

What we need to do is make sure that these funds are available for the purpose that it is collected. We don't want to see it going to tax breaks or other programs. Only $200 million of this will be used to pay for the ''orphan shares,'' those shares for which no polluter can be found. It is insufficient to take care of the job. That is the way Superfund was originally designed.

I hope we can waive the budget point of order that has been raised.

The PRESIDING OFFICER. Senator from New Mexico.

Mr. DOMENICI. This is another reserve fund. The reserve fund has the advantage, for the proponent, of creating a new series of entitlement programs, thereby indirectly breaking the caps. If you would try to spend these in the normal way, we would be breaking the budget.

So it creates a series of potentially new entitlement programs. If we ever get taxes increased or other programs cut, the resources can be put into this reserve fund. I don't believe we ought to be doing this. I have objected to them regularly here on the floor when there is no real source of money.

I think we should sustain the budget point of order on this one and not start another approach to a new series of entitlement programs.

Mr. BAUCUS. Mr. President, I rise in support of the amendment offered by the ranking member of the Budget Committee, the senior Senator from New Jersey and my fellow member of the Environment and Public Works Committee, Senator LAUTENBERG.

This amendment will allow the Congress to increase funding for important natural resources and environment programs without increasing the deficit or lowering the surplus. That is an important point.

We would be able to address additional needs in these areas without affecting the overall deficit or surplus. The amendment would do this by allowing the excess receipts from a reinstated Superfund taxes to offset the cost of the programs.

What kind of programs might be funded through in this amendment? We could hasten the cleanup of hazardous waste sites. We could provide assistance to states to protect waterways from polluted runoff. We also could fund construction and maintenance for our deteriorating national parks, wildlife refuges, and other public lands.

These priorities were included in the President's proposed Environmental Resources Fund for America, but they are not included in Senate Concurrent Resolution 86.

The amendment would allow the authorizing committees, including the Environment and Public Works Committee on which Senator LAUTENBERG and I sit, to set direct spending levels for environmental and natural resources programs. Furthermore, it would allow any excess funds from an extension of the Superfund tax to offset the added costs.

The Republican budget assumes that if a Superfund tax is reinstated, $200 million would be used to pay for that

portion of the cleanup that is attributable to parties that are bankrupt or otherwise cannot pay their share. The balance of $1.5 billion each year could be used to offset the cost of unspecified spending or tax breaks.

By contrast, the Lautenberg amendment would direct the money from the Superfund tax to needed environmental improvements—investments in the future of our natural resources and sustained health of our environment, not just for us, but for our children.

Directing more resources to states to help address the problem of polluted runoff will be an investment in the future of clean water.

Cleaning up Superfund sites is an investment that can protect public health and foster economic redevelopment.

Maintaining our national parks—our national treasures—is an investment that we must make, or see that part of our heritage fall apart.

Mr. President, I commend the Senator from New Jersey for his amendment and urge my colleagues to support it for the future health of our citizens and the environment.

Mr. GRAHAM. Mr. President, I strongly support Senator LAUTENBERG's amendment to increase funding for the protection of the environment and our nation's natural resources. This important amendment would establish an environmental reserve fund, so that receipts from a reinstated Superfund tax can be used for environmental protection initiatives.

The environmental and natural resources programs funded in the President's Budget are critical to our efforts to protect these resources which are so vital to our society.

Several critical programs proposed by the President are not included in the Budget Resolution. Among others, these include operations and maintenance funds for the administration of the National Wildlife Refuge System and program support for the U.S. Fish and Wildlife Service's execution of the Endangered Species Act. Both of these programs are critical to the State of Florida and our ability to protect and preserve unique ecosystems, habitats, and species.

Today's 93 million acre National Wildlife Refuge System has its roots in the state of Florida. It was public outrage over the devastation of wading bird populations in Florida that led to the establishment of the Pelican Island Federal Bird Reservation in 1903. This action is recognized as the genesis of the National Wildlife Refuge System.

Each year, nearly 30 million people visit our National Wildlife Refuges and enjoy activities such as wildlife observation, hiking, fishing, photography, hunting, and environmental education. These lands are home to millions of migrating birds, big game, and hundreds of critically endangered species.

In the State of Florida, there are 25 National Wildlife Refuges that are an essential part of our natural heritage. I learned this lesson firsthand in May 1990 when I did my 241st workday at the ''Ding'' Darling Wildlife Refuge on Sanibel Island. Working with refuge naturalists, I spent the day surveying the refuge's bird population, cleaning up mangrove areas, reinforcing water retention ponds and speaking with local citizens who had a keen interest in the refuge's future.

I also learned that the success of wildlife refuges since 1903 had occurred not because of any action taken by the House or Senate, but in spite of congressional neglect. While Congress has been willing to fund refuges, it had failed to ascribe a mission for the refuge system or clearly define environmental objectives for each individual refuge.

This situation was corrected with the passage of the National Wildlife Refuge System Improvement Act in 1997. I was pleased to play an instrumental role in this law's enactment. It provides new protection to the more than 500 national wildlife refuges, and is a great step forward in our efforts to preserve the unique species and ecosystems located in these areas.

However, these lands must be maintained if they are to remain national treasures. The President has requested an increase of $25.8 million in FY 99 for the Fish and Wildlife Service operation and maintenance of the National Wildlife Refuge System. These funds would be used in the State of Florida for projects such as protection of the Florida Panther in the Ten Thousand Islands National Wildlife Refuge. They would support the Florida Keys Invasive Exotics Task Force, which is working to protect the Florida Keys from invasive exotic plants which threaten the restoration of the South Florida Ecosystem.

The current budget resolution does not support this increase. The LAUTENBERG Amendment, which I have cosponsored, will help ensure that the National Wildlife Refuge system receives the funds that are so critical to its future.

In addition to the National Wildlife Refuge System, the President's Budget request for an increase of $35.7 million in FY99 for the Fish and Wildlife Service's threatened and endangered species program is a critical element in our ongoing efforts to improve the level of protection of endangered species. As currently written, the Senate Budget Resolution does meet the President's request. Senator LAUTENBERG's amendment will give us the opportunity to review this decision and provide the required funds to this critical program.

I believe that the Endangered Species Act is one of our nation's most critical environmental statutes. While it goes without saying that the Act could be more effective in recovering endangered and threatened species, I believe that the ESA has helped to forestall further declines and possibly even the extinction of many of our most imperiled species.

Senate approval of this Amendment will give us the ability to review the current needs of the ESA program and appropriate the required funds to support these programs.

Funding for implementation of the ESA is critical both today and into the future. As the Senate considers the Endangered Species Reauthorization Bill introduced by Senators CHAFEE, BAUCUS, KEMPTHORNE, and REID, our commitment to provide funds to support the revisions in the ESA Reauthorization Bill will be essential. Without this commitment, we run the risk of losing an opportunity to boost the worthy cause of endangered species conservation.

Mr. LAUTENBERG. I make the point this is not a new entitlement. It is direct spending and the revenue source would be it.

MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''nay.''

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—47

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

NAYS—52

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

NOT VOTING—1

Helms

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

On the last vote, vote No. 64, the Allard motion to waive the Budget Act, I was unavoidably delayed and did not vote. But I want the RECORD to reflect that if I had voted I would have voted ''no.''

Thank you, Mr. President.

The PRESIDING OFFICER. The RECORD will so reflect.

AMENDMENT NO. 2213

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2213 offered by Mr. BOND of Missouri.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, the section 202 Elderly Housing Program is the most important housing program for elderly low-income Americans providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly. The President's budget request proposes reducing the funding from a current year level of $645 million to $109 million, an 83 percent cut.

On behalf of myself, Senator MIKULSKI, and numerous other colleagues, we offer this sense-of-the-Senate resolution to say that we must maintain the section 202 program. The alternative is to provide vouchers. Vouchers for the typical resident, an elderly woman, frail, in her seventies—to give her a voucher to go out and walk to find a new apartment, or new dwelling place, is simply unacceptable.

I urge my colleagues to show an overwhelming vote in support of the program that maintains housing that our frail elderly so badly need.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition? Is all time in opposition yielded?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum for 1 minute.

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.

The PRESIDING OFFICER. If all time is yielded, the question is on agreeing to the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bumpers	Hatch	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	
Faircloth	Lott	

NAYS—2

Coats Nickles

NOT VOTING—1

Helms

The amendment (No. 2213) was agreed to.

AMENDMENT NO. 2228

The PRESIDING OFFICER (Mr. HUTCHINSON). There are 2 minutes equally divided on the Bumpers amendment. The Senator from Arkansas is recognized for 1 minute.

Mr. BUMPERS. Mr. President, in 1975, the U.S. Congress passed a bill called the Individuals with Disabilities Education Act.

Mr. FORD. Mr. President, I apologize, but we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will have to come to order before we proceed.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, we promised the school districts of this country that if they would abide by the rules we set for taking care of disabled children in school, we would foot 40 percent of the bill. We cried tears galore around here about unfunded mandates to the cities and the States and the counties, and we took care of it. Here is the biggest unfunded mandate of all. We promised the school districts of this country 40 percent for disabled children, and so far, after 23 years, we are giving them 9 percent.

You get a double whammy. You get a chance to fulfill that mandate and, No. 2, take care of a totally unjustified tax break we give the mining companies. We give them Federal lands for $2.50 an acre, they mine the gold and silver off of it, and we pay them to take it, a 15 percent depletion allowance. So I would take that depletion allowance and give it to disabled children.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CRAIG. Mr. President, this year this Senate will vote for $2.5 billion in new money to go to the disabled. We are doing our part for the first time. What the Senator from Arkansas fails to say is he is proposing half a billion dollars in new tax increases on the working men and women of the mining industries. It is not that simple. If you want to vote for a big tax increase, then vote not to table this amendment. But if you want to vote to maintain a strong mining industry in this country that is the foundation of our industrial might, then you ought to vote to table because we are doing the right thing this year. We are funding for the disabled with an additional $2.5 billion. I ask my colleagues to vote to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 2228). The yeas and nays have been ordered on the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

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

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—55

Abraham	Daschle	McCain
Allard	DeWine	McConnell
Ashcroft	Domenici	Murkowski
Baucus	Dorgan	Nickles
Bennett	Enzi	Reid
Bingaman	Gorton	Roberts
Bond	Gramm	Roth
Breaux	Grams	Santorum
Brownback	Grassley	Sessions
Bryan	Hagel	Shelby
Burns	Hatch	Smith (NH)
Byrd	Hutchinson	Smith (OR)
Campbell	Hutchison	Stevens
Cleland	Inhofe	Thomas
Cochran	Johnson	Thompson
Conrad	Kempthorne	Thurmond
Coverdell	Kyl	Warner
Craig	Lott	
D'Amato	Mack	

NAYS—44

Akaka	Dodd	Glenn
Biden	Durbin	Graham
Boxer	Faircloth	Gregg
Bumpers	Feingold	Harkin
Chafee	Feinstein	Hollings
Coats	Ford	Inouye
Collins	Frist	Jeffords

Kennedy	Lieberman	Rockefeller
Kerrey	Lugar	Sarbanes
Kerry	Mikulski	Snowe
Kohl	Moseley-Braun	Specter
Landrieu	Moynihan	Torricelli
Lautenberg	Murray	Wellstone
Leahy	Reed	Wyden
Levin	Robb	

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 2228) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield to the distinguished chairman of the Armed Services Committee as much time as he desires off the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able chairman.

AMENDMENTS NOS. 2191 AND 2192

Mr. THURMOND. Mr. President, I ask unanimous consent to withdraw my amendments numbered 2191 and 2192. In doing this, I do not in any way minimize the seriousness of the outlay problems that national defense faces in fiscal year 1999 and thereafter. I want to commend the chairman of the Budget Committee for working with the chairman of the Appropriations Committee and myself to reach an agreement on an amendment to help alleviate this problem. We appreciate the assistance of the chairman of the Budget Committee as well as his assurances that he will work with CBO, OMB and the Secretary of Defense to resolve this problem.

I thank the Chair and I yield the floor.

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

The amendments (Nos. 2191 and 2192) were withdrawn.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator THURMOND for his kind remarks. Obviously, he has, for a number of weeks now, been very concerned about the situation with reference to the Defense Department and the many things we must do in order to be militarily prepared to take care of our men and women in the military.

I believe the issues that confront us have more to do with how you make estimates of what the program is going to cost than anything else. We are trying to work something out where those will be more realistically evaluated than perhaps have been in the past. I thank the Senator for his compliments and pledge I will do everything I can to get this done right.

Mr. THURMOND. Mr. President, again, I wish to thank the able chairman.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I would like to inquire of the floor manager of the bill, what order of amendments do we have now? I have an amendment that I am certainly prepared to take up at this time.

Mr. DOMENICI. Mr. President, I understand that we have, between the minority and the majority, a list of six amendments that we would like to present. Senator BROWNBACK is No. 1 on that list; followed by Senator BOXER; followed by Senator SPECTER; followed by Senator LAUTENBERG; and then we would have another one in there, and we do not know whether it would be Senator CONNIE MACK or otherwise; and Senator KENNEDY.

I want everyone to know that we are trying very hard to get to a point where there is not very many amendments left for full debate. It does not mean we have yet arrived at how many would be entitled to a vote under the ''vote-arama'' with 1 minute. We are working on that right now. We need a lot of cooperation. But I think it is fair to proceed, I say to the leader, with this amendment. This is not one of the three or four we would choose to resolve these issues, but we had already made that commitment. And we will work on it as best we can.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2177

Mr. BROWNBACK. Mr. President, I call up amendment No. 2177 to be the pending business.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Amendment No. 2177 previously proposed by the Senator from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. As I understand, I have 15 minutes to make the presentation under the unanimous consent.

The PRESIDING OFFICER. That is correct.

Mr. BROWNBACK. I don't know that I will take that amount of time. If the Chair will advise when I have used 10 minutes, I will appreciate that.

I ask, as well, that PHIL GRAMM be added as a cosponsor to this amendment.

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

Mr. BROWNBACK. The Brownback amendment is a simple amendment that calls for a change in the budget law, the pay-go rules of the budget law, to allow for discretionary spending program eliminations, all those key words, to be used for tax cuts or to save Social Security. It allows for that usage to be able to do those things.

Now, according to current budget law—and I realize some of this can be arcane to a number of people—we cannot make cuts in discretionary spending programs in order to finance tax cuts. You have to make cuts in mandatory spending programs like Social Security and Medicare to pay for tax cuts. That is just not fair and it is not right and it is wrong.

That is why we put forward this amendment. At this time I will read the amendment because it is short, sweet, and to the point and it is important.

It is the sense-of-the-Senate that the functional tools underlying this resolution assume that—

(I) the elimination of a discretionary spending program may [with emphasis on the ''may''] be used for either tax cuts or to reform the Social Security system.

There is some other language under that.

That is the extent, basically, of the amendment.

Now, I want to ask people, I know a number of folks watching this have concerns about what is taking place in waste in Government spending. We have a $1.7 trillion Government on an annual basis. We have things in that Government—like tobacco subsidies, like corporate welfare—that when I go home and talk to people in Kansas, they say, why in the world are you still spending money on tobacco subsidies? Why are you spending money on corporate welfare? Why don't you cut those programs? I don't think most people recognize the system works to protect those programs like tobacco subsidies.

For instance, what you get is a system in place where there are a few people protecting tobacco subsidies, or corporate welfare, and a lot of people who want to eliminate it, but the few people can offset the greater number because if you eliminated tobacco subsidies today, what happens to the money? It just gets spent somewhere else. So people argue strongly in favor of their program no matter how wasteful it might be and say, even if you cut this, it will not reduce the budget, it will not cut taxes, it will just be spent somewhere else. That is the system. The system works against our getting rid of Government waste.

Now, what if we created a competitive force back the other way? What if you said, OK, if we eliminate tobacco subsidies, we can use that to pay for a tax cut. Or, if we eliminate corporate welfare, we can use that to save Social Security. So they create a competing force of people who want tax cuts or save Social Security against the domestic discretionary spending programs that in many cases are very wasteful of precious taxpayer dollars. So that all this amendment attempts to do is to create that competing force to knock out some of this wasteful Government spending that everybody knows is here but nobody can ever seem to get at.

We are at the point of record high levels of taxation. The average American family pays nearly 40 percent of

their income for taxes at all levels. It is the highest level since World War II. People are starting to ask why. Why are we paying such a high level of taxation? You add to that we are also broke, $5.4 trillion worth of debt, we have unfunded obligations more than double that amount, and yet we waste money on tobacco subsidies or we waste money on corporate welfare, and people don't get it.

The problem of it is the set of rules that we are operating under that create a system where the few, who protect a portion of waste that may be good for their constituents but is not good for the rest of the country as a whole, have a far greater stake in the system than the people who want to eliminate it, who, if they eliminated it, it just goes to be spent somewhere else and nothing happens to the debt or level of taxation or Social Security.

This amendment is very simple and straightforward on that. You eliminate—and it is not just cutting; it is eliminating programs. A lot of times people might cut back on a discretionary spending program. Say we cut tobacco subsidies $100 million and use that for offsetting tax cuts somewhere—corporate welfare is a better example in that area—the next year we just add it back. We still have the tax cut that is pulling and draining resources from the Federal Treasury, which frankly I don't mind because it goes back to taxpayers' pockets, but on the other side you haven't paid for that tax cut. What we say is eliminate—not just shave, not reduce, but eliminate—a program so that this one doesn't come back and you can have an actual true offset.

So, Mr. President, it is past the time for us to start changing the system that has yielded to us a $1.7 trillion Government, that maintains tobacco subsidies at a time when everybody in the world knows this contributes to the causes of cancer. We are trying to stop young people from starting to smoke, and yet we are still subsidizing tobacco subsidies. We still have corporate welfare all over the place, and we can't seem to get at it. This change in rule, this little change in rules would help us get at these issues. That is why I put this amendment forward.

At the appropriate time I will ask for the yeas and nays. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the amendment by the Senator from Kansas. This amendment calls for a change in the Budget Act that would allow discretionary programs to be completely eliminated in order to provide new tax breaks for purposes other than the initial direction for this funding. I'm not sure that I understand who would determine that. Would it be the Budget Committee that would determine that? Would it be the specific committees? Would we go to Environmental and say, eliminate this environmental cleanup program? Or would we go to the Department of Transportation and say, eliminate safety programs, eliminate parts of the programs that are not financed through the trust fund?

This would be an incredible departure from the rules that are established in the balanced budget agreement. It could threaten just about anything—education, anticrime efforts, environmental programs—defense, as well, by the way.

We know that we have a debate here between those who would typically like to spend more for defense or those who say, look, we have spent enough on defense to keep our security intact. How about the Coast Guard? You could come from a landlocked State and say, what do we need the Coast Guard for? How about other departments? Some might disagree with us on a program to protect our water or any number of programs that are often represented regionally.

Frankly, I see this as a terrible prospect to contemplate. The Budget Act is designed to ensure that if we incur permanent obligations such as permanent tax cuts or new mandatory spending, we pay for these obligations with permanent savings.

That is what the pay-as-you-go plan rules are all about. It has worked out well for many years. This amendment would change these rules. It says we should make cuts in temporary spending—that is, annually appropriated discretionary programs—and use those temporary cuts to fund permanent tax breaks. Well, it doesn't take a CPA to figure out that this can create serious problems in the long run. Cutting funding for a program in one year doesn't mean those savings are going to remain available in future years. Once you have a tax break on the books, its costs regularly occur, year after year.

I am not opposed to tax cuts for ordinary Americans. In fact, I supported targeted relief like the expanded child care credit that the President proposed. But I think we ought to pay for tax cuts with permanent savings. I am also concerned that Senator BROWNBACK's proposal could encourage further cuts from programs that educate us and help us continue the pursuit of a cleaner environment, put the cops on the streets, and make sure that our service people are well housed and equipped to do their duty.

The budget agreement is already calling for substantial real cuts in discretionary programs. Under the agreement, nondefense discretionary spending in 2002 will reach its lowest level in almost 40 years as a share of GDP. These cuts are getting close to the bone, and we need to be careful about cutting further, especially if further budget cuts are to be used for large tax breaks that could very well blow a hole in the budget for the future.

So, Mr. President, I hope my colleagues will agree that this is no time, nor is it the correct process, for radical surgery on the Budget Act. If we want to do that, we can discuss it within the Budget Committee. This is a new subject. Let us not create fiscal problems in the future by allowing short-term cuts to pay for long-term costs, because I suspect that in there, there is a mission, and that is to kind of take care of the people who are largely at the top of the ladder, who benefit from most of the tax cut proposals we have seen.

Let's not encourage further cuts in programs that deal with education and crime. Do you want to tell veterans—I am a World War II veteran. I served 3 years in the Army overseas during the war. Do you want to tell my colleagues—and many are not as fortunate as I am, to have this kind of a position—do you want to tell them that someone may want to cut their programs on behalf of the tax cuts for the well off? I don't see it, and I sure don't want to tinker with defense. I am not what you call a traditional hawk, Mr. President.

I urge my colleagues to reject this amendment.

Mr. BROWNBACK. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes 36 seconds. The Senator from New Jersey has 9 minutes 12 seconds.

Mr. BROWNBACK. Mr. President, I want to respond to a few of the statements. I think the Senator from New Jersey, whom I appreciate, and I appreciate his service in the U.S. Senate, probably made the exact accurate point. That is, if you are going to cut veterans programs for tax cuts, people will come unglued, and it will not happen, because there will be a number of veterans out there saying, ''What are you doing cutting veterans programs and paying for tax cuts? I am not going to let you do that.'' And that would work.

If we went out and said, you know what, we are going to eliminate tobacco subsidies to pay for tax cuts, or we are going to cut the corporate welfare for the wealthiest 50 corporations in America and pay for a tax cut with that, would people come unglued? I sense an applause line in Kansas for something like that.

If I go to Kansas and say, ''I am going to cut veterans programs and write tax cuts,'' they will say, ''We are going to give you your head for that one.'' That is the whole point here. The system is currently tilted toward no tax cuts and growing Government, because if you are going to provide for a tax cut, you have to cut Social Security or Medicare basically to pay for that tax cut. That is wrong. We should not be cutting Social Security and Medicare. We should not be cutting them at all, let alone offset them against a tax cut. The system was set up exactly this way to build Government and make it bigger.

Why are we at $1.7 trillion and growing? It is because the system is built to

build. Why do we still subsidize tobacco? This makes absolutely no sense. So what we are trying to do here is make a little change.

The Senator from New Jersey raises another very important point about permanent savings paying for permanent tax cuts. I think that is a valuable issue to raise. That is why, in the measure, we state that you have to eliminate the program—not just cut it back, but eliminate the program to pay for tax cuts.

So let's take my example again. If we go to tobacco subsidies and say we are going to eliminate tobacco subsidies and pay for this tax cut, it will be a small tax cut. What about the next two then? Do you think they are going to be able to add back in tobacco subsidies once you get it finally pulled out by its roots? I don't think so. What if you are able to pull out corporate welfare by its roots to pay for that tax cut? Are we going to be able, the next year, to add back in that corporate welfare? I don't think so, once it is pulled out. There is such a system of inertia to build the bill that I think we are going to be able to get at this with this little change in the budget rules.

This is exactly the time to be doing this, as we will be looking forward to the future as to how we are going to protect, preserve, and save Social Security. We need to do that. What are we going to do to further tax cuts on this burdensome level of taxation that we have for the American people? This little budgetary change will actually help us make some sense and sanity out of this place to a lot of the American public.

So that is why I am putting this forward. Suggestions can be put forward by Members of Congress and by the Finance Committee on how you do it. That is the same way we do tax cuts right now—from Members, from people from the Finance Committee.

This is a good provision. If you asked the American people about this, they will say that is the way the place ought to work, instead of this arcane way that we have set it up that actually hurts the American public and maintains wasteful programs. That is why I am going to urge my colleagues to vote in favor of this measure.

Mr. President, I retain the balance of my time.

Mr. LAUTENBERG. Mr. President, I didn't hear the Senator's closing comment. Did he yield back his time or reserve it?

The PRESIDING OFFICER. He reserved the balance of his time.

Mr. LAUTENBERG. Mr. President, I have respect for the Senator from Kansas. We have gotten to know each other a little bit. When we disagree, it is with a purpose of accomplishing something. When he talks about getting a big applause line in Kansas if there were to be the elimination of the subsidy for tobacco, well, I happen to agree with the Senator on the elimination of the subsidy for tobacco, but I wonder whether it would get an applause line in North Carolina or Kentucky or South Carolina. What if I were to say, well, let's reduce the cost for the Corps of Engineers, we don't have to do all that flooding work, or maybe eliminate the program for agricultural subsidies because in New Jersey our farmers are pretty close to market and they don't need a lot of subsidy, they don't draw down subsidy?

The point I make—without being too challenging, or too pedantic—is that what the Senator described is exactly the problem, a Nation with 50 States, one Nation wanting each of us here—and there isn't anybody here who hasn't stood up to protect a program in their State without feeling that they are doing the right thing. I don't know of anybody here.

We have to respect those differences. I am not saying promote tobacco. I am not saying encourage agriculture. I am not saying that we ought to have our ports dredged and no one else ought to have an opportunity to move their economies along. When we lose our beaches in a storm, it is no different than a flood in Kansas, or a drought, or a tornado. It is our economy that is kept going. But, apart from that, the notion that we could suddenly change the rules and say, OK, who is it that is going to decide we are going to eliminate this program? I guarantee you that there will be quite a debate in this body about what programs get eliminated. There is only one way you can do this. That is through a deliberate, slow, and tedious discussion among us. It is called debate. It is called discussion, dialog.

I hope that the Senator from Kansas would not prevail with this. I think it would be a disastrous conclusion.

Imagine risking some of the services that we talked about. How would we feel about reducing the program in FEMA, the Emergency Services Program, where everybody calls up, picks up the phone, dials the big 911, saying, ''Help. Get out here. Hurry.'' We wouldn't have the funds to do it because we were giving tax breaks to well-off people. That would really create a stir in this country. I will tell you, it would be louder than an applause line.

I reserve the remainder of my time.

Mr. BROWNBACK. Mr. President, if I could respond to some of the comments of my colleague from New Jersey, for whom I have a great deal of respect. He makes the exact point I am making. Tobacco subsidies aren't cut because North Carolina and Kentucky and a few other States protect those basically. Everybody else says, ''Look, if you cut it, we are really not going to do it. We are not cutting taxes. We are not cutting spending.''

So, all right, I will go along on it. We are trying to create competitors. If somebody comes up with a good idea, a program, and a need, we are going to fund it. We have proven throughout history that we will fund that. That is why actually today there is nothing so permanent as a temporary Government program. That is one of President Reagan's lines. Because we will do it. The problem is we never undo it, or we never stop doing it. We don't have any competing force back the other way.

I think it would be a very helpful debate if we would have these regularly on the floor about, Should we actually be spending this money on corporate welfare? What if we gave it back to the taxpayer or used it to preserve and protect Social Security? That would be a good, healthy idea, because instead of the way we do it right now, which is basically we are going to add that spending, we will never look back here at what we previously paid for over the past 60 years because there is no competing force on the other side of it.

That is why I am suggesting this would be an excellent change for this body. It would be an excellent force that would be set up in favor of the taxpayer, in favor of good government, in favor of Social Security.

How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Kansas has 3 minutes. The Senator from New Jersey has 5 minutes 20 seconds.

Mr. BROWNBACK. If the Senator from New Jersey would be willing to yield back his time, I would be willing to yield back at this time and ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LAUTENBERG. I yield my time in fairness to the Senator from Kansas. I am going to, obviously, oppose the amendment.

I yield the time.

The PRESIDING OFFICER. All time is yielded.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2176

Mrs. BOXER. Mr. President, I call up amendment No. 2176.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California (Mrs. BOXER) proposes an amendment numbered 2176.

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

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

(The text of the amendment is printed in the March 30, 1998 edition of the RECORD.)

Mrs. BOXER. Mr. President, I ask that the following Senators be added to this amendment: Senators DASCHLE, SARBANES, MURRAY, JOHNSON, KENNEDY, BINGAMAN, and LANDRIEU.

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

Mrs. BOXER. Mr. President, in picking up where the Senator from Kansas left off, I think it is important when we recommend a priority, we figure out a way to pay for it.

I am going to give you and my colleagues in the U.S. Senate an opportunity to cut funding, which is what the Senator from Kansas is very concerned about, out of the Government travel budget—cut that funding by one-tenth of 1 percent—and take those funds away from traveling bureaucrats and put them into after-school programs.

I know you are a family man with many children and grandchildren. Often we talk about the joys of parenting and grandparenting. I think we all are concerned not only about our own children and grandchildren, but about America's children. I believe that is true across the party line.

I think if we ask ourselves the question right now, right here, what our children will be doing after school today, I really do not think the answer would come back in a way that satisfies us as U.S. Senators, as parents, as grandparents, and, frankly, as community members. Unfortunately, many of our children after school have no place to go, are alone, get into trouble with gang members, or are lured into gangs. Frankly, if you look at the crime statistics, which I will show you later on a chart, the highest crime rate among juveniles occurs from 3 to 6 p.m.

Here, we have an opportunity with this amendment, which I am very proud to offer today, to take a stand to fund up to 500 after-school programs for our children and to cut out unnecessary Government travel. It seems to me it is a choice that, as my children say, is a ''no-brainer.'' It makes sense.

If you look at the faces of these children, and just look at their hands that they are holding up to answer a question—this is an after-school program in Sacramento, Sacramento START, which I have seen. You can see in the faces of these children that they are interested, that they are engaged, that they are involved, that they are learning. Clearly, being in this program after school means they are not alone, they are not getting into trouble, they are not sitting home alone watching television, waiting for a working parent to arrive.

I want to show you some other photos of these children. Here is another one from Sacramento START. This program, which my amendment encourages, includes drug counseling and anticrime measures. They invite policemen and firemen and businesspeople in. Here you can see the children engaged with this police officer; they are very engaged in what he is explaining to them.

I am going to show you a couple of other photographs of these children.

Here is one from the city of Oakland's after-school program. It is a music after-school program where the children are preteens. We talk a lot about preventing teenage pregnancy and the need for abstinence and the need for our children to understand that their self-esteem is important to them. Here we see the faces of these children and how they are engaged in this music program. Why? Because there was some funding that they scraped together to put together an after-school program. These programs are holding together in a very difficult way, and they want to see the National Government get involved.

Here is another photo. This one is from Sacramento, also. You can see that this is an environmental lesson. They have, it looks like, a crocodile. The children are engaged in learning about science.

We love our children in this country. We cannot afford to abandon them just because the school bell rings at 3 o'clock. Our responsibility does not end at 3 o'clock.

Let me show you the crime statistics.

When do juvenile offenders commit violent crimes? You can see the spike up at 3 p.m., and it doesn't begin even turning down until 6 p.m.

If we overlay on this chart after-school programs that keep our children busy, we can see the real need for these programs. I might add that the victims of these crimes are also juveniles. The victims and the perpetrators of these crimes are juveniles.

I think when we support such an amendment as this, we are not only going to increase the academic performance of our children across the board—and I will explain that—but we also absolutely take a step forward to reducing the crime rate.

Mr. President, I ask that you let me know when I have 3 minutes remaining in my presentation.

Let's see what some law enforcement people are saying about after-school programs. This is a proclamation signed by Fight Crime: Invest in Kids. Fight Crime is made up of 170 of the Nation's leading police chiefs, sheriffs and prosecutors, and the presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers. Let's hear what they say about the need for after school programs.

> No one knows better than we——

The law enforcement people——

> that the most important weapons against crime are the investments which keep kids from becoming criminals—investments which enable all children to get the right start they need to become contributing citizens, and which show them that, as adults, they will be able to meet their families' basic needs through honest hard work.

What else is being said? Further:

> We therefore call on all public officials to protect public safety by adopting common-sense policies to . . . provide for all of America's school-age children and teens, after-school programs.

So if you are pro—and this is important—pro-law enforcement, let us not turn our backs on law enforcement, who is urging us provide ''after-school programs and access to weekend and summer programs that offer recreation, academic support and community service experience.''

Let's see what the police chief of Los Angeles has said.

> Police leaders know America's commitment to putting criminals in jail must be matched by its commitment to keeping kids from becoming criminals in the first place.

We are at a turning point in our country. We now know how important our children are to our future. We now know that if we invest in them, we save 10 times, 20 times on the other end when they are good citizens, when they learn, when they have self-esteem, when they get help with their homework. These are all important things that will happen from my amendment.

Remember, if you want to fight crime, this is certainly one way to do it.

What do we say in our amendment? We say that local school districts should design the program to meet the local needs. They will be competing with other local districts across this country. If we get a great application from Ohio and it brings in the police and it brings in the business community and it brings in the local college, all of those things will give that program higher scores. We say that the schools must offer at least two of the following activities: academic assistance; mentoring; recreational activities; or technology training. They have the option of offering any of the following in their program: drug, alcohol and gang prevention programs; health and nutrition counseling; or job skills preparation.

We also believe that this amendment is setting our Nation on the right track. Across the country we pay millions and billions of dollars for school facilities. We do not use these facilities after school. We put a lock on the door because it is 3 o'clock. So what happens? Our kids leave those buildings and they get in trouble. Then we wonder why we have to build more prisons for our society.

I would love to see us break this pattern of partisanship today. This is not a program that is new. Education is not new. These programs are out there already. They are working. If we in fact believe that our children are important—the Boxer amendment simply says cut out travel for the bureaucrats. They can take a little less travel. Put it into the classroom after school. Our children face many more risks today than our children faced when I was growing up. We know that. We know about drugs. We know about gangs. We know about the war of after-school hours. We know from our crime fighters that we need to get these kids off the streets.

I want to tell you about LA's Best after-school enrichment program. There are 5,000 students in 24 elementary schools who participate. LA's Best children, well, they just like school a lot more. I have been there. I have seen them. I invite anyone to go there. Some of these schools are in tough neighborhoods and some of them are in less tough neighborhoods. But the results of this program show that the

children who participate like school more. Their grades significantly improve. They show positive behavioral changes. There is less crime at LA's Best schools. LA's Best children feel safe.

Let's hear what the children say. We always talk here about how we love our children. Let's hear what they say.

LA's Best is the best place to be after school. I like the games and the work. I like going to the computer lab and I like going to the Library. But most of all I like the people.

Another child says:

If we didn't have LA's Best, I would probably still be going home to an empty house.

We used to call those kids latchkey children, home alone after school.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mrs. BOXER. Mr. President, let me tell you about Sacramento START.

I will close here and reserve my time.

The children in Sacramento START are showing a 75 percent increase in their grades because they are getting help with their homework, tutoring and mentoring, and they feel good about their lives when they go to Sacramento START. The homework of these children has improved—by 85 percent in quality and completion.

Why would we not step in to support these important programs? The President has suggested in his budget that we do so, in a much larger way. This is a small, small measure here, cutting out one-tenth of 1 percent of the Government travel budget and putting it into programs such as Sacramento START, such as a program like we have in the Tenderloin district in San Francisco, such as LA's Best, and give our kids something to say yes to.

Here is the closing photograph, because to me it says it all. This is a beautiful photograph from a program in the Tenderloin district in San Francisco. These are kids after school, loving what they have there in that after-school program, enjoying their life, being kept busy learning, and it shows on their faces.

I hope we will have an overwhelming vote for this. I hope we will break down this terrible partisanship that is dominating today and cast a vote for our kids, cut our Government travel, go home and feel a little bit better about what we are doing here.

I yield the floor. Actually, I will reserve the few moments that I have.

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

Mr. LAUTENBERG. If the request could be deferred.

Mrs. BOXER. I defer that request.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, how much time do the proponents of the amendment have?

The PRESIDING OFFICER. The Senator from California has 1 minute 23 seconds.

Mr. LAUTENBERG. So the Senator is yielding me 1 minute?

Mrs. BOXER. If my colleague would like to support this amendment.

Mr. LAUTENBERG. I will support it because I think it is a terrific amendment. I commend the distinguished Senator from California for her leadership. Too many kids spend more of their waking hours without supervision, without constructive activity, and it is only in school that they are able to have some supervision that makes sense. As many as 5 million kids are home alone after school each week. The prospect of a child alone without proper supervision is sometimes too grim to even think about when we think about those who would molest them, those who would invade the privacy of the home, those kids who might get their hands on a weapon. We have seen what happens there.

I want to see that this amendment carries. It puts things in proper focus. We talk here constantly about children and about how important they are in our lives and what it means to every one of us. Anybody who has been a parent, a grandparent, niece or nephew, aunt or uncle, knows about the relationships that children need and require in terms of their growth and development.

So I support the amendment of the Senator from California. We want to make sure there are quality after-school programs. The kids who do have good programs can do better in their schoolwork, get along better with their peers. I think it is a great amendment, and I want to see it pass even modestly if it passes. It doesn't have to be overwhelming.

The PRESIDING OFFICER. All time has expired for the proponents. The opponents have 15 minutes remaining.

The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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 it be in order for Senator SPECTER to proceed with an amendment that he has, and that time in opposition to the Boxer amendment, which is 15 minutes, be retained to be used by the opponents subsequent to the debate as agreed to heretofore on the Specter amendment.

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

Mrs. BOXER. May I ask the chairman a question?

Mr. DOMENICI. Of course.

Mrs. BOXER. Mr. Chairman, I know you are reserving your time to speak on the Boxer amendment. I am hoping to get back when you do that.

Would it be possible for me to just take 1 of your 15 minutes, because I don't know where you are going to come out on this, but just so I can at least have 1 minute to respond?

Mr. DOMENICI. Sure, when I said the opposition will have 15 minutes, we will have 14 and we will give 1 of them to the Senator from California.

Mrs. BOXER. That is very sweet of you. I appreciate that, Mr. Chairman. I hope maybe we are not in opposition, maybe we can come to agreement on this.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2254, AS MODIFIED

Mr. SPECTER. Mr. President, I call amendment No. 2254.

Mr. President, before the amendment is read, I ask unanimous consent I be permitted to modify the amendment. What I intend to do here is to change the source of the funding for an additional $2 billion for the National Institutes of Health. Instead of taking it from the tobacco reserve fund—instead, to have an across-the-board cut of four-tenths of 1 percent. That is the modification which I seek to make.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection to the modification.

Mr. SPECTER. Did I understand the distinguished Senator to say that he had no objection to the modification?

Mr. DOMENICI. I did say that.

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

Mr. SPECTER. Mr. President, I ask unanimous consent the modification not be read because it simply strikes certain lines, which will be unintelligible, but the import of it is to have a four-tenths of 1 percent cut across the board.

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

The amendment, as modified, is as follows:

On page 17, line 9, increase the amount by $2,000,000,000.

On page 17, line 10, increase the amount by $2,000,000,000.

On page 25, line 8, decrease the amount by $2,000,000,000.

On page 25, line 9, decrease the amount by $2,000,000,000.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I compliment the managers of the bill, especially my distinguished colleague Senator DOMENICI, for his very prodigious work on this budget and the budgets in the years that I have been here, going back to 1981.

I offer an amendment to what Senator DOMENICI has done with some trepidation, but I do so because I think it is a very important matter, and I offer this amendment really in my capacity as chairman of the appropriations subcommittee which has jurisdiction over the funding for Health and Human Services and for the National Institutes of Health.

As I read the budget resolution with my expert staff, there is not funding for the subcommittee to be able to add funds for the National Institutes of Health. The distinguished chairman

and I have had some disagreement on the import of the budget resolution, but as I read it, with my experts on the staff, there is only $350 million for outlays, which would not accommodate the kind of increase which this Senate is on record as being committed to.

Last year, a sense-of-the-Senate resolution was adopted to double NIH funding over the next 5 years, and that has been a rallying cry and one with which I agree. Were that standard to be met, it would mean more than $2.5 billion a year.

Notwithstanding that amendment having been adopted for fiscal year 1998, the year we are in, when the Budget Committee returned last year's budget, the health account was cut by $100 million. Therefore, Senator HARKIN, my distinguished ranking member on the subcommittee, and I had set a target of a 7.5 percent increase for NIH, which is a good bit below the doubling over 5 years. We thought that was all we could afford.

We then offered an amendment, similar to the one now being offered, for an across-the-board cut to enable us to increase NIH funding by $1.1 billion. That amendment was defeated 63 to 37, so that when it came to expressing our druthers, or our preferences, we were very generous as a Senate body, and said we would double NIH funding over 5 years, or more than $2.5 billion a year. But when it came time to specify where the money was going to come from and have a hard dollar amount, that was defeated, as I say, 63 to 37. We are very generous with our druthers, but we are not very generous with our dollars.

We had a hearing, coincidentally, just yesterday in our regular quarter for the experts at the National Institutes of Health to come in and testify about the grants which are made, about 28 percent of those which are offered, and there would be a very, very substantial additional number of grants awarded if the additional funds were there.

We have a total budget of $1.7 trillion. I believe that it is a matter of assessing our priorities. It is my submission in this amendment, with my distinguished ranking member, Senator HARKIN, that we ought to up the ante by at least $2 billion. I know that when it comes across the board, it is goring a lot of oxen, and there will be many who will object because it comes out of their funds. If we are going to articulate our priority for NIH, then we ought to put our money where our mouths are and put up the money to actually fund it.

I changed the thrust of the amendment, as noted, to move away from the tobacco reserve fund, because that is a giant pot we are talking about on the tobacco settlement, but I think it is pie in the sky. It is questionable, speculative, and perhaps doubtful that those funds will be realized.

In making the plans for our subcommittee, I want to know where we stand. That is why we are talking about hard dollars in this amendment. It is not too hard to say, ''Well, we'll get it from the tobacco reserve fund, because it really is highly speculative as to whether it will ever exist.''

I believe that with the identification of many of the genes by the National Institutes of Health, we are on the brink of conquering cancer, on the brink of conquering Alzheimer's, on the brink of conquering Parkinson's, on the brink of conquering heart disease, on the brink of conquering AIDS, on the brink of conquering many of the maladies which afflict mankind, but it takes dollars.

When you allow 28 percent of the grants, that means 72 percent of the doors are closed; 72 percent which are not allowed. If we open those doors, I think we will be enormously productive in seeing to it that we make the maximum effort to pursue breast cancer and prostate cancer and cervical cancer and Alzheimer's and a long list of maladies which confront us at the present time.

That is the essence of the amendment, Mr. President. I know my distinguished colleague, Senator HARKIN, wishes some time, so let me inquire at this point how much time is left on the 15 minutes of allocation.

The PRESIDING OFFICER (Mr. INHOFE). Eight minutes 20 seconds.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I will have printed in the RECORD a ''Dear Colleague'' letter on the amendment which I had intended to offer, as I described earlier, opening the tobacco reserve to permit it to be used for biomedical research. This letter was circulated on March 31, 1998, cosigned by Senator HARKIN, Senator BOXER, Senator HOLLINGS, and myself. We had a list of some 18 cosponsors to Senate Resolution 170, which was a sense-of-the-Senate resolution which I had submitted earlier in the session.

It had been my intention to have a freestanding sense-of-the-Senate resolution to increase NIH funding by $2 billion. I had made an effort, with the cooperation of our distinguished majority leader, to have that listed as a freestanding resolution which I had hoped to bring to a vote before the budget resolution came up. We had anticipated voting on it on Monday or Tuesday, but it was not cleared. So we did not have an opportunity to bring up that resolution.

The point of the resolution was to see how many people would say, as a matter of druthers or sense of the Senate, that they would support it, and contrast it to the number of people who would support the hard-dollar transfer. I do not know—the budget resolution moves so fast—how many more of the 18 who are cosponsors of Senate Resolution 170, which is sense of the Senate, will join here. These four Senators on this letter support increasing biomedical research by $2 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD the ''Dear Colleague'' letter to which I referred.

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

U.S. SENATE,
Washington, DC, March 31, 1998.

DEAR COLLEAGUE: We intend to offer an amendment to expand the tobacco reserve fund to permit funding to be used for biomedical research. In addition this amendment would also expand the reserve to allow funds to be used for anti-tobacco education and prevention, counter-advertising, smoking cessation, transition assistance programs for tobacco farmers, and other public health research and prevention programs. The Senate is on record regarding doubling the funding over the next five years for the National Institutes of Health. To do that would require an average annual increase of $2.7 billion. This amendment would make it possible to increase funding for biomedical research by $2,000,000,000 as the first lesser step in reaching the goal of doubling the National Institutes of Health.

In the past few years, this nation has seen dramatic research developments that are offering great promise for developing treatments for a host of diseases. These developments have been made possible because Congress has year after year increased the funding to fight the war against disease.

There has never been broader bi-partisan support for comprehensive tobacco legislation. We therefore urge our colleagues to join with us in supporting this amendment as the first step toward adopting a tobacco reserve fund which can accommodate enactment of historic legislation to protect the health of this nation.

Sincerely,

TOM HARKIN,
ERNEST HOLLINGS,
ARLEN SPECTER.
BARBARA BOXER.

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. Six minutes 45 seconds.

Mr. SPECTER. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is a budget year when the total amount of money available for discretionary spending out of which the NIH is funded was agreed to last year in the bipartisan budget agreement. It is a total dollar number for all of the Government that is not entitlement programs.

So it is for education, it is to run the agencies of our Federal Government, it is for the money the IRS needs to pay its workers, and on and on.

While it is very close to a freeze this year, there is an additional budget authority of $1.9 billion year over year and an additional $6.1 billion in outlays, about one-half percent. For those who say this portion of Government is growing dramatically, for the next 4 years, because of the agreement, it will be growing at about this amount or less, literally close to a freeze for a sum total of 4 additional years. Very tough.

Nonetheless—nonetheless—the President of the United States, in the President's budget, provided some restraint

by way of reductions in expenditures. I will just go through to give you examples. The President's budget, in function 150, international affairs, reduced that total function by $530 million; function 300, that is the environment, a $260 million reduction; function 350, agriculture, $240 million; function 370, housing and commerce, that is $640 million; function 400, a $1.25 billion reduction.

They go on all the way through. And the sum total in cuts is $7.83 billion. That means the President provided room for programs that he wanted and reduced these. What we have done in our budget resolution is we have taken these reductions but we have given different priorities to how we would spend the money.

I want to say to my good friend, Senator SPECTER, there is no one here who, when it comes right down to being in the trenches where you provide money for NIH, there is nobody who has been more of a leader than he. And, frankly, his subcommittee, which covers a myriad of programs—education, NIH, and on and on—is a subcommittee that is constantly under pressure.

I am not going to suggest, as some, that it always needs more and more money. Rather, I will say it is under difficult pressure because of the kinds of programs they have to fund. Having said that, in the budget resolution, where we have some responsibility to establish priorities, somebody else follows us and perhaps can change some, but we know that their subcommittee has most of the priorities that we are for and that he would like to fund. There is no other function with more priorities, other than perhaps the function of defense, which stands there singularly all the time.

What we did, we funded that program, because of its being a priority, by increasing significantly the NIH assumption for expenditures. We also increased in that function education because we knew that from the Republican standpoint we wanted to fund the disability program in education, and we wanted to fund some flexibility programs for the States so they could do some things on their own, being relieved of some mandates that we had given them.

In that alignment and that set of determining where we spend money and with that backdrop, we have provided in this budget resolution a larger increase in NIH, in the assumption for NIH—the assumption; the budget resolution isn't binding—we have provided the largest increase of any domestic program that is appropriated. That amount is $1.5 billion in the first year. That is an 11 percent increase. Then, in estimating our assumptions for the remaining 4 years, we increase that a total of $15.5 billion for the premier institution researching health in the world—the American National Institutes of Health.

We do not determine in the budget resolution which of the numerous NIH activities get what amount of money. I have been to the subcommittee with the distinguished chairman presiding, making a very strong, strong pitch that we put more money in researching mental illness. He recalls that. We were able over the years to raise those kinds of institutes to a level of funding where I can give you two or three which are now on the cutting edge again and which have excited young scientists and the very best to get into fields they might not have that are critical to our solving some of the enormous problems of the suffering of human beings, not only Americans but humans.

So I am an advocate. But I guess I would say, in a tight budget, ''Enough is enough.'' And $1.5 billion is enough; $15.5 billion over 5 years is enough. And I cannot do any better. I cannot make the funding any more sure in a budget resolution than I have done in this budget resolution. If Senator SPECTER is to prevail, we cannot assure anyone that the desired level of NIH funding will be what Senator SPECTER assumes by his amendment, because he is once again going to be back into the competition of taking all the money that his committee gets, and deciding among hundreds of programs how much the NIH gets. So that is one side of this coin.

Now, with every coin, there are two sides. When you add, you have to take away. Because the distinguished Senator did not try to break the budget. He did not try to break the caps, because he pledged last year—and he kept his pledge—that we would stay on this path of a balanced budget and the caps.

There are some who would like to break the caps for any good proposal. The distinguished Senator from Pennsylvania is not doing that. He is saying, let us cut other domestic programs to pay for the new increase over and above the $1.5 billion that we provided. And the Senator included defense in the .4 percent cut. So defense gets cut across the board, and domestic programs get cut across the board. So defense gets cut $1.1 billion over 1 year in order to pay for this $2 billion increase. I will just tick off some so everybody knows. The veterans get a $76 million reduction; the environment gets an $89 million reduction; agriculture, because it is smaller, gets a $17 million reduction; transportation, $160 million; and on and on.

It may very well be that the U.S. Senate today wants to say, in addition to what the budget resolution contains, with all the other programs being restrained dramatically, that in order to give it $2 billion more, we ought to do these things, including cutting defense $1.1 billion. I do not believe the Senate will do that. But if they choose to do that, then obviously the appropriators will have to give that every consideration. I do not see how we can do the defense one, because we are already having a very difficult time meeting the defense needs with the numbers that are in the budget and the firewall that protects.

Let me just share a thought with the distinguished Senator. I say to Senator SPECTER, you said you want to do this to defense also. I would like you to think about that, because if you do, then I believe the firewall prevails and you may have a supermajority requirement. But I leave that to you; that is not for me.

Having said what I have said, I do not want to detract from the fact that the National Institutes of Health are a fabulous community of the best scientists in the world. When you really look at what they are doing, they are on a course to cure many, many aspects of human suffering and human disease. When you add to what they are doing in the normal research, you add something like the genome mapping, the mapping of all the chromosomes of the human body, and those are being looked at in terms of their relationship to disease. You have a formidable group of scientists and research equipment moving in a path of, perhaps, what may be called the generation yet to come, which will be a wellness generation. That could be, when the dread diseases are no more.

So I don't want to sound like this is just a typical entity. It is a very prominent and important one. I do believe, consistent with limited resources and because we have to tax our people, we have limited resources. Some think they are taxed too much already. I believe the budget resolution treats this formidable research community fairly well.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. Six and a half minutes.

Mr. SPECTER. Mr. President, if I may have the attention of the distinguished chairman, Senator HARKIN has made a request to have 5 minutes reserved and he is at another hearing. I wonder if we might accommodate him at a later time.

Mr. DOMENICI. You have 5 minutes remaining?

Mr. SPECTER. Yes.

Mr. DOMENICI. I will try to work it in.

Mr. SPECTER. I thank my distinguished colleague and friend, Senator DOMENICI, for his comments. He has enumerated programs which will be cut. It is a matter of priorities.

When he has recited there is an assumption of $1.5 billion for the National Institutes of Health, I have to disagree, because the Budget Committee assumes only an outlay increase of $350 million over the level from fiscal year 1998. There are also increases in education and child care programs. So there could not possibly be an increase at NIH with an increase of only $350 million in outlays.

As Senator DOMENICI has recited a number of cuts, let me just recite a

partial list of the people who come to me as chairman of this subcommittee, who want increases in funding for breast cancer, cervical cancer, colon cancer, Alzheimer's disease, cystic fibrosis, diabetes—including juvenile diabetes—kidney ailments, amyotrophic lateral sclerosis, Parkinson's, schizophrenia, scleroderma, epilepsy, heart disease, prostate cancer, pulmonary disorders, AIDS, osteoporosis, Huntington's disease, to mention only a few.

The fact is that many Senators receive awards from Alzheimer's or Parkinson's or AIDS, et cetera. This is a matter of priority, pure and simple.

Senator DOMENICI is a valued member of the committee. He and I sit next to each other on the Appropriations Committee, have for years, and he comes and talks about mental illness programs. We have accommodated that as a very high priority. That is what the Senator has to do, establish the priorities. I say that it is worth the four-tenths of 1 percent cut across the board for this high priority for the National Institutes of Health.

I yield the floor.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMENICI. I reserve the remainder of my time, and I ask unanimous consent the 3 minutes remaining in opposition and 5 minutes remaining by the proponent be retained subsequent to the debate on the Kennedy amendment, which will start now.

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

AMENDMENT NO. 2183

The PRESIDING OFFICER. The pending question now is the Kennedy amendment numbered 2183.

The Senator has 15 minutes to explain his amendment.

Mr. KENNEDY. I yield myself 5 minutes.

This sense of the Senate is very, very simple and, I believe, extraordinarily compelling. I find it difficult to understand why it would not be accepted.

I think the best way to really explain it is to go through the amendment itself, because it is so simple and so compelling. All we are saying is that it is a sense of the Senate that we should pass a patient's bill of rights.

It says that Congress finds that patients lack reliable information about health plans and the quality of care that health plans provide. We have had demonstrated this through a number of different hearings in the Labor Committee and in other Committees. Secondly, it says that experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death. We have heard this statement or similar statements from the business community, from the provider community, in hearings before the Presidential Commission and the Labor Committee, and in many peer-reviewed journal articles written by experts in the field of quality measurement and improvement. No one can argue with this finding.

Third, this amendment finds that some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and that some have required women to get permission from their primary care physician before seeing a gynecologist. These were central findings, again, of the President's Commission on the Quality of Health Care and, again, these rights are overwhelmingly supported by the American people and by the doctors and other professionals who care for them.

Fourth, this amendment finds that a majority of consumers believe that health plans compromise their quality of care to save money. One study shows an astonishing 80 percent of the American people have reached that conclusion. All you have to do is see the movie ''As Good As It Gets,'' and see Helen Hunt's extraordinary performance. Attend any movie theater in this country if you have any questions on this particular issue, and they will be resolved.

Fifth, this amendment finds that the Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for 125 million workers and their families receiving health insurance through the employer-based group health plans. This factual statement has been repeatedly confirmed by the U.S. Department of Labor and by the courts. In fact, Federal judges have pleaded with Congress to fix ERISA. State insurance commissioners see these problems on a daily basis, but their hands are tied with respect to these plans. There is no reason at all to maintain this special exclusion for one group of health plans. Those who make medical decisions that result in death or injury must be held accountable for those decisions.

Sixth, Mr. President, the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient's bill of rights to protect patients against abuses by health plans and health insurers. Let me repeat this—the President's Commission, which included representation from health plans, corporations, consumers, providers and others, unanimously recommended that each patient be accorded the protections reported in their Bill of Rights. Regardless of whether they receive their health insurance through an employer or on their own.

So, this sense of the Senate says that the assumption underlying this resolution provides for enactment of legislation to establish a patient's bill of rights for participants in health plans. Then, Mr. President, we point out very briefly exactly what those protections ought to be, and if there are Members in the Senate who want to differ with these, I welcome the opportunity to debate those or discuss them.

This amendment says that our legislation should include the following provisions.

First, a guarantee of access to covered services, including emergency care, specialty care, gynecological care for women, and prescription drugs. Does anyone really dispute that we ought to be able to ensure patients have access to the coverage and health care that they have paid for?

Second, provisions to ensure the special needs of women are met, including protecting women from being forced to endure drive-through mastectomies. There are more than half a dozen Members of the Senate who have various pieces of legislation to address that particular need. This sense of the Senate refers to those efforts.

Third, provisions to ensure the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence.

Mr. President, this is an extremely important and significant need. All you have to do is listen to parents and pediatricians. Senator REED is a leader in this particular issue. We know the kinds of challenges that exist, particularly for newborn babies. It used to be that 90 percent of the kinds of health difficulties that newborns faced were excluded from any coverage of health insurance.

Some insurance forms say any particular needs of a child that occur within the first 10 days of life ''will be outside the coverage of this insurance policy.'' The fact of the matter is that 90 percent of the difficulties occur during that period of time. But so many mothers do not know that. We are still facing very, very important needs in terms of protecting children in this country.

Four, provisions to ensure that special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have specialists act as the primary care provider.

Forcing a patient who has a legitimate need to see a specialist to jump through extra hoops before every appointment is counter-productive and more expensive in the long run. Persons with disabilities and chronic illnesses face these kinds of challenges every single day. They can cite chapter and verse about the various exclusions and barriers they face—not just physical barriers, but barriers put up by their health insurance. They have special needs and they need special protections.

Five, a procedure to hold health plans accountable for decisions and a procedure to provide for appeal of a health care decision to an independent impartial reviewer.

This is to make sure that when these accountants in many of the insurance companies say ''no'' to a patient—say that they are not entitled to that particular health care service—there is an appeal procedure that can bring about a timely and independent decision. I won't take the time now, nor do I have the time, to point out the number of

individuals who have lost their lives or been permanently disabled because the plan's accountant or an insurance executive turned thumbs down on a procedure recommended by the treating physician.

Six, measures to protect the integrity of the physician-patient relationship, including a ban on gag clauses and on improper incentive arrangements.

We have had testimony time and again that says that doctors cannot tell the patients about all of their options because the plan denies them the chance to do so. That is absolutely, completely wrong. We have other instances where doctors have moved ahead and prescribed expensive treatment, only to effectively be dropped from the panels of various HMO's. We want to protect the physicians in these circumstances. We want to permit the physicians to be able to do what they should be able to do, and that is to be able to practice medicine to the best of their abilities.

Finally, measures to provide greater information about health plans to patients and improve quality care.

Mr. President, that is the sum and substance of this amendment. I really question how anyone can take issue with the findings and how anyone can take issue with the kinds of protections that we believe ought to be accepted by the Senate and included in a patients' bill of rights.

This particular measure has the strong support of the American Medical Association, and of the AFL-CIO. It has the support of the National Breast Cancer Coalition; it has the support of Families USA; it has the support of the mental health community, including the National Alliance for Mental Illness, the National Mental Health Association and the American Psychological Association; it has the support of the Consumers Union and countless other consumer and patient groups representing hundreds of thousands of people.

So I hope that we can have this measure accepted as a sense of the Senate on this budget, and then we will go about the business of debating on the floor of the U.S. Senate the actual legislation that incorporates these provisions. If some Senators have better ideas and they want to adjust or change something, we will have the opportunity to do so. But let's go on record at this time, on this occasion, to say that we want to make sure that the patients in this country are going to be guaranteed the kind of protections that we would want for every member of our families, and that we are going to put health care needs first, rather than the bottom line of the health insurance industry. Let's say that we are going to permit our doctors, not industry accountants, to practice medicine.

Mr. President, I withhold the rest of our time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time remains on the proponents' side?

The PRESIDING OFFICER. Seven minutes remain.

Mr. DOMENICI. There is a total of 15 on each side?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Senator DON NICKLES is on the way. I want to discuss the issue a little bit with the Senate.

Mr. President, my good friend, the distinguished Senator from Massachusetts, said that he doesn't know how anyone could disagree with these findings—the findings of a national commission appointed by the President. Well, just so everyone understands, the very commission made the findings, and then the commission itself split on whether they should be put in law or not. So I say, with reference to a sense of the Senate and whether we ought to adopt them in law, at least we ought to start with the premise that half of a commission was concerned about the broad picture of health care costs in America and other things and suggested that perhaps it would be better not to put them in law but to handle them some other way.

Let me talk a little bit about the upside of what is going on in America with reference to health care costs during this very short era when we have moved away from fee for service toward managed care and HMOs. In doing that, let me hearken back to the joy that permeates this body and the American people when they hear that we have the budget under control. We are in an era of balance.

Mr. President, it is almost unequivocal that had we not gone to managed care and HMOs, we would not be celebrating a balanced budget today. That is because under the other system—and I note that the doctors support regulating HMOs more—but under the doctor system, up, up and away went the costs. We had 3 or 4 years when the Federal Government's accounts that paid for health care were going up, compounded in double digits every year, which meant that in short order you would not be able to pay for Medicare, you would not be able to afford Medicaid because, even if we had the ability to borrow and borrow and incur debt, the States would not have been able to pay for it. So let's make sure that everybody understands this short era of moving to managed care and HMOs has brought within the reach of many, many Americans and many American businesses health care coverage they could not have afforded under the old system.

As a matter of fact, it was interesting. As I listened to my friend from Massachusetts, I thought about a couple of speeches I gave when we were talking about our not being competitive with Japan on automobiles. I was able to say to audiences that one of the reasons we are not competitive is because the automobile is carrying around in the trunk four times the health care costs the Japanese car is, because our health costs were so enormous as compared with theirs. I am not suggesting theirs is as good as ours, but neither am I suggesting that ours is four times better than theirs.

So I think when we talk about tying HMOs and managed care into some kind of rigidity in an effort to solve some problems that may be solved otherwise, we better be careful as to how much we do and how much we mandate versus how much we handle in other ways in an effort to get quality.

I also indicate, just by way of an observation, that it is a lot easier to find the shortcomings of HMOs and managed care than it was the old system, because this one is all focused in on management running a system. Before, it was hundreds and hundreds of doctors. To be able to focus on the lack of quality care is much easier. That works both ways. It is good because it calls it to our attention. But it ought to be easier to get quality care than it was before without having to write it into rigid law.

I note the presence of my friend, the Senator from Oklahoma.

I want to close by just saying that before we make it so impossible for managed care and health care to control costs within reason and deliver health care, everybody should understand that whatever we do we ought to get quality at the best price. We ought not get quality at the expense of those who are paying for it, and at the expense of the U.S. Government. That is what I think ultimately we should do when we get down to trying to legislate. This isn't legislating. It is just us giving our opinion and our ideas as a Senate. When it comes right down to it, that is what we are going to be talking about sincerely in our committees and on the floor.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. Nine minutes.

Mr. KENNEDY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts.

Mr. President, I rise in support of this resolution. Members of the Senate and the House often wonder about America and the districts and States, and try to perceive the issues that American families really care about. I invite the Members of the Senate to go to the movie theater and see ''As Good As It Gets,'' with the top actor award

going to Jack Nicholson and the top actress award going to Helen Hunt. At one point in this movie, Helen Hunt, the mother of an asthmatic child, vents on her beliefs about HMOs and managed care. Do you know what happens in movie theaters across America? They break out in applause—applauding the fact that this poor woman on the screen is struggling with an asthmatic child and is caught up with the bureaucracy of managed care.

I will concede the point made by the Senator from New Mexico. Managed care is designed to reduce costs. The people who manage these systems are trying to reduce costs, reduce services, and, of course, maximize their profits. The resolution offered by the Senator from Massachusetts looks at it from the perspective of the patient, of the family, and of the physician. Are we going to speak to that as well?

This goes beyond the bottom line. This goes to a basic question. If I go into a doctor's office with my wife, myself, or one of my children, can I trust that doctor giving me advice based on his medical education and the science that he has available? Or is he telling me that the option for my family is one dictated by some manual, some code, some book out of a managed care office in some part of the country that bears no relationship to my personal need?

That is what this is about—the trust that we need to restore so patients seeing doctors know they are getting medical advice and not insurance recommendations.

Second, accountability—that these managed care plans are held accountable. Today, they dictate to doctors what they will do, the procedures that are allowed, where they will take place, and how long they will last. Forget the patient. We are talking about the bottom line. When they make a mistake—and sometimes these mistakes are fatal—they are not held accountable under the law.

What Senator KENNEDY is suggesting here is not only restoring the trust between doctors and patients but also restoring accountability in the system. So that when the managed care clerk off somewhere in Omaha, NE, pages through the manual to decide your fate in that hospital bed they are held accountable—not just for the bottom line but what happens to your health, your family, and your future.

I am glad we are having this debate. I think this is just the opening salvo.

For those who think everybody is rosy in America, American families could care less, and managed care is all perfect, please take a trip to the movie theater and see ''As Good As It Gets.''

Mr. DOMENICI. Mr. President, I yield 3 minutes to the distinguished Senator from Pennsylvania and the remainder of my time to Senator NICKLES following that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I would just suggest that if you went to a movie theater you would not see a Government-regulated movie because no one would go to it because it would be of such poor quality. It would be so burdened down by bureaucracy and red tape, because it simply could not produce the quality that the free market produces.

There have been dramatic changes in health care. This continues every day. I met the other day with the chairman of the national board that certifies health care plans. She told me they are constantly updating quality standards, constantly updating to see whether patients are getting the kind of care and access through these plans that are certified. It is important to let this dynamic system of health care operate in the system of the free market which has brought us so far. Do not burden it down with all sorts of bells and whistles and bureaucracies and red tape that will just stifle innovation, stifle quality, stifle progress in medicine, result in more uninsured, result in less comprehensive care. This is about patients.

Look, I am not a great fan of managed health care. But I am a fan of the marketplace working and getting the response. I would suspect that the Senator from Illinois knows that there are managers of health care companies who probably saw that movie. In fact, they didn't have to see that movie. For years, they have been coming to my office—and I know offices around this Capitol—and they have been going out in America getting the message. The Senator is right. A lot of people are upset about managed care. I am not a big fan of it, but I understand that, in time, the marketplace, the employers, and the employees will work much more effectively through that place in changing the system to produce quality where people will go somewhere else. Employers will go somewhere else. In fact, they are already. It is working out there. It takes time.

What we don't need to freeze in place is some Government standard implemented by a bunch of bureaucrats who take 4 years to implement regulations to control something that is already out of date. Let the dynamism work. Don't put the hand of the Federal Government over the system that has improved the quality of health care so dramatically for so many millions of people. Allow that system to continue to improve. Allow that system to continue to grow to serve more people more compassionately. Yes; there are problems. But don't add the ultimate problem—Government suffocation to a dynamic system where ''change'' is the operative word of the day.

Senator KENNEDY suggests that his bill is supported by the President's commission. His hand-picked commission does not support the legislation that the Senator has proposed. He would give you that impression. They recommended no legislation. They recommended the marketplace. It is in the process of working. It is working. In many areas it is working, and will continue to work. Managed care is still a relatively new thing.

Again, I repeat. I am not a big fan of managed care. But it is new. It is improving. Like any new product, it takes time to work out the bugs and to get to the point where they are doing the kind of customer satisfaction and quality that we need. But the last thing we need is to put the Government in charge of health care plans, the Government in charge of regulating what is quality and what is not. Oh, my goodness. Compare any private sector organization on quality. Compare what goes on at HCFA, at the IRS, or a whole variety of other agencies. Are we now, in Government, the arbiters of quality? Think about that. Do you really want the Government of the United States through their regulation process to dictate to you what quality is? I don't think so.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Kennedy amendment, which expresses the sense of the Senate that we should pass legislation establishing a patients' bill of rights.

Mr. President, legislation to reform the way health plans often treat patients is long overdue. The integrity of the doctor-patient relationship is being whittled away, and that must be stopped. For example, many health plans have gagged their doctors, preventing them from presenting their patients with all possible treatment options. That's wrong.

Mr. President, Democrats have introduced a bill that would remedy many of the problems that consumers are facing in their managed care health plans. Our bill would put an end to drive-through mastectomies. It would ensure that individuals with disabilities and others with special needs have direct access to specialists. And it would ensure that children have access to pediatric centers of excellence.

Mr. President, the American people are demanding that we enact a managed care reform bill this year. And that's exactly what Senator KENNEDY's amendment promises we will do. I commend the Senator for offering his amendment, and I urge all of my colleagues to vote for it.

Mr. GRASSLEY. Mr. President, I want the record to show that while I am not supporting the Kennedy amendment, I am supportive of many of the principles behind this amendment. I took the lead in sponsoring legislation (S. 701) last year to provide Medicare beneficiaries with consumer protections such as: (1) detailed comparative information and access to a 1–800 number for Medicare beneficiaries to choose the best health plan; (2) an expedited appeals process for urgent cases; (3) a prohibition on gag clauses that restrict patient/physician communications; (4) access to specialty care when needed, with special attention to the chronically ill; and (5) limits on the

use of financial incentives by managed care plans. Many of these provisions were enacted in the Balanced Budget Act of 1997. Often, Medicare sets the example for the private sector, and this is my hope.

I believe consumers should have good information about their health plans; that they should have protections in place for a fair and timely appeals process; that they should have access to specialty care when needed; and that physicians should be able to discuss all treatment options with their patients.

Regulating the private sector is more difficult because regulations cost money. These costs are shifted onto employers and ultimately employees. I will want to evaluate proposed legislation based on the impact this will have on employees' health benefits. I do not want to do anything to increase the number of uninsured, which is as much as 41 million Americans who lack health coverage. I commend my colleague from Massachusetts for raising this important issue, but as we all know ''the devil is in the details.'' I would like this issue to be debated and for legislation to be proposed and analyzed thoroughly for any unintended consequences to ensure that we are not doing more harm than good. We cannot afford to increase the number of uninsured and must be careful not to hurt those that currently have coverage.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Your side has 5 minutes. The other side has 4 minutes.

Who yields time?

Mr. KENNEDY. Generally speaking, Mr. President, the proponents should go last.

Mr. NICKLES. Mr. President, I will be happy to go. We generally alternate back and forth. It doesn't make any difference.

Mr. President, I rise in strong opposition to the Kennedy amendment. At a certain point I will be offering a second-degree amendment.

Senator KENNEDY's amendment—maybe I should read from it. It is a sense of the Senate that Congress should pass the bill called the ''Consumer Bill of Rights,'' I believe.

Now, I might mention the Senator introduced this bill 2 nights ago. I have a copy of the bill which was introduced, the companion bill which is in the House. It is 68 pages. It is the Federal Government getting involved in many areas that possibly my colleagues haven't had a chance to examine. I know this bill has only been introduced for a couple days, but it is a pretty far-reaching bill. It is a bill that treats private plans differently than union plans. It is a bill that says we in Government know best. It is a bill that has lots and lots of mandates. It is a bill that will increase the cost of health care. It is a bill that does not track the President's Commission on Quality Care.

I met with some of the Commission on Quality Care just recently. They didn't have a consensus to legislate. As a matter of fact, there was a push by the administration and others that we need to legislate a patients' bill of rights. But that was not the consensus of the commission. As a matter of fact, the commission did not recommend legislation. Yet even though the commission, which studied this issue for 10 months, didn't recommend legislation, here comes a bill, 68 pages, and now, without even having the ink dry on the bill, we have people saying let's pass this.

It has a great title. I agree it is a great title. I compliment my colleague from Massachusetts. Boy, any time you say something has a bill of rights, it has to be good. Unfortunately, the closer you look at this legislation, it is not good. I don't think it is good if you increase costs for patients. I don't think it is good if you increase Federal mandates. I don't think it is good if you increase costs to where a lot of people cannot afford insurance. And I don't think there is a relationship between increasing regulations and increasing quality. As a matter of fact, it may be inversely related; you may have more Federal regulations and more money and resources that health care providers have, and instead of using those for providing quality, they are going to be using them to provide for compliance and health care quality goes down.

So while I compliment my colleague from Massachusetts for having a great title on this proposal that is only 2 days old, I don't think the Congress should be committing itself to passing it. I think it would be a serious mistake.

I might mention, this is not just the Senator from Oklahoma saying this. I am looking at health care providers who have serious reservations. I will just give you one example. This is a quote from the American Hospital Association regarding the bill which was recently introduced:

> However, the President's quality commission confirmed there is no consensus that Federal legislation introduced today by House and Senate Democrats is the way to achieve these best objectives. The AHA believes the private sector can and must meet the challenge to protect consumers and improving the quality of care. Federal legislation should be considered only if all private sector efforts fail.

We have not even given them a chance. We are saying we know best and we are going to mandate it. We are going to dictate it.

Mr. President, I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

I am absolutely appalled at the response of our friends and colleagues on the other side. First of all, the President's panel unanimously said that these rights ought to be available to every American consumer, No. 1.

Now, what good does it do to have a right if you don't have a remedy? That is like saying we are for the Bill of Rights but we don't want to put it in the Constitution. Come on, Senators. You have to have a better answer than that. It doesn't hold up.

No. 2, this is not our legislation; this is a sense-of-the-Senate. I listened to my friend from Pennsylvania. He is talking about a slogan, not a program. What does he object to in here? Do you object to drive-by mastectomies? Do you object to making sure that women are going to have gynecological and obstetrical care? If you do, let's say it. Do you object to being able to get the best information and not have your doctor gagged?

This is what is in this amendment. This is what is important, not just some gray areas. So let's respond to what is in this sense-of-the-Senate. We have outlined it. It incorporates what the President's commission unanimously recommended should be available to every single consumer.

That is all we are saying—no specific legislation but extending it to every consumer. And if you think it is bureaucratic to say we are not going to permit health care plans to deny you at the emergency room when you have chest pains and are short of breath and may be having a heart attack, then go and defend that position.

Ask any consumer in this country. Ask any woman in this country. Ask any disabled person in this country. They are entitled to the best that their particular policy has guaranteed.

Finally, Mr. President, I am not going to yield to anyone about defending HMOs. I introduced the legislation and passed it in 1974. I supported it. We passed it five times here, and I led the fight for it.

All I want to do is to make sure that all of the HMOs are going to live up to what the best of the HMOs are living up to today. The best of the HMOs today support this. They support our resolution. We just want to make sure that every HMO is going to provide that kind of protection for the consumers they have enlisted and whose premiums they are accepting and using to pay very substantial salaries to their executives.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Just a couple of comments.

My colleague said that the President's Commission on Quality endorses these proposals, but they specifically did not endorse legislation. There is a big difference. Do we want to encourage the private sector to improve quality and access and information? You bet. But when you come up with a 68-page bill and say here is what you must do, there is a difference. The President's commission did not say legislate. The Senator's sense-of-the-Senate says legislate. The underlying sense-of-

the-Senate resolution provides for enactment of legislation to establish a patients' bill of rights which was just introduced 2 days ago that will increase health care costs. I think that is a serious mistake.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. No, not on my time. I only have a minute left.

So I just make the comment that people can talk about these goals. I will agree with the goals. But when you try to mandate them by legislation, saying that we know better, that we are going to dictate to the Mayo Clinic, here is what you must do, we are going to dictate to the Cleveland clinic; we know better, Congress knows better, the Senator from Massachusetts knows better, we are going to dictate it by legislation, I disagree. I do not think that will improve quality. I think it would be a serious mistake.

I urge my colleagues at the appropriate time to vote no on the Kennedy amendment, and I will offer a second-degree amendment shortly.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 25 seconds remaining.

Mr. KENNEDY. How much remains on the other side?

The PRESIDING OFFICER. Their time has expired.

AMENDMENT NO. 2281 TO AMENDMENT NO. 2183

(Purpose: To express the sense of the Senate concerning the enactment of a patient's bill of rights)

Mr. KENNEDY. Mr. President, I yield back the remainder of my time and send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Parliamentary inquiry. I believe time has to expire before the Senator can send a second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator yielded back his time.

Mr. KENNEDY. Regular order.

Mr. NICKLES addressed the Chair.

Mr. KENNEDY. Regular order.

Mr. NICKLES. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Massachusetts had the floor. He yielded his time back and sent the amendment to the desk.

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. So the second-degree amendment of the Senator from Massachusetts is the pending business.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2281 to Amendment No. 2183.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against ''drive-through mastectomies'';

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on ''gag clauses'' and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

(8) a requirement that the network of providers included in the plan are adequate to ensure the provision of services covered by the plan.

The PRESIDING OFFICER. There is now 20 minutes of debate divided equally on the amendment.

Who yields time?

Mr. KENNEDY. Mr. President, if the other side wants to yield back their time, I am prepared to yield time and move ahead to a rollcall vote on this.

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

Otherwise we will have a long quorum call, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from New Mexico yield back time?

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

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

AMENDMENT NO. 2282

(Purpose: To express the sense of the Senate concerning health care quality)

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

The PRESIDING OFFICER. Is there objection to consideration of the amendment?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I had understood, there had been representations that were made that the Senator from Oklahoma would be able to get a vote on his amendment and then we would go ahead with a vote on my amendment, the Kennedy-Durbin-Boxer amendment. That is my understanding. If my understanding is correct, I have no objection. Is that the——

Mr. NICKLES. That is correct.

Mr. KENNEDY. I have no objection, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma has sent to the desk an amendment. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 2282.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in the our Nation's health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for

1999 of $15,100,000,000, an 11-percent increase over current funding levels, which are 7 percent higher than in 1997.

(6) As the largest purchaser of health care services, the Federal Government has a responsibility to utilize its purchasing power to demand high quality health plans and providers for its health programs and to protect its beneficiaries from inferior medical care.

(7) The Federal Government must adopt the posture of private sector purchasers and insist on high quality care for the 67,000,000 medicare and medicaid beneficiaries and the 9,000,000 Federal employees, retirees, and their dependents.

(8) The private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than the Federal Government.

(9) As Congress considers health care legislation, it must first commit to ''do no harm'' to health care quality, consumers, and the evolving market place. Rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system.

(10) When health insurance premiums rise, Americans lose health coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without insurance of about 400,000 persons.

(11) Health care costs have begun to rise significantly in the past year. The Congressional Budget Office (referred to as ''CBO'') projects that the growth in health premiums will be 5.5 percent in 1998 up from 3.8 percent in 1997. CBO continues to project that premiums will grow about 1 percentage point faster than the Gross Domestic Product in the longer run. CBO also warns that new Federal mandates on health insurance could exacerbate this increase in premiums.

(12) The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry developed the Consumer Bill of Rights and Responsibilities. This includes information disclosure, confidentiality of health information, and choice of providers.

(13) The President's Commission further determined that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families and increase the number of uninsured Americans;

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or

(3) impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this is a first-degree amendment and now has 30 minutes equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. Mr. President, I have sent my amendment to the desk for various reasons, one of which is, my colleague from Massachusetts has an amendment which he calls a Patients' Bill of Rights. It sounds like a good title, but, frankly, I am concerned it will increase costs, I am concerned it will increase regulation, and because it will increase costs, the number of uninsured will rise, and without question it will increase regulation.

The bill that he refers to, the bill that he recently introduced—it also has the same title—called the Patients' Bill of Rights Act of 1998, is 68 pages long and has a lot of details in it. It has a lot of things that every health care plan in America would have to provide. That would cost a lot. It has a lot of the same language that is in the so-called PARCA, the Patients Access to Responsible Care Act. Estimates were made on that bill that it would increase costs 23 percent. That is a big increase. If you increase health care costs 23 percent, you are going to put a lot of people who had insurance in the uninsured category. I think that would be a serious mistake. People who have done their homework on this legislation, and maybe are experts in it, have come out and said, ''We have reviewed this Patients' Bill of Rights and find it severely lacking.''

Here is a quote from the Health Care Leadership Council. They said, ''a vote for the Kennedy amendment is a vote for greater involvement by lawyers and bureaucrats in our health care system. To improve American health care we need to empower individuals, not government. We need every medical dollar to go to medical services, not to lawyers and legal fees.''

One of the reasons for the reference to lawyers and legal fees is that it would allow insurers and businesses to be sued for not providing coverage; not just for the coverage, but also for pain and suffering, for punitive damages. So you would have health care insurers as well as businesses, who would be worried more about litigation than consumer care. I think that would be an enormously expensive provision, and people need to know it.

I will continue with the Health Care Leadership Council. They said:

The bureaucratic regulations that would result from the Democrats' patient bill of rights legislation would add unnecessary complexity to the health care system. Complexity steals time from patients and forces health care providers to focus on regulatory compliance instead of improving the quality of care.

The Chamber of Commerce of the United States, which represents companies throughout the country says:

We urge your opposition to an amendment expected to be offered by Senator KENNEDY to the budget resolution today expressing the sense of the Senate that a patient bill of rights proposal should be enacted this session . . .

The goal of improving health care quality can be better achieved through the power of the marketplace.

The National Federation of Independent Business says:

The Kennedy amendment would dangerously place the Senate on record in support of health care mandates prior to carefully examining the issues of cost, coverage, regulation and litigation. Additionally, it is premature given the work of respective health care task force groups in the Senate and House and private-sector efforts. Thus, we hope you will not rush to legislate on the basis of antidotes rather than sound decisionmaking. Big Government mandates substitute Government intervention for quality innovations currently taking place in the private health care market are the wrong prescriptions for America's health care system.

Also, I have a letter from the Council on Affordable Health Insurance:

Bill of rights is a cruel hoax when the cost of those rights will result in health insurance which is unaffordable for those privately purchasing or causes employers to drop health insurance coverage altogether. Both Congress and the States have enacted laws to make health insurance accessible to almost every American who seeks coverage. Access to health insurance is meaningless if Congress makes it unattainable because of regulations placing it financially out of reach for many Americans.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HEALTHCARE LEADERSHIP COUNCIL,
Washington, DC, April 1, 1998.

Hon. DON NICKLES,
Assistant Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: We understand that Senator Kennedy intends, during Senate floor debate on the Budget Resolution, to offer an amendment placing the Senate on record as supporting enactment of the provisions incorporated in the Patients' Bill of Rights legislation introduced by Senate and House Democrats yesterday. It is critical that the Senate strongly oppose this amendment.

The approach toward health care embodied in the Kennedy amendment is exactly the wrong medicine for our health care system. The Democrats' bill introduced yesterday would raise costs, increase the numbers of uninsured people and eliminate consumer choices.

A vote for the Kennedy amendment is a vote for greater involvement by lawyers and bureaucrats in our health care system. To improve American health care, we need to empower individuals, not government. We need every medical dollar to go to medical services—not to lawyers and legal expenses.

The bureaucratic regulations that would result from the Democrats' Patients' Bill of Rights legislation would add unnecessary complexity to the health care system. Complexity steals time from patients and forces health care providers to focus on regulatory compliance instead of improving the quality of care.

As you know, the members of the Healthcare Leadership Council are the chief executives of the nation's leading health care companies and organizations, America's health care innovators. We are working toward a market-based approach to making health care more accessible, more affordable and of the highest quality for all Americans. Again, we strongly urge the Senate to reject the government micromanagement approach to health care that is embodied in the Kennedy amendment.

Sincerely,

PAMELA G. BAILEY,
President.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 31, 1998.

To Members of the U.S. Senate:

The U.S. Chamber of Commerce—the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region—strongly opposes proposals that will increase the cost of health coverage. We urge your opposition to an amendment expected to be offered by Senator Kennedy to the Budget Resolution today expressing the sense of the Senate that a patient bill of rights proposal should be enacted this session.

Health care reform easily has been one of the most emotional, complex and divisive domestic issues facing our nation. Many members of Congress have responded by considering a wide variety of proposals to regulate the health care marketplace, impose additional mandates, or most dangerously to expand medical malpractice liability. The Chamber strongly opposes these measures and may consider votes in connection with these proposals for inclusion in our annual ''How They Voted'' voting guide.

''Patient bill of rights'' proposals—such as that advocated by a majority of the deeply flawed Clinton managed care commission—more closely resemble provider than patient protections. Higher costs for health coverage will be the certain result of further government micro-management of the health care marketplace and increased litigation, making health coverage less affordable and available to small businesses and individuals. Of what use is the ''perfect'' health plan if businesses cannot afford to offer and employees cannot afford to accept health coverage?

The goal of improving health care quality can be better achieved through the power of the marketplace. The Chamber has recently joined other members of the business community in forming the Employer Quality Partnership, a new coalition intended to empower the health coverage purchaser—whether employer or individual consumer—with the tools necessary to evaluate health plan quality in a changing marketplace. In addition, we strongly supported the development of the American Association of Health Plan's Patients First initiative.

The expected Kennedy amendment is, at best, premature given the work of the respective health care taskforce groups in the Senate and House and private sector efforts like the Employer Quality Partnership and Patients First. We urge you not to commit today to legislation that will certainly prove a losing proposition tomorrow.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

THE HEALTH BENEFITS COALITION
FOR AFFORDABLE CHOICE & QUALITY,
Washington, DC, April 1, 1998.

DEAR SENATOR NICKLES: We urge your opposition to an amendment to be offered by Senator Kennedy to the Budget Resolution today putting the Senate on record in favor of passage of so-called ''patient protection'' legislation this session.

The Health Benefits Coalition agrees with you that Congress' first obligation is to Do No Harm. We share your view that patients would be hurt by any health care mandate bill that increases premiums on American families, reduces coverage or causes a new wave of costly litigation and regulation.

Concerns about congressional action increasing costs and reducing coverage are well-founded. An example is the Democrats' Patient Bill of Rights Act, unveiled just yesterday, which combines many of the worst elements of so-called ''patient protection'' proposals. It would result in further government micro-management of the health care marketplace and increased litigation, making health coverage less affordable and available to small businesses and individuals.

Ironically, by increasing costs and forcing millions of low-wage workers to choose between higher premiums or dropping coverage for their families, the Democrat proposal would hurt the very people who need help the most. Studies show that last year some six million Americans declined health insurance, largely because of cost, and these workers are ''more likely to be young, Hispanic or black, or unmarried and have low wages or low education levels''. (Health Affairs, Vol. 16, No. 6)

America has the finest health care system in the world because our private health care market—unlike a government run system—improves to meet consumers' needs. There is much that is currently being done voluntarily by health care plans and employers throughout the marketplace to improve the quality of care. However, if we trade the innovation and excellence of our private health care system for the regulation of a government-run system, this progress and innovation will be stifled. Furthermore, it won't be doctors making decisions about our health care—it will be Washington.

The Kennedy amendment would dangerously place the Senate on record in support of health care mandates prior to carefully examining the issues of cost, coverage, regulation and litigation. Additionally, it is premature given the work of the respective health care taskforce groups in the Senate and House and private sector efforts. Thus, we hope you will not rush to legislate on the basis of anecdotes, rather than sound decision-making. Big government mandates, which substitute government intervention for quality innovations currently taking place in the private health care market, are the wrong prescription for America's health care system.

Sincerely,

DAN DANNER,
Chairman, The Health Benefits Coalition, Vice President, National Federation of Independent Business.

HEALTH BENEFITS COALITION PARTICIPANTS:

National Federation of Independent Business
U.S.Chamber of Commerce
The Business Roundtable
National Association of Manufacturers
National Restaurant Association
Associated Builders and Contractors
National Association of Health Underwriters
American Automobile Manufacturers Association
National Business Coalition on Health
American Insurance Association
Food Marketing Institute
The ERISA Industry Committee
National Association of Wholesaler-Distributors
Food Distributors International
CIGNA
American Association of Health Plans
Association of Private Pension and Welfare Plans
National Retail Federation
Blue Cross and Blue Shield Association
Citizens for a Sound Economy
Society for Human Resource Management
Council for Affordable Health Insurance
Aetna U.S. Healthcare
Prudential HealthCare
Health Insurance Association of America
Healthcare Leadership Council
Humana Inc.
International Mass Retail Association
Self-Insurance Institute of America, Inc.
New York Life/NYLCARE Health Plans
Premier

COUNCIL FOR
AFFORDABLE HEALTH INSURANCE,
Alexandria, VA, April 1, 1998.

Hon. DON NICKLES,
Assistant Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the Council for Affordable Health Insurance, representing 3 million policyholders we are writing to voice our strong opposition to the Kennedy amendment No. 2183 to S. Con. Res. 86. The Kennedy amendment, Sense of the Senate resolution regarding Patient's Bill of Rights, although nonbinding would place Senators on record in favor of enacting legislation to establish a patient's bill of rights. A Bill of Rights is a cruel hoax when the cost of those rights will result in health insurance which is unaffordable for those privately purchasing or causes employers to drop health insurance coverage all together.

The ''rights'' listed in the Kennedy amendment amount to a litany of mandated benefits, and mandated providers. One only need to look to the states to see what these rights have cost policyholders. In the state of Maryland, there are over 40 state mandates. These mandates; some benefit related, others provider related, add more than 20% to the cost of insurance premium in that state. Major studies have been released in the last year that show the uninsured in the United States is increasing. The reason for the increase is not lack of access but lack of affordability!

Both the Congress and the states have enacted laws to make health insurance accessible to almost every American who seeks coverage. Access to health insurance is meaningless if the Congress makes it unattainable because of regulation placing it financially out of reach for many Americans.

The Kennedy amendment is premature when both the Senate and the House have established Health Care Task forces to carefully examine this issue. We are strongly opposed to the Kennedy amendment and urge Congress not to enact legislation which will increase the cost of health care insurance.

Sincerely,

ANGELA M. HUNTER,
Director of Federal Affairs.

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

The PRESIDING OFFICER. The Senator has 10 minutes 40 seconds.

Mr. NICKLES. I reserve the remainder of my time, because I have a couple of colleagues who wish to speak on this.

I ask that the second-degree amendment No. 2281 be withdrawn.

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

The amendment (No. 2281) was withdrawn.

Mr. NICKLES. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time do I have, Mr. President? Is it 15 minutes on our side?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, I disagree with some of Senator NICKLES' findings, but I

have no quarrel with the general words, and I urge the Senate to support his amendment and then go ahead and support our sense-of-the-Senate amendment, because the sense-of-the-Senate amendment incorporates the basic kind of protections that are essential in order to protect working families in this country.

I might differ with some of the particular words that the Senator has provided in his resolution. I was just handed the resolution a moment or two ago. It says:

Sense of the Senate. It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families.

How can you differ with that? I am not for making health insurance unaffordable.

And:

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats. . .

I certainly agree with Senator NICKLES on that one.

And:

(3) impose political considerations on clinical decisions. . .

That is basically what we are talking about in our amendment. Restoring the patient-provider relationship.

I hope the entire Senate will support the NICKLES amendment, and then we get back to our amendment, the real enchilada, the real McCoy. The essential protections we have spoken of today are included in the sense of the Senate advanced by myself, Senator DURBIN, Senator BOXER and Senator SARBANES. Our amendment asks the Senate to pass legislation to ensure that women in this country are going to get the gynecological and obstetrical care they need. It identifies and ends the evils of forced drive-through mastectomies. It says that a person who has a medical emergency does not have to drive past the nearest emergency room to a more distant one in the plan. It says that we will eliminate the use of gag clauses, and respect our medical professionals and the decisions they make. And it says that health plans will be held accountable for their decisions that deny care for patients and result in serious illness or death for those individuals. Why should we continue to shield negligent plans?

This Senator listened carefully, and neither the Senator from Oklahoma nor the Senator from New Mexico nor the Senator from Pennsylvania have addressed for one single moment the six essential elements of our sense-of-the-Senate resolution—the elements of which are strongly endorsed by the American Medical Association, the National Breast Cancer Association, Families USA, Consumer's Union, the emergency physicians, groups representing people with mental and physical disabilities, pediatricians across this country and a great number of consumer and patient groups that understand exactly what is at risk.

We are going to vote. We are going to vote not only this afternoon, but we are going to vote continuously in this Congress until we pass this legislation. This afternoon is the first time.

But I certainly hope that Senator NICKLES' amendment will be supported, and I hope, if I can have the attention of the Senator from Oklahoma, that he will accord the same courtesy and support to our amendment as well, and we will have a happy afternoon here together.

I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, I say to my friend from Massachusetts, for his leadership on these issues.

I certainly am going to support the Nickles amendment, as the Senator from Massachusetts has stated. The Nickles amendment simply says we shouldn't do anything when we legislate on this issue of a patient bill of rights to make things worse for patients. Of course we wouldn't do that. But the ultimate vote comes on Senator KENNEDY's amendment, because that is a positive statement of things we must do and we should do for the average American who has an HMO plan and who deserves to have quality health care.

I think we should vote for the Nickles amendment and then for the Kennedy amendment.

I want to tell a couple of stories, because they really illustrate why the Kennedy amendment is so important.

In the course of looking at the HMO issue, I met a gentleman named Harry Christie from Woodside, CA. He had a daughter who, at age 9, developed a very rare cancer. And it required a very delicate operation that could really only be performed by a surgeon who had experience in dealing with what they call Wilms' tumors.

So Mr. Christie, as any parent, loving his child with all of his soul, went to find out which physicians could do this operation and found out who they were, went to his HMO, and said, ''I assume that you will pay for a specialist to perform this delicate operation on my daughter.'' The HMO said, ''Sorry, Mr. Christie, we do not have such a specialist on our staff. You will have to take a general surgeon, a very good general surgeon, or you will have to simply pay for this out of your own pocket.''

Mr. Christie made the argument to no avail: ''This is my child. She is 9 years old. This is a delicate operation. This is a rare tumor. And I will not have someone with no experience, no matter how good a surgeon, take a knife to my child.'' Well, they said, ''You're out of luck.'' Mr. Christie had to come up with $50,000, and he did. Years later, his daughter is now 14. She is cured of this disease. She had a successful operation. What if Mr. Christie had not been able to come up with the $50,000? She may never have recovered.

What is it that we are doing here? We tell people we believe in quality health care, and yet we stand here and say we cannot do anything about it. The Kennedy amendment says that if your plan does not have a specialist that you must have for you or your family, yes, you can go outside that plan.

We held a press conference on this important bill that we hope will pass the U.S. Senate soon. And we heard over satellite from a gentleman named David Garvey from Illinois. He had an HMO; he thought it was terrific. Everyone loves their HMO until they get sick. Then, unfortunately, too many find out it was not what they thought it would be. What happened to this family is, Barbara Garvey, his wife of 30-some years, got a very rare immune condition. She was on vacation in Hawaii. And the HMO said, ''No, no, no, no. We cannot treat her in Hawaii. She has to be flown on a commercial airplane, at your expense, back to Illinois.'' Well, to make a very sad story shorter, she never survived that experience because her immune system was so damaged in this particular anemia condition that she could not withstand the infections that she got on that airplane.

We have to take action. There is nothing in the Nickles amendment that disturbs me at all. Of course, when we take action, it ought to be with all the concerns that Senator NICKLES puts in. Of course we should not fix a plan because of political reasons—I do not even know what that means—but we should do it because we want to help the people of this country get quality health care. That means specialists, and that means, as Senator KENNEDY has pointed out, a plan where doctors will not be gagged. We do not want doctors gagged. We want doctors to be able to tell you the truth about your condition. And if there is a remedy that might be a little more expensive, you deserve the right to know. That is in the Kennedy amendment.

A woman who needs an OB-GYN—and many of us use our own OB-GYNs as our first line of support. We do not go to an internist, should not have to go through a gatekeeper, to get that kind of help. So we have a wonderful opportunity today to support both the Nickles amendment and the Kennedy amendment. We have an opportunity to say that patients in America who pay premiums deserve to have the quality put back in health care. This is a chance for us to make that statement.

I hope we will cross over party lines on both these amendments and go home feeling we have made a statement that is important to the American people and follow it up with real action on a real patients' bill of rights.

I yield back my time to Senator KENNEDY.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I yield to the Senator from Tennessee 4 minutes. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I rise to speak in favor of the amendment from the Senator from Oklahoma and in opposition to the amendment of the Senator from Massachusetts.

The amendment of the Senator from Oklahoma, which I think we are going to have widespread agreement on, basically says that—

> The Senate will not pass any health care legislation that will—
>
> make health insurance unaffordable for working families and increase the number of uninsured Americans . . .

And in addition, it will not pass any health care legislation that will—

> . . . impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interest of patients.

I would like to take the time and say why passage of the Nickles amendment means we should defeat the Kennedy amendment. Basically, physicians do not treat patients unless we know that the anticipated risks to that patient are outweighed by the benefits. If we were to pass the amendment by Senator KENNEDY, the Senator from Massachusetts, those unintended disadvantages would far outweigh the good intentions that we have.

No. 1 is the issue of cost. We know that if we are mandating benefits today the cost of health insurance goes up. When health insurance goes up, those hard-working men and women, the single mom, working mom with the child, can lose her health insurance.

So we feel good because we are out there arguing quality. However, what we are really doing is putting mandates on the American people. I can guarantee you, because the data shows it, we drive health care costs up when we impose mandates. Who is hurt? The people we think we are helping—the working poor people who are out there.

A study by the Lewin Group showed that a 1 percent increase in premium implies that 200,000 people will lose their insurance. In fact, they said 200,000 to 400,000 people will lose their insurance. Yet, when we hear a little increase of 1 percent in your insurance premium we think anybody can take that. They do not. People will lose their insurance with these mandates. We should make the commitment, which the Nickles resolution does, not to pass legislation that drives the price of health care costs up and makes the uninsured a bigger problem.

No. 2, good science. We need good science. Some mandates in some cases may be OK, but let us base that on good science where we are really helping people.

Length of stay—mastectomy. Let me point out length of stay, how long you stay in a hospital, is not even mentioned in the landmark NIH consensus statement and guidelines for the management of breast cancer. In the guidelines that were determined by consensus to effect quality of care, the length of stay is not mentioned. In fact, in this particular bill where we talk about length of stay, length of stay is not necessarily the right issue.

A 1996 study of 525 women who underwent outpatient mastectomies at Henry Ford Hospital in Michigan reported increased quality, accelerated physical recovery, earlier return to occupational activities, and numerous improved psychological advantages.

My point is, if we are talking quality, this rubric of quality, we need to look at critical quality issues. Inpatient versus outpatient isn't necessarily a quality issue. It is an oversimplification. There are numerous studies.

A 1995 study at the New Jersey College of Medicine of 133 women who underwent outpatient partial mastectomies showed a lower rate of postoperative infection and a higher rate of satisfaction in comparison to a group having surgery on an inpatient basis.

In addition, the amendment itself also has other mandates, mandating reimbursement for prescription drugs. That is something that Medicare does not even do. If you mandate coverage for prescription drugs, I will guarantee you, you are going to drive the costs of health care insurance up to the point that you are going to be driving people out of the marketplace where they will not have access to even an adequate level of health care.

Thus, in closing, I rise to support—and I hope we will have a 100–0 vote for the Nickles amendment. Listen to what the Nickles amendment says. Let us not hurt quality of health care when we think we are helping it.

I yield the floor.

The PRESIDING OFFICER. Who yields the time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I yield the Senator from Maine 4 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

All of us agree that medically necessary patient care should never be sacrificed to the bottom line, and that medical decisionmaking should remain in the hands of medical professionals, and not in the hands of accountants. The question is, how can we best achieve that goal? Is the answer, as the Senator from Massachusetts suggests, massive new Federal regulations, mandates, and a preemption of the State's traditional role to regulate insurance? Or is the answer to trust the private-sector organizations that have made great progress in improving the quality of health care plans? Or is, perhaps, the answer somewhere in between? Is the answer carefully crafted, minimal Federal legislation that supports the efforts in the private sector?

The reason this issue is so important is because we don't want to take a misguided step in the name of improving quality and end up making health insurance unaffordable for millions of Americans.

The Lewin Group recently released an important study that deserves the attention of all of our colleagues. It estimates that every 1 percent increase in private insurance premiums results in an additional 400,000 Americans who become uninsured. A 1 percent increase in costs brings 400,000 additional uninsured Americans.

Health insurance rates are already projected to increase by more than 5 percent in 1998. In fact, the Los Angeles Times reported earlier this week that California's largest HMO was seeking an 11 percent increase in some rates. Therefore, we face an extremely delicate balancing act as we attempt to respond to concerns about quality without resorting to unduly burdensome Federal Government controls and mandates that will further drive up the cost of insurance and reduce access. Furthermore, we want to make certain that our efforts actually improve the quality of health care and not simply increase the amount of Federal regulation.

Under the leadership of the Senator from Oklahoma, I serve on the Republican health quality task force. We recently heard from the director of the Mayo Clinic, who voiced their own reservations about the Federal Government's ability to regulate quality. To quote Dr. Bob Waller:

> Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that may become obsolete very quickly. The Government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory objective.

Congress, in its haste to do good, should take care not to violate the first principle of medicine, which is, ''first of all, do no harm.'' Congress should not be acting precipitously, but rather should engage in a thoughtful and thorough debate on how best to ensure that Americans continue to enjoy the highest quality health care in the world. The amendment offered by the assistant majority leader adopts a reasoned, balanced approach to improving health care quality. All of us should be able to agree, as the amendment states, that Congress should not do anything to make health insurance unaffordable for working families and to increase the number of uninsured Americans.

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

Ms. COLLINS. I urge my colleagues to join me in supporting the amendment offered by the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 53 seconds.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I urge our colleagues to support the Nickles amendment. I have outlined, as the Senator has, and, while I disagree with some of his statements, I think the Senate ought to go on record in favor of it. But I also invite others to support the amendment offered by myself, Senator DURBIN, Senator BOXER and others, which basically says the Senate should pass a patients' bill of rights. Our amendment and the rights embodied in it is commonsense.

As we know around here, if you don't have a remedy for a right, you don't have a right. We have a Bill of Rights that we have enshrined in the Constitution of the United States. We have that to ensure all of our rights. All we are saying now is let us go on record in support of the rights that are included in this sense of the Senate.

This amendment says that we will protect women from being thrown out of the hospital hours after a mastectomy and against the advice of their physician. We will assure that women are going to be able to get direct access to the gynecological and obstetrical care they need. These are rights that many plans say they already offer. With this amendment, we will make sure that they are realized.

We will make sure that children with special needs have access to qualified pediatric specialists. We will make sure that we protect the rights of persons with disabilities. These rights are written in some of the various insurance policies, but too often they are not realized. We want to make sure that every American, if they have a heart attack or a stroke, can go to the nearest emergency room.

Here are the basics, and they have been undisputed. No one has challenged that. Let's get aboard and say let us, in this Congress—Republicans and Democrats—draft legislation that will protect those consumers. That is what the President's commission did unanimously. It said these ought to be the rights of every single American. We have a chance this afternoon for the Senate of the United States to say ''yes.'' Every good plan already provides these rights. Consumers need protections against those insurance companies who put profits ahead of patients. Many organizations representing patients and doctors are on our side. Only those who profit from the current abuse are opposed to us.

I hope the Senate will go in favor of this resolution.

I yield the remaining time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes 23 seconds remaining.

Mr. ROCKEFELLER. I thank the Senator from Massachusetts for his, as usual, stalwart defense of what is right in health care. I am struck by the referral of the Senator from Maine to the increased number of uninsured, which has always been put out by those—particularly the insurance companies—who oppose any kind of adding on to health care coverage or the quality of health care coverage in this country.

It is the oldest irony in the books. They have never supported anything, anything that I can remember, over the last 10 years that increased health insurance coverage. They have opposed everything. She quotes them—and she was even shot down by the Republican appointed CBO Director June O'Neill, who says in her letter, ''CBO has not estimated how PARCA [the bill referred to in the estimates under discussion] might affect the number of people covered by insurance.''

So on the one hand there is no argument, there is no case to be made about the increase; and secondly, in talking about this consumer bill of rights, we are talking about very, very fundamental things.

I had to take my own son into an emergency room within the last 2 weeks with my wife. There was nobody in the emergency room except us. It was held open, Sibley Hospital, because it was open and we were able to take advantage of it. It is the most important room in a hospital. This bill would guarantee that an emergency room would be open for everybody in America—not just people named Rockefeller or Kennedy—24 hours a day, 365 days a year. That is necessary.

I have another relative who has been through a mastectomy. People who say mastectomy quality is going up and people are not being urged to get out of hospitals simply don't know the facts because I have seen otherwise and I know otherwise.

I suggest we support the amendments of the Senator from Oklahoma and that we support the Senator from Massachusetts, both.

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

The Senator from Oklahoma has 2 minutes remaining.

Mr. NICKLES. I appreciate the fact that my colleagues on the Democratic side say they will support our amendment, but I want to inform them that our amendment is in direct contradiction with their amendment.

Our amendment says we shouldn't do anything to increase health care costs. My colleagues want to say that the proposal by the Senator from Massachusetts doesn't increase costs. They can say it, but it is not true.

The facts are the Lewin Group, for example, did a study on the so-called PARCA bill and said it increased costs 23 percent. Granted, the bill that the Senator introduced 2 days ago and is calling upon the Senate to pass may not be exactly the same thing, but it has a lot of common elements, and it will increase costs.

The Nickles resolution says we shouldn't increase costs because that increases uninsured. Common sense. And it says we shouldn't require health care providers to spend a lot of money defending themselves instead of providing quality care.

The proposal by my colleague from Massachusetts refers to the patient bill of rights. His bill of rights says we should pass legislation. I mention that the President's commission did not say we should pass legislation. They are not consistent. Should we try to improve quality care? Sure. Should we pass legislation mandating a fixed definition of quality care? I don't think so.

To give an example, a letter from Bob Waller of Mayo Clinic says, ''Providers of care are in the unique position based on the personal commitment to the well-being of the individual patient to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.'' Now, that is not from some insurance carrier. That is the director of the Mayo Clinic, one of the top providers of quality health care in the world.

The Cleveland Clinic states:

> We are already subject to extensive Federal, State and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

I ask unanimous consent to have these statements printed in the RECORD.

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

MAYO CLINIC

Mayo Clinic, Baylor Health Care System, and the Cleveland Clinic are all raising their voices in opposition to federal regulation of health care quality.

Dr. Bob Waller of the Mayo Clinic has stated: ''Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that many become obsolete very quickly. The government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory standard.''

BAYLOR HEALTH CARE SYSTEM

''There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place the processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well-being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards.''

CLEVELAND CLINIC

''We are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided''.

AMERICAN HOSPITAL ASSOCIATION (THIS WAS IN RESPONSE TO SENATOR KENNEDY'S BILL ANNOUNCED YESTERDAY)

''The President's quality Commission confirmed there is no consensus that federal legislation like that introduced today by House and Senate Democrats is the best way to achieve these objectives. The AHA believes the private sector can and must meet the challenge of protecting consumers and improving the quality of care. Federal legislation should be considered only if all private sector efforts fail.''

Mr. NICKLES. Mr. President, these are not insurers. They are providers of care saying that more regulation will do just the opposite—it will increase costs. Experts are saying the Kennedy proposal will increase costs and therefore increase the uninsured and add a lot of money being expended for defensive purposes in litigation, not for improving quality of care. That is a mistake.

I urge my colleagues to vote in favor of my amendment, cosponsored by Senators JEFFORDS, FRIST, COLLINS, and others. I thank them for their comments. I urge my colleagues to vote no on the Kennedy amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, my friend from Oklahoma sets up a strawman and then knocks it down. There are not going to be any additional costs for those insurance companies and those HMOs that are doing a good job. Massachusetts' HMOs, for example, are the best in the nation. I have the highest regard for them. But there may be an extra cost for HMOs that are shortchanging the consumer—the Senator is right—but not for those that are doing what they have represented to the consumers. In other words, if they are doing a good job, they have nothing to fear. That is why we have the support of a number of HMOs at the present time. This sense of the Senate focuses on the ones that are not doing a good job.

I yield the floor.

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

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I thank the Senators for participating in what has been an exciting debate. I have a consent agreement that has been worked out between the majority and the minority.

I ask unanimous consent that the following amendments be debated between now and approximately 4 o'clock, under the same terms as agreed to last night, with the exception of second-degree amendments, which are now limited to 10 minutes equally divided:

Brownback amendment No. 2177, which has already been debated; Boxer amendment No. 2167; Specter amendment No. 2254; Lautenberg amendment No. 2244; Kyl amendment No. 2221; the two amendments that we have just heard debated, the Nickles amendment and the Kennedy amendment, Nos. 2282 and 2183, respectively; a Hutchison from Texas amendment No. 2208; and the last in this series is the Rockefeller amendment No. 2226.

I further ask that at the conclusion or yielding back of time on each of these amendments, and any second degrees, all remaining time on the budget be considered yielded back, and the and the Senate proceed to stack rollcall votes, under the same terms as last night.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, for the information of all Senators, at approximately 4 p.m.—it looks like it will be a little bit after that—today, the Senate will begin what has been fondly called a ''vote-arama.'' Some might not want to say ''fondly''; they may have other words to describe it. I choose that today for no particular reason. If all Senators will remain in the Chamber and refrain from insisting on rollcall votes on their amendments, all Members will survive this cruel process and the Senate can conduct the final vote on this resolution within 3 or 4 hours after 4 p.m.

I understand that is wishful thinking, I say to my fellow Senators. Nonetheless, I urge my colleagues, once we start the ''vote-arama,'' to remain here in an attempt to work with us on the amendments that they may have to be included in the ''vote-arama'' or be disposed of otherwise. We still have a lot of amendments that we have not reached agreement on that might end up in the ''vote-arama.''

We are making some very significant headway. We started today with 72 amendments. We have worked to clear a number of those. Today, I think, with the amendments we will shortly adopt by voice vote, we are probably down to about 30 amendments that will fall into the ''vote-arama,'' and we have not had a chance on each of them to discuss them with the Senators. Perhaps a significant number of those will not require votes.

I yield so that my distinguished friend, the ranking member, can address the Senate.

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

Mr. LAUTENBERG. Mr. President, I encourage all to listen carefully to what is proposed in this UC. The mission is to respond to the entreaties by Senators on both sides, ''When are we going to complete our work? We have plans to make, we have our appointments to keep.''

You cannot have it six ways. What we have done here is we have tried to be as considerate as possible. The Senator from New Mexico has clearly stated the case. I have a further request that would apply to both sides, and that is, where the subjects are in common in two or more amendments, if those parties would consent to try to consolidate, we can further eliminate any time for discussion. Even though it is only 1 minute on each side, we are looking at a considerable amount of time. I plead with our colleagues—10 minutes on their clock has to be the same as 10 minutes on our clock; they can't be a different 10 minutes.

So if we are going to keep the voting limited, I urge the chairman of the Budget Committee to exercise all of the ''meanness'' that he can, be a bad guy and criticize and punish and all that. This is serious, and if people don't want to be looking at this clock at midnight, then they are going to have to adhere to the rules as we have them. I think I heard the Chair declare that the unanimous consent is in place. I would like to get on with the business at hand and do what we can to expedite the program and the time.

Mr. DOMENICI. Mr. President, following the next amendment, which I think will be the Lautenberg amendment, we will propose to the Senate a long list of amendments that we will accept and propose to accept by voice vote or by accommodation by both sides agreeing. So we will do that and that will take care of another long list of amendments. Then what will be left will be the ''vote-arama,'' and we will try to narrow those down in our personal conversations with Senators. Our leader will be along shortly to discuss this with Senators, also.

According to the order, Senator LAUTENBERG's amendment will now be the pending business.

AMENDMENT NO. 2244

The PRESIDING OFFICER. The pending question is the Lautenberg amendment, No. 2244.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, this amendment presents a modified version of the budget that President Clinton submitted to the Congress last month. The amendment delineates all of the important priorities in the President's budget.

First, it maintains strict fiscal discipline and adopts the President's commitment to save Social Security first. The amendment reserves all surpluses—I want to emphasize all surpluses—until we solve Social Security's long-term problems. This will help ensure that when the baby boomers retire, Social Security will be there for them, just like it has been there for their parents and grandparents. Second, this amendment, like the President's budget, makes education a top national priority. It calls for an initiative to reduce class sizes by hiring 100,000 new teachers; it promotes higher standards and greater accountability; it provides more after-school opportunities for young people; and it would help modernize and rehabilitate many of our schools.

These initiatives are not included in the budget before us. That is one of its greatest shortcomings.

Third, this amendment, like the President's budget, includes a historic commitment to helping families afford

quality child care. It would double the number of children receiving child care subsidies by the year 2003. It would provide tax relief to working families who struggle to afford child care, whose biggest concern is that their kids are in good, safe, secure hands and it doesn't matter what your income is or what your assets are. Everybody wants that. It includes many other measures to improve the quality of child care. Again, the Republican budget in front of us fails to include a meaningful child care initiative and would do little for working parents and their kids.

Fourth, this amendment, like the President's budget, would expand Medicare to provide health care to many older Americans who now lack private insurance. It would assist those people to help them pay for their fair share so that there are no additional burdens on the taxpayers at large. The Republican budget rejects this proposal.

Fifth, this amendment, like the President's budget, includes a major investment in research, especially medical research at the National Institutes of Health, with all of the life-saving possibilities it promises. The Republican budget claims to provide funding for NIH, but it provides no new money to do so. It merely assumes that the Appropriations Committee will cut other programs—cut education, cut environmental protection—to find the money to provide NIH with more resources. That is not likely to happen.

Sixth, this amendment includes a significant investment in our transportation infrastructure in accordance with the agreement reached on ISTEA funding. That includes not only funding for highways but transit and safety matters as well.

Seventh, this amendment, like the President's budget, reflects a commitment to environmental protection. It calls for reinstatement of the Superfund taxes on polluters and to use those funds for a variety of environmental objectives. The Republican budget, by contrast, uses most revenues from the Superfund tax for purposes that have nothing to do with environmental protection.

Mr. President, this amendment accommodates a wide range of Democratic priorities that have been shortchanged in the Republican budget—education, child care, health care, environment. We accommodate all of these priorities using real numbers scored by the Congressional Budget Office. This alternative budget fully complies with the discretionary spending caps in the balanced budget amendment, and it doesn't spend a penny of any surplus to meet the goals that we have had to modestly scale back some of the spending included in the President's original proposal.

We have adjusted the levels of both nondefense and defense discretionary spending to be consistent with the spending caps, and we have held about $15 billion in the President's funds for America's initiative in reserve. Those reserves will become available upon the enactment of tobacco legislation, if that legislation produces more revenues than proposed by the President.

I note that all of these priorities could be funded if we enact the proposal that Senator CONRAD and I have been advocating; that is, to promptly increase the cigarette taxes to $1.50 a pack. Mr. President, to avoid any confusion on this point, let me explain. We are assuming that many of the President's discretionary initiatives will be funded in authorizing legislation, which largely means tobacco legislation. We think that is the most likely way that many of these priorities will be funded. If so, they would all be scored by the Congressional Budget Office under the pay-as-you-go system separate from the discretionary spending caps. Of course, as the administration has proposed, this could also be accomplished with the rules change included in appropriations legislation.

The point is that, in any case, the President's priorities can be accommodated here within the current rules or with the rules change for tobacco legislation.

I want to be up front about this. I don't expect a Democratic substitute to be approved by this Senate. I am not asking for an extended debate about this proposal. We aren't looking for a partisan fight. We simply wanted to put this forward to reassert our support for the President's budget and to counter those who might try to argue that the President's priorities cannot be accommodated using the Congressional Budget Office scoring. We have shown that they can be. If the Senate wants to reject the President's proposals to expand Medicare, child care, reduce class size, that is their right. We can disagree. We can disagree on these in good faith. But we shouldn't just blame it on the Congressional Budget Office. It will be our choice and an expression of our priorities.

Speaking for most Democrats, we think that this budget represents the values and priorities that we care about and that this country ought to care about. It reflects our commitment to fiscal discipline. It saves Social Security first. It would improve the lives of millions of American families.

Mr. President, I yield the time so that the Democratic leader can use as much of that time as remains. How much time remains?

The PRESIDING OFFICER. Seven minutes eighteen seconds.

The distinguished Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

Mr. President, let me commend the distinguished ranking member for his excellent statement.

Mr. President, it is with some disappointment that Democrats offer any substitute at all. The times when we work best are the times when we can find agreement in the Budget Committee, as we did last year. We were disappointed that agreement could not be reached to everyone's satisfaction. So we find ourselves compelled to offer an alternative to the budget now being proposed by the majority.

The distinguished ranking member has laid out very thoroughly some of the reasons why our resolution is superior and the reasons why Democrats feel compelled today to express our differences with our Republican colleagues about this budget.

Our plan very simply does what the President of the United States said we should do in his State of the Union address a couple of months ago. We put Social Security first. We provide targeted tax cuts for working families. We make very important domestic investments so that working families across this country can experience the tremendous economic gain and economic vitality that this country has realized in the last several years. We stay within the spending ceilings established in last year's budget agreement. We maintain balance in 1999 and produce budget surpluses well into the next century.

We are very proud of what we have been able to achieve thus far. It is on the basis of what we have achieved that we now propose a budget to build upon those achievements and allow this nation to be as successful in the future as we have in the past. Before I describe our fiscal priorities, let's take a brief look back at the past.

In 1993, the budget deficit was a whopping $290 billion, the highest deficit our Nation had ever experienced.

The deficit at that time was projected to grow to over $500 billion by the end of the decade. In 1993, the President presented an economic plan and the Democratic Congress—unfortunately, without the help of a single Republican vote—took action.

Today, the results are very obvious. The 1993 plan produced the largest deficit reduction in our history. The plan produced the first unified balanced budget in 30 years. The plan created 15 million new jobs. The plan contributed to the lowest unemployment rate in 25 years. The plan put us on the road to the lowest core inflation rate since 1965. The plan has led to the fastest annual growth rate in real average hourly earnings since 1976.

The results could not be more clear. Because we made the commitment in 1993, because we turned the economy around, because we were able to come to grips with the significant economic and fiscal problems that we were facing at that time and address them consequentially, we celebrate success in 1998. Now it is our responsibility to build upon that success.

We would like to highlight the differences between our vision for the future and that of our Republican colleagues. The most visible and the most important of those differences relates to public education. Our budget contains a series of proposals that will provide our children with the educational opportunities they need to successfully confront the challenges of

the 21st century. We provide tax credits for local districts that build and renovate public schools. We provide funds for local districts to hire an additional 100,000 teachers. This proposal will allow schools to reduce class size. For grades from 1 to 3, class size will be reduced from an average of 22 children down to 18. In addition, we provide opportunities for after-school learning programs. I will not elaborate on any of those proposals, because they have each been the subject of a targeted Democratic amendment already offered during this budget debate.

The Republican budget freezes spending on the most important educational programs. It freezes spending on the new programs I have outlined as well as the programs already established to provide children the opportunity to grow and to learn. As a result, 450,000 children will be denied access to safe after-school learning centers if this Republican budget passes; 30,000 kids will be denied access to Head Start if this Republican budget passes; 6,500 middle schools will not have drug and violence prevention coordinators if this Republican budget passes.

There is another important difference—and my colleague, the distinguished ranking member, noted the difference. Democrats have a fundamentally different approach to tackling the problem of teen smoking. On this issue there is a very clear difference between the Republican budget and our budget. Every American should carefully examine each side's approach to ending tobacco's insidious hold on young people in this country. Our proposal ends Joe Camel's reign over America's teenagers by fully funding the anti-youth-smoking initiatives, by providing tobacco-related medical research, by allowing smoking cessation programs, by ensuring public service advertising to counter the tobacco companies' targeting of our children today.

The Republican budget does none of those, not one. There is no anti-youth-smoking initiative, there is no tobacco-related medical research, there are no smoking cessation programs, there is no public service advertising—there is none. It stacks the deck against meaningful tobacco reform and the effort to end teenage smoking.

So we see a host of important initiatives in the Democratic plan—investing in education, anti-teen smoking efforts, health care and an array of other proposals designed to build upon the success our plan has enjoyed over the last 5 years. Unfortunately, our Republican colleagues have said no to virtually every single one—no to education, no to child care, no to comprehensive solutions to teen smoking.

For all these reasons, I ask my colleagues to say no to the Republican budget and to say yes to the way we have proposed to build upon our success in the past, to say yes to the Democratic alternative.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time remains on the Democrat side?

The PRESIDING OFFICER. The Senator from New Jersey has 18 seconds.

Mr. DOMENICI. I see the minority leader is here. Maybe he wants more than 18. He can try to get it off the bill, but I remind him that we made a deal we weren't going to do that, so I will keep my remarks brief.

First, Mr. President, I would like to say the basic difference between this proposal and the President's—and it is very fundamental, and everybody should understand it—is that we thought if there was going to be some new money to spend, that we ought to take a look at what American programs were most in need of money, and we found that there are two American programs. They are not State programs, they are not city programs, they are not school board programs—they are ''the U.S. Government does them, or they don't get done.'' They are the Social Security system and the Medicare system for our seniors—but we are all going to get to be seniors, so therefore all of us.

What we did in our budget was say very, very simply: If you settle this tobacco agreement—which seems to me to be getting further and further from reality, but let's just say if it gets settled—put all of the Federal Government's receipts from it into the program that is most in need and that has been most adversely affected by smoking. That is the Medicare Program.

It is interesting that while the President's program and the Democrat program—the President suggests $124 billion in new programs, and the litany sounds wonderful. We have heard some of it here this afternoon. I can't tell for certain, but it looks like the budget before us does a little better. It looks like it has $88 billion to $100 billion in new programs, new spending.

I ask, whether it is $124 billion in new money or $88 or $90 billion, is it right? Is it correct? Is it the right thing to do, to put not one nickel toward Medicare, which is the largest American program in jeopardy? And, as I debated this earlier in the week, I showed in a very simplified, simple chart, what will happen to the Medicare trust fund starting in about 10 years. And the deficit line goes in a line downward as if we are aiming it towards the middle of the Earth—which we used to say that's where Hades was, when we were little kids.

For starters, that is one big difference, and we are proud of that difference, for we put a very substantial number of billions into that very needy program so those national commissioners trying to put it together will have some extra resources to save Medicare for the seniors of today and the seniors of tomorrow.

When you do that, you cannot pay for all the new wish list of programs that have been alluded to here today and that our President alluded to in a dramatic speech to the American people as the State of the Union. As a matter of fact, had that wonderful pot of gold—to wit: the cigarette companies' agreement—not been around when the President of the United States was preparing his speech, he could not have told the American people that there were any new programs. You know why? Because he agreed. He agreed that for the next 5 years there would be little or no increases in the discretionary programs of this country. That was the deal. That was the agreement.

So, lo and behold, the expectation quotient rises from that night to this moment on the floor of the Senate, when the big pot of gold is there, to start a whole bunch of new American programs. Frankly, as I indicated, everybody should know that most of the list of good things that we cannot afford, that the Democrats are speaking to, most of them won't come into existence if we don't have a big, gigantic pot of gold coming from the tobacco companies. That is point No. 1.

Point No. 2: With reference to smoking and its relationship and cost to the American taxpayer, and to our programs, the distinguished occupant of the chair has the most forthright sense-of-the-Senate resolution that he will offer during this debate, and I hope we adopt it. It just says that every penny we get out of the tobacco settlement should go to Medicare, because Medicare suffers a $25-billion-a-year hit because of seniors who, when they were young, smoked, got sick, and Medicare pays their bill. Pretty logical. I commend him for it and for his leadership in that regard.

Nonetheless, they would ask, aren't we going to take care of some of the needs that we know about because of smoking? And we say yes. But we didn't wait around to do them based upon a settlement; we did it by reducing other programs and paying for them. So, for those who wonder, the National Institutes of Health, which everybody says should be increased so they can work on some prevention areas of cancer that have been affected by smoking, gets a $15.5 billion increase in the next 5 years, the largest in the history of any research entity that the United States funds.

And then, education. You see, we don't forget what we agreed to last year. We have a 5-year agreement on education, and it is one of the high-priority agreements between the President and the Congress. We didn't forget about it in the second year. We fully fund the increases in education, and they are very significant. What we said is, we should put $2.5 billion, minimum, for the disabled of our children being educated by our public schools.

A disgrace exists today with a Federal Government which mandated this assistance years ago, committed to pay 40 percent of its cost, and is still paying 9 percent as of this day. While the

schools foot the bill, we write the laws, even though we agreed last year that education money would first be applied there to bridge the gap between the 9 percent and the commitment. The President saw fit to go with new programs and not that; but not us—$2.5 billion. That means those school systems can hire new teachers. We don't have to pay for teachers from the Federal Government's tax coffers, which we have never done in history. We say relieve the burden on the schools and they can hire them.

We put an additional $6.3 billion in education—an increase—so that we can fund in due course some programs which will have flexibility built in for our public schools, including such things as teacher training and those kinds of things that will bring some accountability to the public school system of our country. And we are proud of that, too. It is not as if there is nothing in, it is just we chose these instead of others, and we think these are prudent choices.

Then we could go on from there and talk about criminal justice. We all know we cannot cut that; it must go up. We increased that in our budget, because it was a high priority item when we made our 5-year agreement that we worked so hard together on, Democrat and Republican and President.

So it is not as if we did not do some of these things that the Democratic leadership is here touting that they would do and we didn't do. It is just that we did not increase net spending by $84 billion. The Democrat budget does. Net tax increases of one type or another—$80 billion in that proposal. We did not do that much. The reduction in the surplus—there is a cutting of the surplus in half, under their proposal, from 8 to 4. That is not a lot of billions, as we throw them around here, but nonetheless a significant thing to note.

Mr. President, I believe the budget we produced in the Budget Committee, if it were to become the cornerstone for this year's appropriation bills and tax reduction—for there is $30 billion worth of tax reduction in ours. It is provided for by closing loopholes and other tax advantages, many of which have been listed as items that we should consider for more than a decade, and some of them 15 years.

So ours is pretty well balanced. I am convinced, having familiarized myself as best I can, and I think perhaps with a few exceptions as well as anyone in the Senate, ours would be good for the future growth of the American economy and would continue this dramatic, sustained economic growth that is bringing us revenues and bringing us jobs.

Frankly, Mr. President, I don't believe there is very much in the Democratic budget or the President's budget that would contribute significantly to those positive things that we all cherish and want so much.

I yield the floor and reserve whatever time I have.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use a couple minutes of my leader time. I know we are out of time, and I don't want to take any time off the resolution.

I know the distinguished Budget chair has made his arguments, and I think they merit some response. I will yield in a moment to the distinguished ranking member as well.

Let me just make three points. First of all, the distinguished chair, the Senator from New Mexico, alluded to our budget proposal as one that seems to be outside the realm of the agreement we made last July. He also noted the Republican budget is in keeping with these same commitments.

Let there be no mistake about this, the Democratic alternative adheres to the requirements. It keeps the agreement—agreed to and signed by Republicans and Democrats last July—intact. That is the whole premise upon which we based our alternative budget resolution.

We recognize how important that agreement is. We recognize the importance of investments. But as I noted in my opening comments, there is a profound difference between the vision expressed in our resolution toward major investments in education, in child care, in those areas for which we believe it is essential this country continue to invest, and the Republican proposal which fails to invest in those areas.

The second point: He sets up a false choice. He says he believes it is important for us to recognize the critical nature of using tobacco revenue to shore up the Medicare program. I agree with that. I too think there is an important need to invest in Medicare to ensure its solvency. However, it is a false choice to say this is the only option available to us as we pass tobacco legislation. Indeed, the Senate Commerce Committee itself takes issue with the statement just made by the distinguished Budget Committee chair.

Yesterday, on a vote of 19 to 1, the Commerce Committee voted out its recommendations to the Senate with regard to tobacco legislation. They note it is important for us to take some of those revenues and dedicate them to reimbursing public health care programs in Medicare. However, they also say that, in addition to Medicare, it is critical we recognize the importance of prevention and cessation activities, efforts to stop teenage smoking, to support health-related research, to ensure tobacco farmers receive the resources they are going to need, to ensure that we deal with the tobacco-asbestos trust fund, to ensure that we deal with the problems in Medicaid, and to ensure that problems with black lung are addressed through these resources.

In other words, the committee, in the 19-to-1 vote just yesterday, said we agree with the distinguished Senator from New Mexico, but we think we ought to do more. We think that it is critical that we look at how we prevent teenage smokers from starting, how we assist tobacco farmers in during the transition, and how we deal with research in ways that are not adequately addressed in this budget.

I think it is very critical to acknowledge that on an overwhelming basis many in Congress have already indicated their support for dedicating tobacco revenues to an array of different needs including Medicare.

The bottom line is really very fundamental. We have to recognize that this is our one opportunity to state our priorities. Our priorities ought to be in education. Our priorities ought to be in child care. Our priorities ought to be in preventing teenage smoking. That is what our budget does. That is what our priorities are. And that is the difference in vision between Republican and Democratic budgets.

I ask the ranking member if he has any need to express himself prior to the time I yield the floor?

Mr. LAUTENBERG. If I can have 2 minutes.

Mr. DASCHLE. I yield 2 minutes of my leader time to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I don't want to take any more time than that, because we have an understanding about the use of time, but I do want to say to my friend and colleague, the chairman of the Budget Committee, who is so articulate and who is so knowledgeable about the budget, the only thing is he happens to be wrong. Other than that, we are in very good agreement.

What do I think the chairman is wrong about? Priorities. I think that when he lays out those things that are taken care of, we say, ''No, they are not taken care of,'' and we will do all we propose, all the President has offered by staying within the budget caps, and we are going to use the pay-as-you-go mantra; that is, nothing happens until it is paid for. That is the way we see it.

When I see the narrowness, the demand that the only way that we spend any of our surplus is on Medicare—and I submit, and I proposed this the other day—ask any grandparent, because by the time you get to Social Security, you are pretty much a grandparent, if they would rather worry today about shoring up Medicare or keeping their child or their grandchild from starting smoking.

I can tell you what the answer is going to be. They would say, ''Listen, we have lived a pretty good life, and we are worried about Medicare; we want you to help solve the problem, but if you are saying take a choice between keeping my youngster from getting hooked on tobacco, which will begin his or her final innings at sometime in life when it is very inopportune, take care of those kids.''

That is what we are asking for. If the revenues come from tobacco, we want those funds to be used for smoking cessation programs.

I think it is a fairly simple choice, and that is, do we want to say to the American public that we are going to try to deal with all of the problems that we have, but we are only going to do it if we have the money to spend and, if not, then we are going to have to forego that as well?

We committed to a balanced budget. I worked not only amicably but I think efficiently with my friend from New Mexico in getting a balanced budget into place. We were commended by people across this country, including leaders of both our parties.

I want it to continue that way, Mr. President, and I hope we will be able to have the votes that say, ''OK, let's give the priorities that are for the people a chance to be put into effect.''

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time was used in excess of the 15 minutes?

The PRESIDING OFFICER. Six minutes 55 seconds of leader's time.

Mr. DOMENICI. I ask unanimous consent I be allowed to manage that amount of time in opposition.

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

Mr. DOMENICI. Mr. President, outside of this, Senator STEVENS wants to offer an amendment that is going to be accepted. I ask unanimous consent that he be permitted to do that without it being charged to either side.

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

AMENDMENT NO. 2253, AS MODIFIED

Mr. STEVENS. Mr. President, I call up amendment No. 2253, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter currently under review, the Director of the Office of Management and Budget will identify multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES FOR THE BUDGETS OF FEDERAL AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The federal civilian workforce in non-Defense Department agencies shrank by 125,000 employees, or 10 percent, between 1992 and 1997.

(2) The Balanced Budget Act of 1997 assumed over $60 billion in reductions in nondefense discretionary spending over the period 1998–2002.

(3) These reductions were agreed to notwithstanding ever-increasing responsibilities in agencies engaged in fighting crime, combating the drug war, countering terrorist threats, cleaning the environment, enforcing the law, improving education, conducting health research, conducting energy research and development, enhancing the nation's physical infrastructure, and providing veterans programs.

(4) All Federal agencies have worked closely with the Office of Management and Budget to balance much-needed programmatic needs with fiscal prudence and to submit budget requests for FY 1999 that comply with the Balanced Budget Act of 1997.

(5) Reductions in the President's requests, as estimated by the Office of Management and Budget, to comply with the Congressional Budget Office's estimates could seriously jeopardize priority domestic discretionary programs.

(6) There is no mechanism through which the Congressional Budget Office and the Office of Management and Budget identify their differences in outlay rates for nondefense agencies.

(7) Such consultation would lead to greater understanding between the two agencies and potentially fewer and/or smaller differences in the future.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office, in consultation with the Secretaries of the affected nondefense agencies, shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for accounts in nondefense agencies.

Mr. STEVENS. Mr. President, I am offering a Sense-of-the-Senate Amendment which urges the Office of Management and Budget, the Department of Defense, and the Congressional Budget Office to develop a common estimate of outlays under the fiscal year 1997 Defense budget.

Last year, the Congress passed the Balanced Budget Act of 1997—putting the Federal Government on a path to living within its means. The act specified the budget authority and outlay levels for the Defense Department for fiscal years 1998 and 1999.

The Department of Defense is a $250 billion organization—an organization which needs stability to run effectively.

The Defense Department relied on last year's Budget Act to build its fiscal year 1999 budget.

Currently, the fiscal year 1999 budget submitted by the Defense Department, and scored using OMB rates, complies with the Balanced Budget Act of 1997.

OMB and the Defense Department built their outlay rates based on the specific spending plans of each DOD program and based upon the policy changes contained in the fiscal year 1999 Defense budget. In many cases, the Defense Department increased outlay rates over last year's levels.

DOD also adjusted working capital fund policies, and billing rates, to generate positive balances and keep these funds solvent.

Mr. President, the Defense Appropriations Subcommittee, which I chair, has for the last 3 years, transferred cash into the working capital funds and directed DOD to change its billing rates and policies.

The Defense Department has done what the Congress asked. However, the Congressional Budget Office has estimated that outlays under the fiscal year 1999 Defense budget will exceed the limit imposed by the budget agreement, as well as the OMB quality estimate, by $3.7 billion. These differences are based on statistical analyses and projections of the future based on the past. While this may all be theoretically interesting, it has severe implications for the Defense Department.

The Defense Appropriations Subcommittee would have to totally restructure the fiscal year 1999 Defense budget to reduce outlays by $3.7 billion. We would have to cut military personnel funding unexpectedly forcing thousands of soldiers, sailors, and airmen out of the force structure.

We would have to cut operation and maintenance funds—funds which keep

our troops trained and ready, which pay to day-to-day bills for our bases, and which repair the aging equipment relied upon by our military personnel.

Lastly, we could turn to the procurement and research and development accounts—cutting $2–$10 of budget authority for every dollar in outlays we must save. This would bring modernization to a virtual halt and increase the cost of the remaining, less efficient programs. These cuts would not serve the Senate, and Defense Department, or the Nation well.

I understand that there may be new and more detailed information on the Defense Department's budget policies and execution plans—information that the Congressional Budget Office did not consider.

It is essential that there be a common agreement on the outlay estimate of the Defense budget—an agreement that does not punish DOD based on a disagreement over statistical predictions and historical interpolation.

My amendment urges that everyone work toward this common agreement—an agreement which I hope will allow us adequate flexibility to maintain balance in the fiscal year 1999 Defense budget.

Mr. THURMOND. Mr. President, I want to take a few minutes to address my colleagues on a subject which is of increasing concern to me. I have spent a great deal of time on the floor of the Senate during our consideration of the budget resolution for this fiscal year and the following 5 years. I have listened intently as the Senate has debated taxes, education, child care, Social Security, Medicare and other issues which Senators have raised with respect to this resolution.

It has been glaringly evident to me, and I suspect to some of my colleagues, that there has been little or no mention of national security issues during this debate. No one has raised the issue of defense spending. Maybe its because defense doesn't rank very high these days in the polls which reflect the concerns of the American people; Or maybe it's because everyone assumes that the defense budget is adequate and there is no reason to debate it. I am concerned first of all because I believe there is clear shortfall between the ambitious foreign policy of this Administration and the resources we are willing to provide for national defense.

The operational tempo of our military forces is at an all time high. American forces are deployed literally around the globe. The foreign policy of this Administration has raised the number of separate deployments to the highest in our history. Our servicemen and women spend more and more time away from their homes and families on more frequent and extended deployments. As a result, recruiting grows more difficult and retention is becoming an extremely serious problem—especially for pilots.

We are also beginning to see increasing indicators of readiness problems. Spare parts shortages, increased cannibalization, declining operational readiness rates, cross-decking of critical weapons, equipment and personnel foretell a potential emergence of readiness difficulties that could seriously cripple our military forces in the very near future. The Chiefs of the military services indicate that they are on the margin in readiness and modernization. The Chief of one of our military services has recently stated orally as well as in writing that his budget for fiscal year 1999 is, for the third year in a row, inadequate.

While, at the present time, the American people may not be expressing concern about threats to our national security or the readiness of our armed forces, we in the Senate are not relieved of our responsibilities to ensure that we have capable, effective military forces ready to defend our nation's vital interests. It is our job in the Congress to examine the readiness and capability of our armed forces and ensure that we have provided adequate resources and guidance to the Secretary of Defense so that he can carry out his mission with respect to our national security. I believe, as I have stated so many times on this floor, that nothing that we do here in the Congress is more important than providing for our national security. I intend to continue to make this point whenever I believe that we in the Senate may not be paying enough attention to this most critical issue.

Mr. President, the Congress has endeavored over the past several years to shore up our defense budgets with annual add-ons. However, reductions in the defense budgets over the last 3 years to pay for Bosnia have denigrated the effect of those congressional plus-ups. Almost half of the $21 billion we added to the defense budgets over the last 3 years which was intended to enhance readiness and modernization was spent instead for operations in Bosnia. With the increased optempo of our buildup in the Persian Gulf, the strain on our military forces and budgets is more and more evident.

As many of you are aware, we face a potentially serious problem of $3.6 billion resulting from scoring differences between the Office of Management and Budget and the Congressional Budget. The chairman of the Budget Committee, the chairman of the Appropriations Committee, and I were able to work out an amendment to help alleviate this problem. We appreciate the assistance of the chairman of the Budget Committee and trust that in his discussions with the Secretary of Defense, the Office of Management and Budget, and the Congressional Budget Office, he will resolve this problem. It is critical that this problem be resolved. Otherwise, the impact on the defense budget would be devastating to our military forces.

The Armed Services Committee will begin work on our markup during the Easter recess period. We intend to have our bill on the floor before the Memorial Day recess. Under the budget agreement, the Congress will not be adding funds to the defense budget. I know that the majority of Senators would not support adding funds to the defense budget in violation of the budget agreement. Therefore, we will conduct our markup consistent with the budget agreement. However, I have stated in the past and I say again, I believe that we are not providing adequate funds for defense. It remains my firm belief that we should provide additional funds for our national security.

Mr. STEVENS. Mr. President, there are a number of cosponsors to this amendment. The amendment I offer is a sense-of-the-Senate amendment which directs the Office of Management and Budget, the Department of Defense, and the Congressional Budget Office to develop a common estimate of outlays under the fiscal year 1999 defense budget. The modification of my amendment adds a corresponding sense-of-the-Senate section which urges OMB, CBO, and the Secretaries of nondefense agencies to also develop common estimates for the 1999 outlays for the nondefense discretionary programs.

I believe this amendment is one that is needed. It is a sense of the Senate, but it directs, as far as the Office of Management and Budget and CBO and the Defense Department, to find a common ground before we start marking up either the authorization bill or the appropriations bill. It has been cosponsored by both sides. I believe it will be accepted. I ask for the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2253), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I say to Senator STEVENS, I understand, working with the other side, this amendment includes nondefense where there are serious discretionary estimating inconsistencies.

Mr. STEVENS. The chairman is right. We have added the nondefense portion. It deals, however, just with the discretionary accounts, both defense and nondefense discretionary. It is a matter that Appropriations must have resolved.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I know that Senator HUTCHISON is waiting, but I want to use some of that 6 minutes. I am not sure I will use all of it. Let me take a little.

AMENDMENT NO. 2244

Mr. DOMENICI. Mr. President, I don't know how we judge right and wrong, whether I am right or wrong after an eloquent speech, as my friend called it. But, look, this afternoon we

are going to vote and sometimes in America, democracy says the one that gets the most votes wins. I don't know if that means you are right, but I can tell you we are going to win and they are going to lose. I don't know what that means, but I think that is pretty good.

In addition, let me suggest, I, too, am worried about what is happening to our young children who smoke. It is wonderful for me to be able to say that I smoked heavily until 8 years ago. I have eight children and not a single one smokes. So I am very pleased about that. I don't know what that means either, except it is just a statement of fact.

Mr. LAUTENBERG. Can I ask a question?

Mr. DOMENICI. Sure.

Mr. LAUTENBERG. Did they see you coughing?

Mr. DOMENICI. They did not. But they used to leave all kinds of little notes on my pillow and stuff them underneath.

Mr. President, let me just say, it is a question in politics if there is ever enough spending by a Government. How much is enough, I ask? Is $825 million provided in this budget resolution to take care of advertising to have a positive impact on our children smoking enough or should we have more?

I tell you, that is twice as much as the President asked for. I assume if a Democratic President has some $400 million and we have $825 million, that probably—probably—we have enough. Having said that, there are so many programs being talked about to come out of that pot of gold, that giant piggy bank, many of which nobody knows will even work. If you have national advertising programs and preventive programs in drugs where you are going into schools, talking to the kids, running advertising and it is not working a bit—in fact, there are more drugs—one would have a tendency to be a bit skeptical, it seems to me, about whether we know how to do that, be it for drugs or for cigarettes.

In the final analysis, we have decided in our budget resolution to take every priority that we can find consistent with our 5-year agreement and fund them as best we can consistent with the agreement; that there be no new discretionary spending.

What is happening now, just so everybody will understand, we asked those experts who talk about our money supply, our interest rates, the wonderful economy, what are we supposed to be most concerned about to keep the message out there that we are fiscally responsible and we are aiming at a balanced budget for a long time? They tell us, ''Don't breach the agreement that you entered into with reference to how much you can spend each year as you appropriate annually.''

We all say we will not do that. That is right. But, Mr. President, what this budget that is before us and what the President chose to do is to take another pot of money and say, ''We'll spend it another way and it won't count against those agreed-upon expenditures.''

That is called new entitlement programs.

So this litany of new programs cannot be paid for under the budget agreement. But it can be paid for if you choose to create new entitlement programs that will go on forever even though the money from which they are paid has a terminal time. So I believe we did the right thing. We look forward to an era of balanced budgets, an era of solid economic growth, an era during which we fix Social Security permanently and during which we fix Medicare permanently and we actually put our budget where our mouth is, and that is to do those things.

I yield back any time that I might have. And in due course I will make a point of order against the budget. But I do not choose to do it now.

I say to Senator HUTCHISON, if you would let me dispose of a series of amendments, I would really appreciate that.

AMENDMENTS NOS. 2187, 2204, 2217, 2212, 2225, 2233, 2235, 2236, 2237, 2239, 2240, 2246, 2248, 2250, 2253, 2258, 2263, 2264, 2266, 2269, AND 2270, EN BLOC

Mr. DOMENICI. Mr. President, I have a list of amendments by number. There are 21. And I will not cite each one but, rather, I will send the list to the desk for consideration. These amendments have been agreed to. And I would like to agree to them en bloc. There is no objection on our side and no objection on their side, the Democrat side. They are both Republican and Democrat amendments.

The PRESIDING OFFICER. Without objection, the enumerated amendments sent to the desk will be considered en bloc.

AMENDMENT NO. 2235

Mr. BINGAMAN. Mr. President, the amendment I am offering with Senator LIEBERMAN expresses the sense of the Senate that the next budget submission by the President, and the next Congressional budget resolution, should reclassify all civilian research and development activities within the Federal government, now scattered among 12 separate budget functions in the Budget Resolution, into one budget function—Function 250.

Function 250, entitled ''General Science, Space, and Technology,'' currently is comprised of funding for the National Science Foundation, NASA, and some R&D programs at the Department of Energy.

The purpose of the functional analysis in the Budget Resolution is to provide the Congress with insight into important crosscutting themes in the budget. When it comes to the federal investment on R&D, though, the current functional analysis in the Budget Resolution fails. It does not facilitate any sort of cross-cutting discussion about the size and direction of Federally supported science and technology research. In fact, our current budget function structure hides more than half of the Federal investment in civilian R&D. According to data from the Office of Management and Budget, in addition to the agencies and programs currently in Function 250, 20 other civilian departments and agencies have research and development programs of consequence. My amendment would address this problem by providing more transparency to our support of Federal R&D. No funds or programs would be shifted among agencies. But the President's next budget proposal would highlight where in each agency R&D was being supported. If the President were to implement the suggestion in this amendment, I believe that it would have the following beneficial effects.

No. 1, when all civilian R&D is placed into one budget function, it will become much easier for the Congress to examine the entire Federal R&D portfolio. Questions of balance, coverage, and emphasis within that portfolio will become easier to ask when the whole picture can be seen more easily.

No. 2, the proposed change in my amendment will facilitate the ability of each authorizing committee to review the Federally supported R&D under its jurisdiction, as one element in preparing its views and estimates for the Budget Committee. The amendment will also allow committees such as the Committee on the Budget or the Committee on Appropriations to conduct a global review of federal R&D early in the budget/appropriations process. The National Academy of Sciences has recommended that such a global look at R&D take place annually in Congress in its 1995 report, Allocating Federal Funds for Science and Technology. The Academy stated that the ''Congress should create a process that examines the entire [federal science and technology] budget before the total federal budget is dis agggregated into allocations to appropriations committees and subcommittees.'' This amendment would facilitate the implementation of this idea, which has broad support in the scientific and technical community.

No. 3, placing civilian R&D at mission agencies into Function 250 will reflect the reality that all Federal research and development, regardless of sponsoring agency, is interrelated. All Federal R&D, regardless of sponsoring agency, can and does make essential contributions to the general fund of knowledge. These are realities that are well known to the scientific and technical community. In the words of former IBM Vice President Lewis Branscomb, ''One cannot distinguish in any meaningful way 'basic' from 'applied research' by observing what a scientist is doing.''

No. 4, placing civilian R&D at mission agencies into Function 250 will elevate the prominence of R&D supported by those agencies in future budget and policy discussions.

I believe that this amendment will result in a valuable contribution to our institutional ability to understand and manage one of the most important parts of the Federal budget

I urge the adoption of both amendments.

AMENDMENT NO. 2236

Mr. BINGAMAN. Mr. President, this amendment is co-sponsored by myself, Senator GRAMM of Texas, and Senator LIEBERMAN. It expresses the sense of the Senate in favor of a basic principle that is widely supported in this body. That principle is that we should seek to double the Federal investment in civilian research and development over the next 10 years. This principle is contained in legislation co-sponsored by us, the chairman of the Budget Committee, and about 10 other Senators.

Mr. LIEBERMAN. Mr. President, I rise in support of the Sense of the Senate Amendment to double federal R&D investments over the next ten years. Federal support for research and development is all about creating wealth and opportunity and assuring a higher quality of life for our citizens. As policy makers, it is worth our while to focus on wealth creation because it enables everything else we want to do.

We have an awful lot of data these days that tell us there is a firm connection between R&D expenditures and subsequent economic growth. One commonly cited figure—derived from Dr. Robert Solow's Nobel prize-winning research—is that 50% of America's post-World War II growth can be attributed to technological innovation—innovation largely driven by the discoveries that flow out of the nation's R&D laboratories. Economists do not give us the tools to determine the optimum level of R&D spending, but is clear from all the data that we are far, far below the point of diminishing returns. Numerous studies indicate that the marginal rates of return on publicly-financed R&D investments are extraordinarily high. These high rates of return tell us that federal R&D expenditures are an especially efficient investment vehicle, that we are currently underinvesting in R&D, and that we are underutilizing our nation's existing R&D infrastructure, including its pool of talented scientist and engineers.

Why is the government involved in research in the first place? These days industry funds nearly twice as much R&D as government does, why don't we let them do all of it? The problem with that notion is that the private sector, for the most part, does not fund discovery—government does. The private sector funds the later phases of the innovation process—those phases closest to product development. Privately-financed R&D—which is mostly D—provides the critical link between research and the subsequent creation of new wealth and opportunity. It is vitally important, but it depends on publicly-financed R&D for fundamental knowledge creation.

The benefits of knowledge created in the nation's laboratories and universities are diffuse and typically yield economic returns only after a significant time lag—a time lag well beyond the planning horizon of most commercial firms. Moreover, the benefits cannot be anticipated in advance. The chemists and physical scientists who first conceived of utilizing nuclear magnetic resonance to determine chemical structure never imagined that their discovery would become the basis of a whole new medical diagnostic industry. Firms realize that they cannot capture most of the benefits of fundamental research. It is a classic market failure. The returns are very significant, however, and they are fully captured by the society as a whole.

Because federal investments are typically focused on the early phases of the innovation process, they exert tremendous leverage. This is part of the reason why the returns on federal R&D investments are so high. The early phases are the high-risk, high-payoff phases. There may be many misses, but the hits are very large indeed.

In recent years, we have not maintained federal R&D investments at traditional levels as a fraction of either discretionary spending or, more significantly, as a fraction of national income. I would argue that, in a society and an economy that are increasingly knowledge-intensive, we ought to be increasing our investments in knowledge creation not reducing them. Nonetheless, federal support for research and development has declined substantially since the 1960s as a percentage of national income. We have to turn this situation around. Robust federal support for R&D and the American research enterprise is one of the key elements in sustaining high levels of economic growth in the future. We cannot take America's current economic and technical leadership for granted. If we are to maintain our nation's leadership position, we must be prepared to make the requisite investments in our R&D system—the most productive system of its kind in the world.

The PRESIDING OFFICER. The question occurs on agreeing to the amendments en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2187, 2204, 2217, 2212, 2225, 2233, 2235, 2236, 2237, 2239, 2240, 2246, 2248, 2250, 2253, 2258, 2263, 2264, 2266, 2269 and 2270) were agreed to en bloc.

Mr. DOMENICI. I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2229

Mr. DOMENICI. Mr. President, I add to the list amendment No. 2229, the Feinstein amendment. And I assume we will have to adopt that separately.

Mrs. FEINSTEIN. Mr. President, this amendment expresses the sense of the Senate that we must rededicate ourselves to making our public education system the best. These reforms, if implemented by states and local school districts in partnership with the federal government, will improve: The achievement of students; the quality of teaching; and the accountability of public school systems.

This sense of the Senate amendment has six elements. It calls on the federal government to work with states, school districts and local leaders to accomplish the following goals by the year 2005:

(1) Establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of ''social promotion'' of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(2) Provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(3) Create smaller schools to enable students to have closer interaction with teachers;

(4) Require at least 180 days of instruction per year in core curriculum subjects;

(5) Recruit teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards;

(6) Require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma.

U.S. SCHOOLS' PERFORMANCE UNIMPRESSIVE

In 1983—15 years ago—the National Commission on Excellence in Education issued its startling report on the decline of America's schools, titled ''A Nation at Risk.'' Our schools today are still at risk.

A February report this year revealed that American high school seniors are among the world's least prepared in math and science, scoring far below their peers in other countries. Overall, U.S. students outperformed only two countries in the Third International Mathematics and Science Study—Cyprus and South Africa. In twelfth grade advanced math and physics, U.S. students scored last in physics and next to last in math. American eighth graders scored well below the international average in math.

SAT scores today are near their lowest point ever, reports the Brookings Institute. The National Assessment of Educational Progress reported that math, science, writing and reading achievement have been flat for the past quarter century.

The U.S. Department of Education last fall reported that 29 percent of all

college freshmen require remedial classes in basic skills.

The 1997 annual report on our national education goals found that the high school dropout rate has increased and more teachers reported student disruptions in their classrooms.

The national goals report told us that performance has declined in reading achievement at grade 12 and in the percentage of secondary teachers who hold a degree in their main teaching assignment.

The goals report found no significant improvement in high school completion rate or reading achievement at grades 4 and 8.

ISSUE 1: ACHIEVEMENT LEVELS; NO SOCIAL PROMOTION

The first provision of my amendment urges the establishment of achievement levels and assessments in every grade for the core academic curriculum and calls on state and local schools to stop social promotion. Social promotion is the practice of schools' advancing a student from one grade to the next regardless of the student's academic achievement.

Forty-nine states are working to establish achievement standards and assessments, but few have completed the task. AFT found: ''In most districts, there are no agreed-upon explicit standards of performance to which students are held accountable.''

Educators widely agree that tough, clear academic content and performance standards are the only way to determine what students are learning and how quickly or slowly they are learning it. Standards should be the foundation of learning.

Social promotion is contrary to tough standards. Saying that social promotion is ''rampant,'' AFT leaders found that school districts' criteria for passing and retaining students is vague, that only 17 states have standards in the four core disciplines (English, math, social studies and science) that are well grounded in content and that are clear enough to be used.

It is time to end social promotion, a practice which misleads our students, their parents and the public.

I agree with the conclusion of the September 1997 study conducted by the American Federation of Teachers:

> Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation.

HOW WIDESPREAD IS IT?

None of the districts surveyed by AFT have an explicit policy of social promotion, but almost every district has an implicit practice of social promotion. Almost all districts view holding students back as a policy of last resort and many put explicit limits on retaining students. Districts have loose and vague criteria for moving a student from one grade to the next. This approach, concludes AFT, is implicit approval of social promotion.

AFT found last year that 7 states are seeking to end social promotion by requiring students to meet the state standards before being promoted into certain grades, an increase over the 4 of the previous year.

Mike Wright, a San Diegian, is an example. Cited in the February 16 San Diego Union-Tribune, Mr. Wright say he routinely got promoted from grade to grade and even graduated from high school, even though he failed some subjects. At age 29, he is now enrolled in a community college program to learn to read—at age 29.

Social promotion is a cruel joke. We are fooling students. We are fooling ourselves. Students think a high school diploma means something. But in reality, we are graduating students who cannot count change, who cannot read a newspaper, who cannot fill out an employment application.

THE ACADEMIC COST OF NO ACHIEVEMENT LEVELS, SOCIAL PROMOTION

Students' need for remedial work is one measure of the harm of the lack of clear achievement levels and the practice of social promotion. Here are some examples:

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63% of employers and 76 percent of professors said that the diploma is no guarantee that a graduate can read, write or do basic math.

In California, a December 1997 report from a state education accountability task force estimated that at least half of the state's students—3 million children—perform below levels considered proficient for their grade level.

Nationwide, about one third of college freshmen take remedial courses in college and three-quarters of all campuses, public and private, offer remediation, says the AFT study.

A March 27 California State University study found that more than two-thirds of students enter Cal State campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test. At Cal State Dominguez Hills, for example, 8 out of 10 freshmen enrollees last fall needed remedial English and 87 percent needed remedial math.

Sadly, these numbers represent an increase. In the fall of 1997, 47 percent of freshmen enrolled at CSU needed remediation, compared to 43 percent in each of the previous three years. In math, 54 percent needed remedial help, compared to 48 percent in 1994.

Similarly, almost 35 percent of entering freshmen at the University of California do poorly on UC's English proficiency test and must receive help in their first year.

Florida spent $53 million in college on remedial education, says the AFT study.

In Boston, school principals estimate that half their ninth graders are not prepared for high school work.

In Ohio, nearly one fourth of all freshmen who attend state public universities must take remedial math or English (Cleveland Plain Dealer, July 7, 1997)

Employers tell me that their new hires are unprepared for work and they have to provide very basic training to make them employable. For example, last year, MCI spent $7.5 million to provide basic skills training (USA Today, 1996).

SUPPORT FOR ENDING SOCIAL PROMOTION IS WIDESPREAD

Fortunately, many policymakers are beginning to realize that we must stop social promotion. President Clinton called for ending it in his January 27 State of the Union speech. He said, ''We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools.''

On February 23, the President sent Secretary Riley a memo asking him to prepare guidelines for educators on ending social promotion and guidelines for using federal funds to adopt sound promotion policies. ''Neither promoting students when they are unprepared or simply retaining them in the same grade is the right response to low student achievement,'' the President wrote. ''Both approaches presume high rates of initial failure are inevitable and acceptable.''

At least three states—Florida, Arkansas and Texas—explicitly outlaw social promotion.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place, in the spring of 1997, over 40,000 students failed tests in the third, sixth and eighth and ninth grades and then went to mandatory summer school. Chicago School Superintendent calls social promotion ''education malpractice.'' He says from now on his schools' only product will be student achievement.

Cincinnati's students are now promoted based on specific standards that define what students must know.

In my own state, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance. And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do

not pass core courses be retained or pass core courses in summer school.

As long as we tolerate social promotion and the absence of standards, we will never know (1) what our students need to learn and (2) whether they have learned what they should learn. How, I ask, can you measure what you have accomplished if you don't know where you are going?

ISSUE 2: MORE REMEDIAL PROGRAMS

Some schools are trying to provide after-school help, tutoring and summer school remedial programs as ways of intervening when students are having learning problems, but a report by the American Federation of Teachers found that only 13 states require local school districts to provide academic intervention for students who fail to meet standards. Similarly, a report of the Council of Chief State School Officers in 1997 on math and science standards, found that states were doing very little to ensure that all students master the standards.

AFT's 1997 report on state standards found that only 13 states require and fund intervention programs to help low-performing students, up from 10 the previous year.

The Chicago Public School, for example, have launched a major revamping of their school system, and have made after-school programs a priority in helping students learn.

ISSUE 3: SMALLER SCHOOLS

The amendment calls on school districts to have smaller schools. In California, some campuses sprawl across acres and acres and schools can have thousands of students. The principal is just a voice over the loudspeaker. School personnel hardly know the names of the students.

I believe that elementary schools should have no more than 500 students; middle schools, 750 students; and high schools, 1,500 students. I believe that in smaller schools children have a stronger sense of community and connectedness, that school personnel become closer to and more effective with their students.

One study of 744 large high schools found that the dropout rate at schools with over 2,000 students was *double* that of schools with 667 or fewer students. Another study of 357 schools revealed that large schools have higher rates of class cutting, absenteeism, and classroom disorders.

I believe these studies make a compelling case.

ISSUE 4: LONGER SCHOOL YEAR

My amendment also urges states and school districts to have a school year of at least 180 days. The U.S. school year averages around 180 days, an outdated calendar based on our agrarian past over 100 years ago.

Currently, 29 states, the District of Columbia and Puerto Rico require a minimum of 180 teaching days. California now requires only 172 teaching days, but a new state law does provide incentive funds for adding up to eight professional days to the 172-day school year.

Many other countries have longer school years than we do. Students in England, Germany and Japan go to school between 220 and 243 days a year.

A 1993 study entitled ''Timepiece: Extending and Enhancing Learning Time'' observed that American school children spend more days out of school than in school and documented ''summer learning loss,'' finding that teachers spend four to six weeks every fall going over lessons from the previous school year. Similarly, A Nation at Risk recommended lengthening both the school day and the school year.

Along with setting high standards, we must put more time into teaching and learning and thus my amendment recommends 180 days of instructional time, which still would leave us with a school year shorter than many of our international competitors.

ISSUE 5. TRAINED TEACHERS

Class sizes cannot be reduced without hiring more teachers. And these teachers must be trained and credentialed teachers.

The National Commission on Teaching and Learning in November 1997 brought us some disturbing findings:

More than one-fourth of newly-hired teachers lack qualifications for their jobs.

The U.S. has no real system in place to ensure that teachers get access to the kinds of knowledge they need to help their students succeed.

Twenty-three percent of high school teachers do not even have a minor in their main teaching field.

School systems often waive or lower standards to hire people without qualifications to teach.

California, unfortunately, is a case example. We have 21,000 teachers on emergency credentials. In California, nearly 22,000 of the 240,000 public school teachers in California are not fully credentialed or have not passed a basic skills test. Half of California's math and science teachers did not minor in those subjects in college, yet they are teaching. The October 13, 1997, U.S. News and World Report reported that in Los Angeles, ''new teachers have included Nordstrom clerks, a former clown, and several chiropractors.''

The National Commission on Teaching and America's Future ranked California near the bottom of states in the quality of our public school teaching force because we have some of the highest proportions of uncertified or undertrained teachers, particularly in math and science. The Commission defined ''well-qualified'' as a teacher with full certification and a major in their assigned field. By this measure, only 65 percent of the state's teachers meet the standard. Nationally, that figure is 72 percent. In California, 46 percent of high school math teachers did not minor in math. The national average is 28 percent.

California will need up to 300,000 new teachers in the next decade because of our escalating enrollment. But a 1996 analysis by Policy Analysis for California Education found that my state could only expect about 9,000 new credentialed teachers per year if current trends continue.

Without good teachers, no school reform, however visionary or revolutionary, can improve student learning. This nation needs a major investment in teacher training, professional development and we need to pay teachers decent, professional salaries to attract and retain them.

ISSUE 6: FINAL EXAMS FOR GRADUATION

Without achievement levels or tests, students today can leave high school with a diploma.

According to the Council of Chief State School Officers, for the 1995–1996 school year, only 17 states require passing minimum competency tests for high school graduation. California, for example, does not require high school graduation exams.

The 1997 AFT report on state standards found that only 13 states have high school graduation exams based on 10th grade standards or higher.

Therefore, without standards, with social promotion rampant, a high school diploma means little. It is no measure of achievement. This has to stop.

THE PUBLIC EXPECTS PERFORMANCE, ACCOUNTABILITY

In a recent survey of Californians, 61 percent agreed that our schools need a ''major overhaul,'' up from 54 percent who answered the same question two years ago. A mere six percent believe that schools provide a ''quality education.''

A poll by Policy Analysis for California Education found that only 17 percent of Californians considers the state's schools ''good'' or ''excellent,'' down from about 33 percent three years ago. A 1997 poll in my state found that improving elementary and secondary education has replaced crime and immigration at Californians' top priority.

Nationally, a Wall Street Journal/NBC poll last year found that 58 percent of Americans say fundamental changes are needed in U.S. schools. A Garin-Hart poll last year found only 9% of the public believes our public education system ''works pretty well.'' Only 27 percent gave our schools an above-average rating. A whopping 84% of people favor establishing meaningful national standards.

CONCLUSION

I hope my colleagues will join me in supporting this amendment because we must stop shortchanging our students.

School achievement must mean something. It must mean more than filling up a seat at a desk for 12 years. A diploma should not just be a symbol of accumulating time in school. And school systems need to be accountable.

I hope today the Senate will go on record in support of this modest amendment that expresses 6 critical principles for school reform.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 2229.

Without objection, the amendment is agreed to.

The amendment (No. 2229) 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. DOMENICI. I yield the floor.

Mrs. HUTCHISON. I ask the distinguished chairman of the committee, approximately how long is he asking authors of amendments to—

Mr. DOMENICI. We are operating under a time agreement where you are in control of 15 minutes and the opposition has 15 minutes.

Mrs. HUTCHISON. Thank you. We will certainly yield back part of our time. Well, I will wait and see what the opposition is.

AMENDMENT NO. 2208

Mrs. HUTCHISON. I call up amendment No. 2208 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

An amendment numbered 2208 previously proposed by [Mr. DOMENICI] for Mrs. HUTCHISON of Texas.

Mrs. HUTCHISON. I ask unanimous consent to add Senator GRAMS as a cosponsor of this amendment.

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

Mrs. HUTCHISON. Mr. President, this is what my amendment does. It is a sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

It is really quite simple. This Congress has labored mightily for the last 2 years to come up with a balanced budget. This budget resolution, which has been so ably led by the Senator from New Mexico, and helped by the Senator from New Jersey, is an example of how difficult it has been to actually balance our budget. It has not been easy. It has been tough to make these hard choices, but Congress has done it.

We are talking about a balanced budget and, in fact, surpluses. I am saying, do not fritter away the victory. We have done the tough things. Now is not the time to get wimpy. Now is the time to remain tough, so that we will be able to assure our children and grandchildren that they will not inherit the $5 trillion of debt that has been built up in this country for the last 40 years. It is a time to say we are going to be responsible stewards of this country while we are on the watch deck.

It is time for us to say, it is the sense of the Senate that there are only two responsible choices for spending any budget surplus: either tax cuts for the hard-working American family that is today paying over 38 percent of its income in Federal, State and local taxes—and if you add the regulatory burden on top of that, government is costing the average American family, at the $50,000 level, 50 percent of its income. If we say we are going to give tax cuts to those hard-working Americans or we are going to start paying down the debt for our children and grandchildren, and to keep interest rates low, that would be the sense of this Senate for the responsible stewardship of our economy.

We have the highest debt burden today of any peacetime in American history. Economic research shows that tax cuts actually add to the economy. They generate work; they generate jobs; they generate buying power. So it would have a huge impact in a positive way. Debt reduction also has positive returns because certainly it will keep interest rates low and we can continue to invest in our savings.

Not only are taxes at record highs today, but the trend is in the wrong direction. Since President Clinton came into office in 1993, the tax burden as a percent of gross domestic product has climbed 2.1 percentage points. Just reducing taxes to the 1993 levels means the average family would have a tax windfall of $2,500. This is their money. This money is money they earn, and we believe it belongs to them. That is what this sense of the Senate would say to the American people—you earned this money, and it belongs to you, and if we are not going to give you direct tax relief, the surplus is going to pay down the debt so that you will be able to continue to enjoy the great economy we have and we will also give to our children the same stability in a great economy.

The amendment is very simple. I ask my colleagues to vote that we will not undo the hard choices and the hard work that we have done in this Congress over the last 3 years, but in fact we will do the right thing, and that is, give the money back to the people who earned it or pay down that debt so that our interest rates can stay low and so that we can stop paying so much interest.

Mr. President, I now yield the rest of our time—up to 5 minutes—to Senator GRAMS, the cosponsor of this resolution.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

I thank the Senator from Texas for all her fine work on this amendment.

I rise today to offer my strong support to Senator HUTCHISON's sense of the Senate calling on Congress to look at and to reserve any future budget surplus for tax relief and natural debt reduction or Social Security reform. But this amendment represents, I believe, some very sound, responsible fiscal policy, and again I commend Senator HUTCHISON for her leadership and her efforts on this very important issue.

The question of how to use the potential budget surplus has been debated extensively before this Chamber. In my view, tax relief and debt reduction and Social Security reform are all equally important. Tax relief will reduce the growing tax burden on our American families. As Senator HUTCHISON pointed out, from 38 percent to more than 50 percent of the incomes of our average families in this country are going to support government rather than supporting their families. But if we give tax relief, it will increase incentives to work, save and invest. It will help keep our economy strong. Debt reduction and Social Security reform will address our long-term fiscal imbalances. These are two closely related issues, and I believe they go hand in hand. We can and we should be addressing both of these at the same time.

There are compelling reasons for supporting this amendment. When we talk about how to use the budget surplus, let us not forget those who generated this surplus in the first place. If, as the administration is predicting, we do achieve a budget surplus, that surplus will have come directly from working Americans, from taxes paid by corporations, from individuals and investors. Clearly, this money belongs to the American people. It has been an overcharge. It is only fair to return it to the taxpayers who earned that money in the first place.

Families today, again, are taxed at the highest level since World War II, with 38 percent to 50 percent of a typical family budget going to pay taxes on the Federal, State and local level. Last year's tax cuts, I believe, moved us in the right direction, but in reality those tax cuts were too little, too late, too small. After spending the unexpected $225 billion revenue windfall last year, busting the 1993 spending caps, Washington delivered tax cuts only one-third as large as lawmakers had promised back in 1994.

Recent polls show that 89 percent of the American people believe that taxes on all levels of government should not consume more than 25 percent of their income. Again, 89 percent of Americans believe that all levels of taxes should not consume more than 25 percent of their income, and 77 percent also believe that estate taxes should be eliminated.

Lower tax rates, again, increase incentives to work, save and invest. They help families to maximize their income and improve their standard of living. They allow families to allocate their precious dollars to meet their own needs, not to go out and meet the needs of disconnected spenders located in Washington.

So, again, cut taxes and families today, who are forced to scrimp just to cover their monthly bills and their taxes, would find that they have more money to spend on their children's education, on their health care expenses,

on food, clothing and insurance, et cetera. If we are truly interested in giving our families the tools that they need to help raise their children, isn't it about time that Washington cut their taxes instead of limiting their choices?

Beyond the direct benefits to families, tax cuts can also have a substantial and very positive impact on the economy as a whole. John F. Kennedy proved it. Ronald Reagan proved it. So we should not spend a budget surplus that does not yet exist. If a surplus, however, does develop, the Government has no claim on it because the Government did not generate it. So I do not believe Washington should be first in line to reap the benefits of any surplus.

A surplus, again, will be the direct result of the hard work of the American people, and, therefore, it should be returned to the American people, either in the form of additional tax relief or beginning to pay down this tremendous $5.6 trillion national debt.

So, Mr. President, a vote for the Hutchison-Grams amendment is a vote for families. I believe it is a vote for fiscal sensibility in Washington, and I urge my colleagues very strongly to give it their support.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time does the Senator from Texas have?

The PRESIDING OFFICER. Four minutes 34 seconds.

Mr. DOMENICI. Is the minority going to respond?

I suggest the absence of a quorum, and I ask unanimous consent it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. I rise to oppose the amendment of the Senator from Texas, Senator HUTCHISON. It would reject President Clinton's call to save Social Security first.

Now, the Hutchison amendment calls for diverting part of any surplus for tax breaks. It therefore directly contravenes the President's plan to preserve Social Security benefits for baby boomers and other young Americans. For the first time in 30 years, Mr. President, we are probably going to have a budget surplus at the end of 1998—1998; that is, the current fiscal year. It ends September 30.

The forecast for the coming decade is for continued surpluses—$1 trillion over the next decade. We have tightened our belts, we have restored fiscal responsibility, and these surpluses are largely the product of our joint hard work.

What do we do with the surplus? On this question, the President has spoken clearly and unequivocally. I agree, before we spend a penny of any surplus, we should save Social Security first. A decade from now, the baby boom generation will begin to retire. Additionally, Americans probably, Lord willing, are going to be living longer and having fewer children. That means fewer workers will be contributing to Social Security for each beneficiary. These forces will put severe strains on the Social Security system. It could have a real impact on our economy.

If we do not maintain fiscal discipline, plan ahead, we could reduce the quality of life for our children and thus jeopardize the most important safety net for protecting senior citizens against poverty. That is why the President has been so insistent that we save Social Security first. That is why the amendment by the Senator from Texas is, in my view, misguided.

I heard the Senator talk about restraining ourselves, about returning money to the citizens as quickly as we can. The President shares that objective. What he says when he says save Social Security first, he talks about doing it through paying down the debt. If we look at where we are now, I have to say, the President's leadership in managing this economy is pretty good. This doesn't mean that our friends on the Republican side haven't worked together with us and the administration to do things. This isn't pointing a finger. It is recognizing where we are: The lowest inflation rate, perhaps, in 30 years, in terms of the consistency and the level of the rate; the lowest unemployment rate in decades; the best growth rate in the economy that we have seen in decades; perhaps the best economic condition that this country has ever seen—maybe any country has ever seen.

We are on the right track, and we are paying down debt. We have gone from almost $300 billion when President Clinton took over, down to a prospective surplus in 1998, a period of 6 years. That is quite an accomplishment.

Why is it, at a time like this, that we suddenly recognize, ''My gosh, we have a huge deficit out there and we better get it paid down''? The President agrees, except he provides the leadership to do it.

I urge my colleagues to resist the short-term temptations. Confirm the fact that we want to save Social Security. Confirm the fact that we want to pay down the debt. Let's continue to work together, not point fingers at who is at fault. If we are going to point fingers at who is at fault, we had better point fingers at those who helped us in the excellent job we have done together, and it was not all done by Alan Greenspan, as much respect as I have for him. I want to make sure Social Security will be there to protect younger Americans as it is here today for parents and grandparents.

Mr. President, we have had all kinds of attacks on the present condition. Frankly, I scratch my head and say, What are my friends looking at? I see a stock market that is thriving—and I am not here to prognosticate the future of the stock market, but I heard a very distinguished economist, a personal friend of mine, on the air this morning. His name is David Jones. He is with a New York firm. He says that he thinks the economy is in pretty good shape in terms of the market. He doesn't see any reason to get overly concerned about sudden market dips. He doesn't predict that the market is going to continue straight up, but he predicts it is on a good, solid base.

So the worry tree is sprouting buds here. I don't know whether it has to do with the political condition we will be facing when we get out there and talk to voters or exactly what it is. I want to be as frugal, as thrifty, as the next one, but I also want to make sure we maintain the service of our responsibilities to the people in our society, that those who don't have as much money as some at the top are still able to afford a college education for their child so that child can learn, to make sure there is sufficient housing for people, to make sure there are jobs for people who are moving from welfare to work. We had better have work for them.

There are lots of worries and concerns, as I guess there always are with mankind, no matter what the conditions are. Recognize what we have, recognize where we have come, and at least admit we are doing the right kind of a job.

So I don't want to do anything that will restrict the way we function with this economy of ours. That is why I don't want to succumb to the short-term temptation and take money out of programs to pay down the debt. We have a program laid out on just how we will do these things.

I hope my colleagues will say no to the amendment offered by the distinguished Senator from Texas.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I say to my colleague from New Jersey that he can very well vote for my amendment and still do what he says he wants to do, and that is, save Social Security first, because my amendment just lays out the framework for what our priorities would be.

What it says is that there are only two reasons we should spend the surplus: For tax cuts for the hard-working American family, or for debt reduction, which would save Social Security.

I support saving Social Security first with all of the surplus, and that would be possible under my amendment. But what we are saying is, we are not going to do anything else with the surplus. We are not going to go on new spending binges. We are going to live within our income. We are going to prioritize our budget, just like every family in America does. We are going to live within that budget. And every penny of surplus can only go to one of two purposes: One is tax reductions on the

hard-working American family, and the second is to pay down debt. If we continue to pay all the debt, to save Social Security, you can vote for my amendment and be very happy that all of the Congress will support debt reduction as one of our two priorities.

I hope everyone will support this sense of the Senate, because I think it does set our priorities, just as this budget resolution does. That is what a budget does; it sets the priorities.

I yield the floor.

Mr. LAUTENBERG. Mr. President, is the Senator from Texas ready to yield back time? If so, I yield back my time.

Mrs. HUTCHISON. I ask unanimous consent to add Senator KYL as a cosponsor of the amendment.

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

Mrs. HUTCHISON. 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.

Mrs. HUTCHISON. I yield back the remainder.

Mr. LAUTENBERG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 2176

Mr. DOMENICI. In the interest of reducing the time, I will accept the Boxer amendment numbered 2176, and I yield back the time I was going to use to speak, and she has yielded all her time but 1 minute.

Mr. LAUTENBERG. I yield that time back.

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

The amendment (No. 2176) 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.

AMENDMENT NO. 2226

Mr. DOMENICI. I believe we will go to Senator ROCKEFELLER, if he is ready.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I call up my amendment numbered 2226 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2226, previously proposed by the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, we have a very interesting amendment to propose and I think a very important one. I want to say first, I fully support highway funding. Obviously, in a State like West Virginia, where it is mostly mountainous, highway funding is more important and more expensive than most places. I supported Senate passage of ISTEA. We are spending $217 billion on highway funding this year. When I was Governor, I helped get an amendment passed in this Congress, which was actually referred to as the Rockefeller amendment, which said if States had accumulated money, they went to the head of the line on interstate highway building and got their money from the Federal Government first.

Again, this is in no way an antihighway amendment, as some are very anxious to label it. It is, however, very much a proveteran amendment. The amendment has one purpose and one purpose only: To protect veterans funding from a midnight raid—nothing less—by the administration and the Budget Committee. The raid isn't really a raid, it is a ravage on the authority of the Veterans' Committee to see that the needs of the Nation's veterans are met. In this case, I am talking particularly about disabled veterans.

It is as simple as that. The veterans' account under the budget authority is being cut by $10.5 billion to pay for an enormous increase in highway funds. This money is in the veterans' budget baseline. And today they are taking it away from disabled veterans and putting it into highways, where we already have $217 billion. My point is they need to find another offset.

I think my colleagues would want to know just what is being done here, because it is not a pretty sight. First, what is the law about? Veterans law generally requires the VA to pay disability compensation to veterans for any injuries, diseases, or conditions they incur while they are in service in the military. After long debate, and for very good reasons, the Government long ago decided that veterans disability compensation is not limited to only combat-related conditions. The budget resolution would change that.

In 1993, the VA general counsel in a Republican administration interpreted the law to require the payment of disability compensation to veterans who could prove they had become addicted to tobacco while in military service if that addiction continued without interruption and resulted in an illness and disability.

It is important to remember that this is a very, very tough test for veterans to meet. And very few veterans—only about 8 percent of those who have made such claims—have been able to meet this test so far. In my home State of West Virginia, where there are approximately 200,000 veterans watching this debate closely, as of March 10, only 250 smoking-related disability claims have been filed and, of that number, only 6—6—had been granted so far. What this says to me is that these are tough claims to substantiate. This tough test is the very reason that so few claims have been filed and why so few have been granted.

Even the military now acknowledges that it played a significant role in fostering addiction in very young men and women in the service. How did the military do this? One, by distributing free cigarettes in C-rations and K-rations. Two, by creating a culture that encouraged smoking at every opportunity, a culture of ''smoke 'em if you've got 'em.'' And three, by selling tobacco products at vastly reduced prices, prices as much as 76% less than in civilian markets.

Mr. President, whether or not a veteran became addicted to tobacco during military service, the results of that addiction are issues that the VA has correctly decided, under existing law, should be determined by its triers of fact. This is the law currently. This is the law that the Budget Committee would unilaterally change.

Now we get to the midnight raid. In approving the fiscal year 1999 budget resolution, the Senate Budget Committee assumes a $10.5 billion cut from the veterans account—from disabled veterans, in effect—to partially fund the very large increase in ISTEA funds. The Budget Committee made this transfer based upon their decision to totally bar any veterans' claims for disabilities resulting from any tobacco-related illnesses. But not only did the Budget Committee make this raid on veterans' compensation for disabled veterans under the budget resolution, the Committee on Veterans' Affairs' jurisdiction over this issue is totally removed. And lo and behold, where does it appear to go? It appears to be solely placed in the realm of the Transportation Subcommittee of the Appropriations Committee.

Mr. President, this type of gimmickry makes a mockery of our budget process and of regular order in the Senate. It makes a mockery of the system of the Senate, which so many of our Senators are fond of talking about. This budget resolution will ultimately result in the erosion not only of the Veterans' Committee's authority, but of all authorizing committees' authority to determine policy. The budget committee is saying to us on the Veterans' Committee, we who take our work seriously, we will decide for you, we in the Appropriations Committee will decide for you; you will not decide policy in the authorizing committee.

Let's put a human face on this issue. Just who are the people that this VA compensation is helping? In Huntington, WV, Robert Christian is a 71-year-old World War II veteran. He entered the Navy when he was 17 years old. He began smoking cigarettes supplied by the Navy while on a ship headed to the Pacific, where he was involved in three separate invasions during that war.

Robert is just one of thousands of World War II veterans who became addicted to cigarettes supplied by the military. Don't talk about personal choice. His cigarettes were supplied by the military. So Robert smoked and has been addicted for 24 years. Today, he has bronchitis and emphysema as a result of his addiction. He receives regular treatments to help him breathe.

Because Robert and his physicians were able to make the connection between his bronchitis and his nicotine addiction, his medical disability has been service-connected by the Department of Veterans Affairs. Under the budget resolution, veterans like Robert would not be able to seek help. That is a disgrace.

His disability check is not a lot of money, I might add. But the real asset in this case is his VA health care. Now, as a service-connected veteran, Robert is able to go to the VA medical center for treatment of his service-connected condition. He is able to get his health care because he is service connected. This would change under the budget resolution.

And let's look at my friend, Larry Stotts of Spencer, WV. Larry joined the Marines at age 18, and he, too, began smoking the cigarettes supplied in service.

Larry is a Korean War combat veteran and one of the Chosin Few. The Chosin Few are veterans of a bloody battle—in driving snow and sub-zero temperatures—at the Chosin Reservoir in Korea in 1950.

After years of smoking beginning in the military, Larry has chronic obstructive pulmonary disease. It is so severely disabling that the VA has granted—under the very law now proposed to be struck down—a 100% service-connected disability and free medical care.

So when you take away this Department of Veterans Affairs compensation, remember that VA health care is now being provided on a priority basis. It has to do with your service-connected status or income level, and the first priority is for medical conditions linked to service in the military. A vote to deny VA compensation for smoking-related illnesses due to Government-sponsored nicotine addiction, which began in the service when these young men and women were teenagers, is also a vote to deny veterans health care—not just compensation for being disabled, but health care to thousands of veterans who turn to the VA for treatment of their smoking-related diseases. This is indeed a sorry statement about this country's sense of obligation to those who served our country. Mr. President, this issue is much clearer than all of this discussion of the law and the cost estimates. The issue is stunningly simple. Even if one opposes paying this compensation to a disabled veteran, or even if one is totally comfortable with the cost estimates that have been created, there is simply no reason—no reason—morally, ethically, or otherwise, to take away money from disabled veterans' programs and use it for other programs like tax cuts and highways. It is outrageous that veterans' programs are being looted in this way.

We are not asking for cuts in all accounts this year. In fact, we are not even demanding that others, such as Social Security disability recipients, lose their smoking-related compensation. No. Only veterans.

This year, we single out veterans and say: You, veterans, pay for all of this by giving up your rights. We imagine your satisfaction, disabled veterans, at $10 billion extra for highways, paid for by the loss of your rights to compensation as a disabled veteran.

I oppose this raid. I urge a vote in favor of my amendment, and I reserve the remainder of my time.

I will ask for the yeas and nays on my amendment after I yield to the Senator from Colorado. How much time is left?

The PRESIDING OFFICER. There are 3 minutes 5 seconds remaining.

Mr. ROCKEFELLER. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend from West Virginia. I want to associate myself with his remarks. It is amazing to me how much we praise the actions of our military when they are putting their lives on the line and how quickly we forget them during peacetime or after they leave the military. This highway bill is important. I believe that, too, that our Nation's highways are in disrepair. But we have human beings that are also in disrepair in our veterans' ranks. We put $217 billion into the highway fund this year, which is almost $40 billion more than anybody expected. We have done a good job on funding our highways. I hope that we do an equally good job on funding the benefits for our sick veterans.

As my colleague from West Virginia mentioned, the administration—I don't, frankly, think they understand the ramifications of this because when I was in the service, I can remember, as Senator ROCKEFELLER alluded to, that there was no counseling not to smoke. In fact, as he said, it was ''smoke 'em if you got 'em.'' That was the common thing to do at virtually every break. We were told, ''If you want to smoke, go ahead, do it.'' There weren't any labels on the packs, and the cigarettes were free. You were actively encouraged to smoke. To say that it is somehow the veterans' fault and to say that they voluntarily smoked is a stretch of the imagination. I know we have potholes in our highways, but we ought to also be concerned with the bullet holes that were put in some of the veterans. To raid the veterans' health care funds to put it in the highways, I think, is absolutely outrageous.

I want to associate myself with the comments of my colleague from West Virginia. I applaud him for his courageous stand on trying to protect the veterans of our Nation.

I yield back my time.

Mr. ROCKEFELLER. Mr. President, I reserve the remainder of my time, and I ask for the yeas and nays on my amendment.

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?

Mr. DOMENICI. Mr. President, it is very difficult to listen to words like, ''The President of the United States is looting a veterans' health care program,'' and ''the Senate Budget Committee continues to loot.'' Mr. President, almost everybody on that Budget Committee who voted for this probably votes for everything the U.S. Congress proposes for veterans. But what has happened here is very, very interesting. Here is the expansion of a program in a dramatic way. One would assume it is rather dramatic, since it is going to cost about $10 billion over 5 years. Congress has never voted on the program, number one. It is so inconsistent, in terms of causal connection between something that happened while you are in the military and your death, that the President of the United States, on two occasions —not one, but two successive budgets—has not funded any money to administer this expanded program.

As a matter of fact, this year the President refused to fund it and removed the money needed from the veterans' overall available moneys, I assume because the President believed it probably was never going to happen. That is two points. The third point: Not a single claim under this proposed expansion has ever been granted to this day. I take that back. The staff says 200 claims have been granted.

What we are saying is the President is right on this one. Before the afternoon is finished, we hope we can talk about another way to see who is right without having to do what the distinguished Senator from West Virginia, Mr. ROCKEFELLER, asks for. We are working on that, because, if anything, Mr. President, and fellow Senators, we ourselves need some clarification about what this program is all about. I want to give two examples. I am not an expert like my friend Senator ROCKEFELLER, who is on the Veterans' Committee, apparently is, or Senator SPECTER, who works hard in that area and is chairman.

Here is one example. If a young man started to smoke when he was 16 years old and he smoked for 4 years, and he joined the Army when he was 20 and he smoked for 4 more years, and he only served 4 years and he got out, and then he continued to smoke for 40 years, and he got cancer, this expansion of the program never before considered says that the Federal Government, the military, is responsible for his cancer. Do you have that? He started smoking before he went in. He smoked for only 4 years while he was there. Now he gets a benefit for cancer. If he dies, his widow gets a widow's allowance because something happened to him in the military and we should pay for the death and a widow's allowance. Frankly, I do not believe anybody who has

been talking about this veteran's benefit understood that.

I will give you the more typical one. You join the military. Most of these are going to be people who were not in for a long time because they are the veterans who were coming in while we had the draft. So you have a 20-year-old joining and he smokes. Here is one. He smokes for the 2 years that he is in. Then he continues thereafter to smoke for 40 more years. He dies of cancer. His widow gets a benefit allowance because he smoked for 2 years in the military, and continued thereafter on the premise that he became addicted to nicotine in the military and, therefore, we should pay for it.

There are all kinds of examples like that. I don't know all of the examples. Of the three that I stated, one of them may not be exactly right. But I am in the ballpark about what is happening.

I believe we ought to follow the lead of the President and not permit this program to go into effect now. I did not say that we should kill the program. I said I believe we should come up with a way so that we don't implement the program now so that we don't create any false hope immediately, but that we find a way to get this program appropriately evaluated and that we find out here in the Congress what it is all about. I am hopeful before too long that we will have an approach to try to do that. I know frequently in these kinds of situations it doesn't do a lot of good to talk and to explain because maybe people have already made up their minds. I hope not on this.

Let me tell you, there is no question that we are not denying veterans any health benefits they are getting today. If 200 people have gotten the claims, it certainly is just the beginning. There will be many more. We ought to take a good look at it before we decide that it is right. Frankly, I look forward to taking another look at this in some appropriate way for a reasonable period of time. I hope the veterans' groups in this country will say, well, the Senate quite appropriately wanted to take a look. They did not say we weren't entitled to this. But it is very, very different than anything we have done before. In a sense, it is sort of saying if you smoked at any time in the military and smoked thereafter, that the military is responsible for everything that happens to you if you smoke for 25 more years because somehow or another you became nicotine addicted in those years while you were in the military.

I repeat: This does not change all of the veterans' benefits with reference to existing programs that are being carried out. I understand with reference to hospital treatment that Senator ROCKEFELLER is alluding to the fact that if this isn't continued on and if it doesn't continue starting right now that some veterans will not be as high up in the rank of using the veterans' facilities as they would be if this program were in effect. But I suggest even there that we ought to take a look for a reasonable period of time and get this analyzed thoroughly before we proceed.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time to the Senator from Idaho?

Mr. DOMENICI. I yield 5 minutes to the Senator from Idaho on my time in opposition to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I reluctantly stand in opposition to the amendment by my colleague from West Virginia. I say that because I appreciate and share with him membership on the Veterans' Committee. So I don't take this opposition lightly. But I recognize its importance because of the broad sense of obligation we have to our veterans community. We in this Nation have elevated veterans and veterans' care to a high standard. That is why it is a Cabinet agency. It didn't just happen by accident.

We want to care for our veterans. Those men and women who have stood in harm's way for the defense of our freedoms deserve that care, and all of us appreciate the fact that is a great deal. That is why this budget spends $3 billion more over the next 5 years than was assumed in last year's bipartisan budget agreement. That is a true statement of commitment and obligation to our veterans. But this administration and I, and the chairman of the Budget Committee, have very real doubts whether allowing a post-service, smoking-related illness as a part of cash compensation to dependents is the right way to go—at a time certainly when our Veterans' Administration is strapped for cash to meet its current obligations to generate and create a new obligation that is estimated will cost $45 billion over the next 10 years and could reach as high as $10 billion a year by the year 2009.

That is the reality of what we are talking about. How did we get there? There was a question asked inside the Veterans' Administration whether it was reasonable and right. Could they compensate if this were true? The answer was yes. But the chairman of the Budget Committee is right. Did this Congress authorize it? No; we did not. Can we literally start a new extension of entitlement that could cost $10 billion a year without Congress speaking to it? I hope not. But that is the character of the amendment offered by my colleague from West Virginia.

I oftentimes do not like to use the argument that maybe we ought to study this. But maybe we ought to understand what we might be walking into. Is it really going to be, by the year 2009, a $10 billion expenditure at a time when our veterans' hospitals may be going unserved or unmodernized or unadministered, at a time when we are trying to strive for outpatient care, at a time when we are trying to build obligations for State-managed and shared veterans' nursing homes for the population of World War II veterans as they grow older and older? If this is the kind of expansion of entitlement we are talking about, how much of the other programs of the Veterans' Administration will we be starving out?

That is why I have to say no and will oppose the amendment, and hope we can look at the possibility of secondary amendments that would analyze and study to see what this obligation might be. We really do not have the parameters of it.

In the Veterans' Committee the other day, chaired by my chairman, Senator SPECTER, there was a general analysis of how they would interpret how they would judge. But, as we know, once you lay down a set of regulations and make arbitrary decisions about who is and who isn't eligible, all it takes is a court test to say, ''Wait a moment. You have judged me, my husband's, or my wife's illness improperly although they are deceased and I am entitled.'' And the judge says, ''Why not? It is the largess of the Treasury. And, by the way, the Veterans' Administration is being arbitrary anyway.'' Boom. We have a new expansion of an entitlement because this Congress didn't speak to it and this Congress didn't set the tight parameters necessary when we created new entitlement programs. We allowed an agency and their administrators to interpret and, therefore, to judge and, therefore, to define. I believe that is arbitrary. I think all of us do.

Let me remind you: $10 billion a year by the year 2009 is potentially $45 billion over the next 10 years. That is a big chunk of money.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time is charged equally to both sides.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. ROCKEFELLER. Mr. President, I want to clarify the situation in my mind. Senator CRAIG has not yet offered his amendment. Therefore, 5 minutes for responding to that amendment is not at this point available to me.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROCKEFELLER. Therefore, the Senator from West Virginia has 1 minute.

The PRESIDING OFFICER. One minute 14 seconds.

Mr. ROCKEFELLER. I will close on this portion.

Mr. DOMENICI. Let me ask the Senator if he would like a couple of minutes so he can give Senator SPECTER a couple minutes.

Mr. ROCKEFELLER. I want very much to give the chairman time.

Mr. DOMENICI. I yield 3 minutes to the Senator from West Virginia.

Mr. ROCKEFELLER. I yield 2 minutes to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Mr. President, I believe that veterans are entitled to be compensated for illnesses related to smoking because that has been the determination of the General Counsel of the Veterans Administration and the doctors who have analyzed this program. The Veterans' Affairs Committee had an extensive hearing on this matter a few days ago. The reallocation of $10.5 billion to another expenditure line, I believe, is unfair to the veterans of America. Young people are taken away from homes. They are put in situations of stress. Cigarettes are provided either free or at a low cost. The determination has been made by the General Counsel that nicotine dependence is a disease and it is compensable. If the money is not to go for tobacco-related illnesses, it ought to remain in the VA funds generally, because the VA funds are very, very limited for the tremendous obligation owed to the veterans of America.

I believe another source of funding might be available from the tobacco funding. And as much as I want to see the highway program proceed, and highways are very necessary as a matter of infrastructure for America, I believe the veterans' benefits come first. I do not believe we need any additional studies on this matter. The analysis has been made extensively by the general counsel that it is a disease, that nicotine addiction is a disease, and the veterans are entitled to be compensated. These funds ought to be made available to the veterans, as Senator ROCKEFELLER has proposed.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 23 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. If no one seeks recognition, time will run equally on both sides.

The Senator from West Virginia.

Mr. ROCKEFELLER. I ask the distinguished Senator from New Mexico if he wishes to speak. I would like to maintain my right to close the debate on my amendment.

Mr. DOMENICI. Mr. President, I have never been so certain that my eloquence had that much to do with matters, as to whether I spoke first or last, but normally I have been speaking last here as the floor manager when we are opposing an amendment. But I will not follow that now. I will speak now and let the Senator close.

I don't have much additional to say. Frankly, I think it is a mistake, however, to categorize the money that the President saved in the budget by saying he was putting this program off. I think it is a mistake to categorize it that it all went for highways. The truth of the matter is, it goes to discretionary spending for programs across the board, which include highways. Frankly, what is going to happen is, the programs of this country all go to the Appropriations Committee; if there is not enough money for highways, then they are apt to fund highways and cut NIH, or anything else, if they would like. It is going to be a matter of what is the highest priority.

So it seems to me we are talking about a program that the President of the United States for 2 consecutive years has said should not take effect, has provided no money to let it take effect. That, at least, is very questionable, whether the general counsel ruled or not. Congress never voted. And we believe some additional time ought to be taken on this matter.

Whatever time I have I yield back at this point.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the distinguished floor manager indicates that the President of the United States has done this. I am not trying to protect the President of the United States. I think he is wrong on this also. I am trying to protect disabled American veterans who have been addicted to nicotine and who will be barred from getting compensation as a result of this. All I can say is that my amendment seeks to strike $10.5 billion that was put artificially, by trumped-up means, into the veterans' baseline. If there is a study or something to look at it in the future, it will then be too late—my purpose will be dead. I want to return to veterans that $10.5 billion which is ascribed to roads—which we treasure in West Virginia, but which, because of the good work of my senior colleague, we are doing very well with. And that is a common joke around here, and one which I enjoy and respect.

But I care about veterans. We have approximately 200,000 of them in West Virginia. We have 26 million of them in this country. This is a blatant attempt, under a whole new concept—despite our new understanding of addiction to tobacco in general, and our new understanding of addiction to tobacco by veterans in the service—which DOD now admits for the first time—to take money away from helping veterans and give it to highways.

Concrete and rebars and all of those things are important. But so are human beings who have served in this country's military service and who are addicted and have to go through an incredibly hard process to become classified as disabled to get this kind of help from VA.

Yes, as the manager has indicated, some will get their health care benefits. But that is not what we are talking about. We are talking about a process which, because of the addiction, they have to go through a very difficult process to achieve a status where they can get compensation for their disability due to addiction. It is a fundamental American matter, and it is also the law of the land at the current time.

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

Mr. ROCKEFELLER. I yield back the remainder of my time and send an amendment to the desk.

AMENDMENT NO. 2283 TO AMENDMENT NO. 2226

Mr. DOMENICI. Mr. President, I send a second-degree amendment to the desk and ask it be reported.

Mr. ROCKEFELLER. Regular order, Mr. President. Mr. President, I believe I had——

The PRESIDING OFFICER. No; the time of the Senator had expired, and the manager was recognized.

The clerk will report the amendment of the Senator from New Mexico.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. CRAIG and Mr. LOTT, proposes an amendment numbered 2283 to amendment No. 2226.

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

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

The amendment is as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

$51,500,000,000.

(B) Outlays, $42,800,000,000.

Fiscal year 2000:

(A) New budget authority, $51,800,000,000.

(B) Outlays, $44,700,000,000.

Fiscal year 2001:

(A) New budget authority, $52,100,000,000.

(B) Outlays, $45,700,000,000.

Fiscal year 2002:

(A) New budget authority, $51,400,000,000.

(B) Outlays, $45,800,000,000.

Fiscal year 2003:

(A) New budget authority, $52,000,000,000.

(B) Outlays, $46,900,000,000.

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

−$300,000,000,

(B) Outlays, −$1,900,000,000.

Fiscal year 2000:

(A) New budget authority, −$1,200,000,000.

(B) Outlays, −$4,600,000,000.

Fiscal year 2001:

(A) New budget authority, −$2,700,000,000.

(B) Outlays, −$3,000,000,000.

Fiscal year 2002:

(A) New budget authority, −$3,800,000,000.

(B) Outlays, −$7,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$5,400,000,000.

(B) Outlays, −$5,000,000,000.

In lieu of the language proposed to be stricken, insert:

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; for fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(7) Sense of the Senate on VA compensation and post-service smoking-related illnesses.

(a) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(ii) Congress has never acted on this entitlement expansion;

(iii) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 over 5 years and $45,000,000,000 over 10 years in additional mandatory costs to the VA;

(iv) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review;

(v) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that ''It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.''; and

(vi) Secretary Brown's comment was recently reaffirmed by Acting Secretary of Veterans Affairs Togo West, who stated ''It has been the position of the Department and of my predecessor that the decision to use tobacco by service members is a personal decision and is not a requirement for military service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government.''.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(i) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA.

(ii) The study and report required by paragraph (3) will be completed.

(iii) The Secretary of the Department of Veteran Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to—

(aa) jointly study (referred to in this section as the ''study'') the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(bb) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(iv) The study should include—

(aa) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(bb) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(cc) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(v) The study shall be completed no later than July 1, 1999.

(vi) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

The PRESIDING OFFICER. There are 10 minutes equally divided on each side on this second-degree amendment.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 3 minutes, and then I yield 3 minutes to Senator CRAIG.

The PRESIDING OFFICER. The Senator only has 5 total.

Mr. DOMENICI. I yield myself 2.

Mr. President, this amendment is very simple, and I think it is a fair amendment. This amendment says that for the next year this program will be held in abeyance. And during that year, the Veterans' Administration, the General Accounting Office, and the Office of Management and Budget will meet, analyze, and make recommendations to the President of the United States and to the Congress of the United States.

I believe that enough has been said here on the floor, enough is there by virtue of the President of the United States deciding what he has decided for 2 consecutive years, that we really ought to make sure we receive the best information about what is the right and fair and honorable thing to do.

I do not believe that anybody expects we should pay a widow's allowance, and for cancer, for a veteran who spent 2 years in the military and smoked, or for a veteran who spent 4 years in the military and smoked, and then smoked for 40 years thereafter. I believe we need some clarification and some real details on this, because this is a very large expenditure of money and it should not be denied to veterans if, in fact, there is a reasonably causal relationship between a veteran's service and the illness from which a veteran died. If there is a reasonable causal relationship and it does encompass as many as might claim under this, then we ought to have this group of people spend at least a year, or whatever time it takes, and report to us on the effects of the General Counsel's interpretation of a general statute with relationship to nicotine.

I yield the remainder of my time to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the chairman of the Budget Committee has explained our intent with this amendment. Let me read it:

> The Secretary of the Department of Veterans Affairs, the Office of Management and Budget and the GAO are jointly required to—
>
> jointly study (referred to in this section as the ''study'') the VA General Counsel's determination and the resulting actions to change the compensation rules. . .
>
> [and] deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

That is one point. The other point, and I think the most important one that drives this process, that alludes to the potential $10 billion a year, or $45 billion over the next few years, is:

> . . . estimate the numbers of those filing such claims, the cost resulting from such benefits, the time necessary to receive such claims, and how such a number of claims will affect the VA's ability to review its current claim load.

In other words, this is not a dodge, this is a sincere effort to determine the impact of this potential program, that not one dime has been spent on yet. Are we truly going to damage other veterans' programs that are ongoing, that current veterans believe they are owed and, in all right, they are owed? I think we ought to have that information. That is exactly what this study does.

Does it shove it off for years and years? Not at all. The study concludes that this has to be completed no later than July 1, 1999. And the Department of Veterans' Affairs and the Office of Management and Budget and GAO shall report their findings to the majority and the minority leaders of the Senate and the ranking member and the chairman of the Senate Veterans' Affairs Committee.

This is an honest and sincere attempt not to legislate into the dark and to risk $10 billion or $45 billion, and to put in jeopardy current and future ongoing programs of the Veterans Administration, but to have a real understanding of where we might be treading.

I believe it is responsible, I believe it is right, and I hope my colleagues will join with the chairman of the Budget Committee in support of this second-degree. Let's find out where we are going before we launch on a commitment that we would never be able to walk away from once we created that obligation to veterans. If we truly have dependents out there who start receiving the money, we will never cut it off.

The PRESIDING OFFICER. The time of the proponent of the amendment has expired.

The Senator from West Virginia has 5 minutes.

Mr. ROCKEFELLER. Mr. President, I yield 1½ minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I don't know how to say much in a minute and a half. Let me just say to my good friend from Idaho that I believe the second-degree amendment is not a step forward. I think it is a great leap sideways. A study is not what we are talking about. You don't have to be a rocket scientist to know what is at issue here. This is money that we believe should have gone to veterans for compensation. If it doesn't go directly for compensation, this $10 billion-plus ought to go into the VA budget. It ought to be there for disabled veterans. It ought to be there for health care for veterans.

There are a lot of gaps. There are a lot of holes in this VA budget. As is, we are not living up to a contract for veterans. My colleagues are absolutely right in what they are doing, and I rise to speak on the floor of the Senate to support the Rockefeller-Specter amendment. I hope we will defeat the second-degree amendment and pass this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment in the second degree because an additional study is not necessary. The matter has already been studied extensively by the Veterans Administration. There has been an opinion of the General Counsel that nicotine is a disease and that it is compensable. A study might be all right if we did not take $10.5 billion off what ought to be in the Veterans' Affairs account—the Department of Veterans' Affairs account—and put it somewhere else.

I believe the underlying amendment by the Senator from West Virginia is accurate. The second-degree amendment ought to be defeated.

I will yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask the Presiding Officer to tell the Senator from West Virginia when he has only 1 minute remaining.

Mr. President, the Craig amendment would cut $10.5 billion in veterans' funds in the budget resolution.

No. 2, the Craig amendment still allows the money to be cut and then to reauthorize—as he says, we will do a study for a year—incidentally, by the same people, a study by exactly the same people who came up with this solution, to cut the money.

But in order to reauthorize the veterans' disability benefit, the Congress—everything would then be subject to PAYGO, and my colleagues had better understand that Congress would then have to cut off another veterans' benefit. So this is a blind path that we are going down. A vote in favor of the Craig amendment is a vote to shift $10.5 billion away from disabled veterans.

Mr. President, I yield back my time.

AMENDMENT NO. 2284 TO AMENDMENT NO. 2226

Mr. ROCKEFELLER. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 2284 to amendment No. 2226.

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

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

The amendment is as follows:

On page 14, line 7, strike ''$51,500,000,000.'' and all that follows through line 24, and substitute in lieu thereof the following:
$51,000,000,000.
(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000.
On page 25, line 8, strike ''−$300,000,000.'' and all that follows through line 25, and substitute in lieu thereof the following:
$200,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2000:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$3,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$1,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$4,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$1,400,000,000.
(B) Outlays, −$1,000,000,000.
On page 31, line 24, strike subsection (6) in its entirety.

The PRESIDING OFFICER. There are 5 minutes on a side on this amendment.

Mr. ROCKEFELLER. I yield back the remainder of my time and ask for the yeas and nays on the perfecting amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia has yielded back all his time.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, this puts us right back where we were at the beginning. What I would like to do is remind the Senate that we will have an opportunity to vote on the Domenici substitute which calls for the 1-year study, and that does have the General Accounting Office in it also, for those who are wondering whether it is just the Veterans' Administration and the OMB.

In addition, if we table this Rockefeller amendment, we will vote next on the Domenici amendment which will give us this 1-year study to make sure that we are doing the right thing.

I yield back the remainder of my time, and I move, at the appropriate time, to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Brownback amendment No. 2177. The yeas and nays have been ordered. The clerk will call the roll.

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. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I don't know why we proceeded to the vote. We did not intend to go to a vote. We are going to stack the votes and have a series of votes.

The PRESIDING OFFICER. The rollcall was on the first series of votes. The Brownback amendment——

Mr. DOMENICI. We are not finished with our pool of amendments. We still have Senator KYL to offer his, and then we will have the entire package voted on one after the other.

The PRESIDING OFFICER. Does the Senator from New Mexico want to ask unanimous consent——

Mr. DOMENICI. That is the consent. There is consent that these six amendments be debated and that they then be voted on in order. Of that group, Senator KYL's has not yet been debated.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona to call up an amendment.

Mr. KYL. Thank you, Mr. President.

AMENDMENT NO. 2221

Mr. KYL. Mr. President, I call up amendment No. 2221.

The PRESIDING OFFICER. The pending amendment is amendment No. 2221.

Mr. KYL. Mr. President, I ask unanimous consent that Senator SANTORUM be added as a cosponsor.

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

Mr. KYL. I note, Mr. President, that this amendment was supposed to have been discussed earlier. That undoubtedly accounts for the confusion, because it should have occurred already. However, I was not here at the time and, therefore, it will be the last amendment discussed prior to the time the votes start, for the benefit of my colleagues.

This is a very straightforward amendment. It expresses the sense of the Senate in favor of a supermajority vote for raising taxes.

Mr. President, the tax burden imposed on the American people has grown so large that it is beginning to act as a drag on the Nation's economy. As a share of the gross domestic product, revenues to the Treasury will rise from 19.9 percent this year to 20.1 percent next year. That would be higher than any year since 1945, and it would be only the third year in our entire history during which revenues have exceeded 20 percent of the national income. Notably, the first two times that revenues broke the 20 percent mark, the economy tipped into recession.

Mr. President, we are talking about something very serious, and that is the possibility that this great economic engine that has been creating budget surpluses for the Federal Government and a great standard of living for the American people could come to a screeching halt if we do not begin to do something about the tax burden imposed upon the American people.

Many of us believe it would have been prudent to consider more tax relief in the budget this year. But it seems to me that if the Congress and the President cannot agree on more tax

relief, we at least ought to be able to agree that taxes should go no higher. The House of Representatives, I inform my colleagues, is scheduled to vote in April on an initiative to make it much harder for Congress to raise taxes. It would require a two-thirds majority vote in each House in order to add to the tax burden.

The sense-of-the-Senate amendment that I have offered now will begin the debate in the Senate as well. I do not specify a particular percentage that would constitute a supermajority for purposes of raising taxes, but simply request that we go on record as expressing support for the principle that a supermajority should be required. I will briefly explain why.

A third of the Nation's population imposes tax limitations on their State governments. Voters have approved tax limits by wide margins, so this is not something new or risky. In my home state of Arizona, for example, a tax limitation passed with 72 percent of the vote, and we are one of the fastest growing States in the Nation. We have one of the lowest tax burdens, one of the highest rates of growth. In Florida, another high-growth State, a tax limitation amendment was adopted with 69.2 percent of the vote; in Nevada, with 70 percent. I daresay, Mr. President, these are probably three of the fastest growing States in the country.

A tax limitation ensures growth, reduces taxes, provides more jobs and, I believe, would be a good thing for the Federal Government to adopt for the entire country with respect to Federal taxes.

The proposed Constitutional amendment, which is referred to in the pending sense of the Senate amendment, now has 23 cosponsors in the Senate. It is something that was recommended by the National Commission on Economic Growth and Tax Reform. In fact, that commission, which you will recall was chaired by former HUD Secretary Jack Kemp, advocated the supermajority requirement in its report on how to achieve a simpler single-rate tax to replace the existing maze of tax rates, deductions, exemptions and credits that makes the Federal Tax Code so complicated as we know it today.

Here are the words of the commission:

> The roller-coaster ride of tax policy in the past few decades has fed citizens' cynicism about the possibility of real, long-term reform, while fueling frustration with Washington. The initial optimism inspired by the low rates of the 1986 Tax Reform Act soured into disillusionment and anger when taxes subsequently were hiked two times in less than seven years. The commission believes that a two-thirds supermajority vote of Congress will earn American's confidence in the longevity, predictability, and stability of the new tax system.

Mr. President, there is no small irony in the fact that it would have taken a two-thirds majority vote of the House and Senate to overcome President Clinton's veto and enact the 1995 Balanced Budget Act with its tax relief provisions. Yet, by contrast, the President's record-setting tax increase in 1993 was enacted with only a simple majority and, in fact, not even a majority of elected Senators at that. Vice President GORE broke a tie vote of 50–50 to secure passage of the tax increase in the Senate.

A tax limitation is based on a simple premise: that it ought to be at least as hard to raise people's taxes as it is to cut them.

Mr. President, I ask unanimous consent to have printed in the RECORD several documents.

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

[From Citizens for a Sound Economy Foundation, Apr. 8, 1997]

MAKING A TAXING DECISION: WHY CONGRESS SHOULD PASS THE TAX LIMITATION AMENDMENT

(By Scott Moody)

On April 15, Congress will have an historic opportunity to make a sincere commitment to the principles of a balanced budget and a smaller government by voting for the Tax Limitation Amendment (TLA) to the Constitution. If the Congress and the president mean it when they say the era of big government is over, then the deficit must be eliminated by reigning in government spending, reforming entitlements, and cutting wasteful and unnecessary programs. Passage of the TLA—which would require a two-thirds vote of Congress to raise taxes—will help take tax increases off the table. The message from taxpayers to members on both sides of the aisle is clear—pass the Tax Limitation Amendment.

A bipartisan message. According to voters all across America, creating a more accountable tax policy is a bipartisan responsibility. In fact, the congressional delegations from the twelve states that have adopted a supermajority tax provision are almost evenly split between Republicans and Democrats.[1] In the House of Representatives there are 68 Republicans and 50 Democrats who represent these states with a supermajority provision. In the Senate, representation is evenly split with 12 Republicans and 12 Democrats. This even split reveals that states with supermajority provisions do not strictly lean toward one political party or another. It also shows, and politicians on both sides of the aisle should take notice, that there is growing consensus among all taxpayers for tax limitation.

A two-thirds majority provision is gaining in popularity. Within the last five years, the trend toward tax limitation has accelerated. Of the twelve states with supermajority requirements, seven of them have been enacted or expanded since 1992. Although the requirement varies from state to state, the most popular provision requires a two-thirds (66 percent) majority vote to raise taxes. As shown below, voters are strongly supportive of tax limitation. Politicians can only ignore this tidal wave of support at their own peril.

1992

1. Arizona—Requires ⅔ elected majority, passed by 72 percent of voters.
2. Colorado—Requires ¾ elected majority, passed by 54 percent of voters.
3. Oklahoma—Requires ¾ elected majority, passed by 56 percent of voters.

1996

4. Florida—Requires ⅔ voter majority, passed by 70 percent of voters.
5. Nevada—Requires ⅔ elected majority, passed by 70 percent of voters.
6. Oregon—Requires ⅗ elected majority, passed by 52 percent of voters.
7. South Dakota—Requires ⅔ elected majority, passed by 74 percent of voters.

A TLA would boost economic growth and created new jobs. States that have adopted a tax supermajority provision have grown faster and created more jobs than states that do not have any tax limitation. A look at these states reveals that the existence of supermajority provisions help to limit tax and spending increases by state governments. As a result, more money is available for productive investment by businesses and individuals which boosts economic growth and creates new jobs. Other studies have found the same results:

A study by Jim Miller, former budget director under President Reagan, and Mark Crain, an economist at George Mason University, which is based on data from all 50 states found that a supermajority provision for raising results in a lower per-capita growth in state spending.[2]

Economist Dan Mitchell has also made a number of important discoveries on economic growth in his study of ten states that require a supermajority to raise taxes. He found that between 1980 and 1992, states with supermajority grew by 43 percent (35 percent without) and employment increased by 26 percent (21 percent without).[3]

Increased accountability. Passed by simple majorities, four of the last five major tax bills would not have met a two-thirds approval requirement. In fact, the last tax bill passed by one vote in the House of Representatives and the Vice-President broke a tied vote in the Senate. As a consequence, American taxpayers are not fully convinced that Congress has carefully weighed the pros and cons of increasing taxes that have since raised a staggering total of $666 billion.[4]

Judging by the large support of a two-thirds majority requirement by voters, most Americans realize the economic benefits of creating a more accountable tax policy in addition to a smaller tax burden. Many taxpayer from both sides of the political spectrum have, in most cases, overwhelmingly approved supermajority provisions for their own state. Now they expect Congress to do the same and pass the Tax Limitation Amendment.

FOOTNOTES

[1]These states are: Arizona, Arkansas, California, Colorado, Delaware, Florida, Louisiana, Mississippi, Nevada, Oklahoma, Oregon and South Dakota.

[2]Mark Crain and James Miller, ''Budget Process and Spending Growth,'' William and Mary Law Review, Spring 1990.

[3]Dan Mitchell, ''The Case for a Tax Supermajority Requirement: A Look at the States,'' Citizens for a Sound Economy Foundation, Issue Analysis, No. 25, April 12, 1996.

[4]James Perry, ''Growth, Prosperity, and Honest Government. The Case for Constitutional Tax Limitation,'' Americans for Tax Reform, Policy Brief, 1997.

OFFICIAL SUPPORTERS OF THE TAX LIMITATION AMENDMENT

American Conservative Union
Americans for Tax Reform
Associated Builders and Contractors
Association of Concerned Taxpayers
Chamber of Commerce of the United States
Christian Coalition
Citizens for a Sound Economy
Coalition for America
Competitive Enterprise Institute
Council for Citizens Against Government Waste
Family Research Council
National-American Wholesale Grocers Association/International Foodservice Distributors Association

Footnotes at end of article.

National Association of Manufacturers
National Association of Wholesaler-Distributors
National Federation of Independent Businesses
National Tax Limitation Committee
National Taxpayers Union
National Taxpayers United of Illinois
Seniors Coalition
Small Business Survival Committee
60 Plus Association
United Seniors Association

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 31, 1998.

Hon. JON KYL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KYL: National Taxpayers Union, America's largest grassroots taxpayer organization, strongly supports your ''Sense of the Senate'' Tax Limitation Amendment to S. Con. Res. 86, the FY '99 Budget Resolution.

Your amendment would put the Senate on record as favoring a super majority vote for the enactment of legislation that would raise tax rates, impose new taxes, or otherwise increase the amount of taxpayers' income that is subject to tax. As perhaps the most important tax limitation vote of this Session of Congress, National Taxpayers Union will likely score a ''YES'' vote on your amendment as one of the heaviest-weighted protaxpayer votes in our annual Rating of Congress.

In addition to supporting tax limitation, your amendment establishes the basic premise of any genuine tax reform. We urge your colleagues to join you in voting for the Kyl amendment on the floor of the Senate.

Sincerely,

JOHN E. BERTHOUD,
President.

[From Citizens for a Sound Economy Foundation, Apr. 12, 1996]

THE CASE FOR A TAX SUPERMAJORITY REQUIREMENT: A LOOK AT THE STATES

(By Daniel J. Mitchell)

A number of states require at least a three-fifths majority vote to raise taxes. These states have seen lower tax and spending increases, faster economic and job growth, and an accumulation of less debt. This evidence supports the case for a supermajority requirement to raise taxes at the federal level, which the House of Representatives is scheduled to vote on this Monday.

On April 15th, the House of Representatives will vote on whether the Constitution should be amended to require a two-thirds vote to raise taxes. A supermajority requirement eliminates the existing bias in favor of enacting higher taxes. Such a provision is particularly important during times when lawmakers are under pressure to control deficits and balance the budget. Simply stated, if higher spending cannot be achieved by increasing borrowing, the only other way of financing new spending is by raising taxes. Requiring a supermajority to raise taxes ensures that a simple majority of politicians cannot continue to spend other people's money and evade fiscal responsibility.

Critics charge that the supermajority requirement would be a risky, untested idea. This accusation is false. Ten states require at least a three-fifths vote of lawmakers to raise some or all taxes. Supermajorities, needless to say, are just one of many factors that influence these states' performance. It stands to reason, however, that making it harder to raise taxes would be at least partially responsible for these good numbers. Three of the states instituted the tax limit in 1992, but seven states have lived under this requirement for some time. In these states—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—the evidence shows that, on average, supermajority states have smaller tax and spending increases, grow faster, create more jobs, and accumulate less debt.

SUPERMAJORITY STATES CONTROL TAX BURDEN

On average, states with supermajorities saw their per capita tax collections jump by 102 percent between 1980 and 1992. This is too high, but it is much better than the average 121 percent increase in per capita tax collections that occurred in states without these supermajority protections. In other words, the tax burden rose nearly 20 percent faster in states that did not limit the ability of politicians to raise taxes.

LOWER SPENDING INCREASES IN SUPERMAJORITY STATES

In the supermajority states, per capita state spending on average increased by 132 percent between 1980 and 1992. While this is hardly a record to be proud of, states without supermajority tax requirements experienced average total per capita spending increases of 141 percent. This difference may not be very large, but taxpayers are grateful for even modest improvements in their state's fiscal performance.

SUPERMAJORITY STATES GROW FASTER

Lower taxes and lower spending are desirable, but the real reason for controlling the size of government is to promote prosperity. Not surprisingly, a supermajority is associated with faster economic growth. States with restrictions on the ability to raise taxes grew by an average of 43 percent in real terms from 1980 until 1992. States that made it easier for politicians to raise taxes, by contrast, only grew on an average of 35 percent during the same period.

SUPERMAJORITY STATES CREATE MORE JOBS

The combination of smaller government and faster growth in supermajority states means that there is more money available for the productive sector of the economy. This means more jobs. In states with supermajorities, total employment increased by an average of 26 percent between 1980 and 1992. In states that allow taxes to be raised by a simple majority, on the other hand, the number of jobs increased by an average of only 21 percent.

SUPERMAJORITY STATES INCUR LESS DEBT

One of the criticisms of supermajority requirements is that politicians would not have the power to raise taxes in times of fiscal crisis, thus subjecting state residents to higher levels of debt. Evidence from the states, however, appears to dispel this fear. In the seven states with supermajorities, state debt increased by an average of 271 percent between 1980 and 1992. This is not a good track record, but states without limits on higher taxes saw average debt increases of 312 percent in the same period.

CONCLUSION

Empirical data from the states suggests that tax supermajority requirements serve their intended purpose—helping to limit the growth of government and enabling a more rapid pace of economic growth and job creation. To be sure, a supermajority requirement does not guarantee sound economic policy. The record tax increase in California, for instance, was enacted in spite of a two-thirds majority requirement. And many states without supermajority requirements, such as Tennessee and Nevada, scored well in most categories (not surprisingly, the lack of a state income tax seems to be associated with more growth and less government). Nevertheless, examining the performances of states with and without supermajorities seems to confirm the well established relationships between sound fiscal policy and good economic performance. If federal lawmakers approve similar legislation on the federal level, there is every reason to expect positive results.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time against the amendment?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Kyl amendment. I assume we have 5 minutes.

The PRESIDING OFFICER. Five minutes.

Mr. LAUTENBERG. I rise in opposition to an amendment presented by Senator KYL that would call for a constitutional amendment and require a supermajority to vote to increase Federal revenues. This amendment effectively would grant special protection for tax loopholes. In this body, we only require a supermajority vote for things that deserve special protection—Social Security, for example. It would be wrong to give breaks for corporations and the well-off and permit them to have the same protection as the Social Security trust funds, and it would be outrageous to give those loopholes constitutional protection.

The Founding Fathers had it right the first time. A simple majority vote is all that should be required for this body to act. That is a democracy.

I oppose this amendment and urge my colleagues to vote against it. It calls for a sense of the Senate looking for a constitutional amendment to be offered here.

I am not going to take any more time. I hope that the Members will see that we are giving special protection to tax loopholes when certainly the status doesn't warrant it, but worse than that, we are talking about a constitutional amendment. Thank goodness it is a sense-of-the-Senate amendment. It has about as much force as so many of the other sense-of-the Senate amendments that we have already had here. I yield the floor.

Mr. DOMENICI. Has all time been yielded back?

The PRESIDING OFFICER. Does the Senator from New Jersey yield back his time?

Mr. LAUTENBERG. If the rest of the time has been yielded back, then I yield back the time I have.

The PRESIDING OFFICER. All time has been yielded back.

VOTE ON AMENDMENT NO. 2177

The PRESIDING OFFICER. We now proceed under the previous order to Brownback amendment No. 2177. The question is on agreeing to 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North

Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 52, nays 46, as follows:

{Rollcall Vote No. 68 Leg.}

YEAS—52

Abraham	Faircloth	Nickles
Allard	Frist	Reid
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Hagel	Sessions
Bryan	Hatch	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Coats	Inhofe	Stevens
Cochran	Kempthorne	Thomas
Collins	Kyl	Thompson
Coverdell	Lott	Thurmond
Craig	Lugar	Torricelli
D'Amato	Mack	Warner
DeWine	McCain	Wyden
Domenici	McConnell	
Enzi	Murkowski	

NAYS—46

Akaka	Feinstein	Leahy
Baucus	Ford	Levin
Biden	Glenn	Lieberman
Bingaman	Gorton	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Gregg	Moynihan
Bumpers	Harkin	Murray
Byrd	Hollings	Reed
Chafee	Jeffords	Robb
Cleland	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Snowe
Dodd	Kerry	Specter
Dorgan	Kohl	Wellstone
Durbin	Landrieu	
Feingold	Lautenberg	

NOT VOTING—2

Helms	Inouye	#

The amendment (No. 2177) was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

The PRESIDING OFFICER. The amendment before the Senate is Specter amendment numbered 2254. Under the previous order, there is 1 minute per side to debate the amendment.

Who yields time?

Mr. DOMENICI. I ask unanimous consent that we temporarily lay aside the Specter amendment and go to the amendment of Senator LAUTENBERG.

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

AMENDMENT NO. 2244

The PRESIDING OFFICER (Mr. COATS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment represents a modified version of the budget that President Clinton submitted to the Congress last month. The amendment incorporates all of the important priorities in the President's budget, maintains strict fiscal discipline, and adopts the President's commitment to save Social Security first. The amendment reserves all surpluses until we solve Social Security's long-term problem. That will help ensure when the baby boomers retire, Social Security will be there for them.

Secondly, like the President's budget, this makes education a top national priority, calling for an initiative to reduce class sizes by hiring 1,000 new teachers, promotes higher standards and greater accountability, and provides more after-school opportunities for young people.

In short, what this does is remind us all what the commitment is that the President made and what we would like to see in place. I will just say that this presents the President's budget in a modified form. I hope our colleagues will support it.

Mr. DOMENICI. Mr. President, without this counting as part of my 1 minute, if I could remind the Senators of where we are now. We have seven amendments stacked with reference to the previous order. Then we will start the 1-minute amendments, and on our side we have about 10. I am not sure how many are on the Democrat side, but we will work with those 10 and see if we can put those down. They are mostly sense-of-the-Senate amendments. For now, we are in a position to take up about six more. The time is supposed to be 10 minutes on the votes. I know that is difficult. For all additional time we take, we will be here later and later tonight in order to get it finished. This is a 10-minute vote on the Lautenberg amendment.

Now, let me say this is the Democrat amendment offered in committee. In the committee, it did not even receive all of the Democratic Senators' support. If you want to spend more money, like $88 billion more, vote for this. If you want to vote to put the moneys that we get from the tobacco settlement on Medicare instead of six new programs, vote for theirs. If you want to spend new money on at least eight more domestic programs, vote for theirs.

We have provided increases in NIH, education, the environment, and the criminal justice. We think that is a good priority.

Have I raised a point of order on this amendment?

The PRESIDING OFFICER. No.

Mr. DOMENICI. I make the point of order it is not germane.

Mr. LAUTENBERG. I ask to waive the point of order, and I request the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''nay.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 55, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—42

Akaka	Durbin	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Johnson	Reed
Bumpers	Kennedy	Reid
Byrd	Kerrey	Robb
Cleland	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—55

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

NOT VOTING—3

Helms	Inhofe	Inouye

The PRESIDING OFFICER. On this vote the yeas are 42, the nays 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, it is quarter to 6. We are still working to try to get the list agreed on of what we are actually going to need to vote on. We still have probably 24 or 25 amendments that we still have to vote on—maybe more. But we are working to get that down. In order to get this completed, we need to really start to get rolling on these votes. We have been having them every 10 minutes. The Senator from Alaska is in the Chair. He knows how to do it. I urge Members to stay in the Chamber. We can move these along a lot faster. From here on they will be gaveled to a close after 10 minutes.

I yield the floor.

AMENDMENT NO. 2254

The PRESIDING OFFICER. The pending question is on agreeing to the Specter amendment No. 2254. There are 2 minutes equally divided.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment would provide for $2 billion extra for NIH to offset by four-tenths

of 1 percent a cut in all programs. This body has expressed a sense of the Senate that we should double NIH over 5 years, which will call for $2.5 billion a year. This is a lesser amount. We have expectations built up by the sense-of-the-Senate expression of our druthers. Now is the time to put our dollars behind it. Although there is paperwork to the contrary, Mr. President, although the budget does not determine how it is going to go, which is through the appropriations process, we will have only $350 million in additional outlays for an $80 billion budget by the subcommittee. We need this $2 billion if we are to move ahead on the important NIH functions.

Mr. DOMENICI. Mr. President, fellow Senators, we have $1.5 billion next year for NIH. We have added $1.5 billion to NIH in this budget; $15.5 billion over 5 years. The amendment would add another $2 billion. That would cut defense $1.1 million, environment $88 million, agriculture $17 million, veterans $76 million, justice $86 million, and so on.

I believe we have done enough with the $1.5 billion increase and $15 billion over five years. We should not now add $2 billion more and propose that we restrain every department of Government, including the Defense Department, for half the cuts.

I yield any time I have remaining.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. I move to table the Specter 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 Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—57

Abraham	Chafee	Feinstein
Allard	Cleland	Gorton
Ashcroft	Coats	Graham
Bennett	Cochran	Gramm
Bingaman	Conrad	Grams
Bond	Coverdell	Gregg
Breaux	Craig	Hagel
Brownback	Dodd	Hatch
Burns	Domenici	Hutchinson
Byrd	Enzi	Hutchison
Campbell	Faircloth	Inhofe
Kempthorne	McConnell	Smith (NH)
Kerrey	Moynihan	Smith (OR)
Kyl	Murkowski	Stevens
Landrieu	Nickles	Thomas
Lott	Roberts	Thompson
Lugar	Roth	Thurmond
Mack	Sessions	Torricelli
McCain	Shelby	Warner

NAYS—41

Akaka	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Grassley	Murray
Boxer	Harkin	Reed
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Collins	Johnson	Rockefeller
D'Amato	Kennedy	Santorum
Daschle	Kerry	Sarbanes
DeWine	Kohl	Snowe
Dorgan	Lautenberg	Specter
Durbin	Leahy	Wellstone
Feingold	Levin	Wyden
Ford	Lieberman	

NOT VOTING—2

Helms	Inouye

The motion to lay on the table the amendment (No. 2254) was agreed to.

AMENDMENT NO. 2221

The PRESIDING OFFICER. The pending amendment is now the Kyl amendment No. 2221. There are 2 minutes equally divided.

The Senator from Arizona.

Mr. KYL. Mr. President, colleagues, this is a very straightforward sense-of-the-Senate resolution. It would simply express the sense of the Senate that we support a supermajority to raise taxes. Many of the States in this country now have supermajorities. In some of the fastest growing States like Arizona and Florida and Nevada, our State legislatures pass supermajorities to raise taxes with 69, 70, 71 percent of the vote. It has not hurt the economy. In fact, it has helped the economy of those States.

The House of Representatives will be considering a constitutional amendment to do this. The Senate will probably not be considering that. But I do think it is important, before tax day, April 15, for the Senate to at least express its view that it ought to be as hard to raise taxes as it is to cut taxes. That means we should have some kind of a supermajority to raise taxes here in the U.S. Congress.

It is a sense of the Senate. It expresses a very simple proposition that Americans are taxed enough and that to tax them any more should require more than a bare majority of the House and the Senate.

The PRESIDING OFFICER. Who seeks time? One minute in opposition. Who seeks time?

Mr. LAUTENBERG. Mr. President, we oppose the use of the supermajority that the Senator proposes in this amendment, for a tax increase. We think it is inappropriate. We think it ought not be offered at this time. We hope everybody will stand against it, as opposed to putting into concrete the proposition that it should take a supermajority vote to close a wasteful corporate tax loophole, or other special interest tax break.

The PRESIDING OFFICER. The time of the Senator has expired. All time has been yielded back. Are the yeas and nays required?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona. 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea''.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—50

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

NAYS—48

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Lugar
Boxer	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Harkin	Moynihan
Bumpers	Hollings	Murray
Byrd	Jeffords	Reed
Chafee	Johnson	Reid
Cleland	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
DeWine	Kohl	Specter
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone

NOT VOTING—2

Helms	Inouye

The amendment (No. 2221) was agreed to.

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

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2282

The PRESIDING OFFICER. The pending amendment is Nickles amendment No. 2282. The time is to be equally divided. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank Senator FRIST and Senator COLLINS for speaking on behalf of this amendment. I now recognize Senator JEFFORDS, who

is the principal cosponsor of this amendment, for our time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues to vote in favor of this amendment. It originally was a second-degree amendment to the Kennedy amendment. I understand that the Senator from Massachusetts agrees with our amendment. I appreciate that. But I point out that what we are doing now is trying to make sure that our health care system does what we want it to do, trying to make sure that it is fair to patients and trying to make sure that we provide what is necessary for us to improve the system that is now having some problems. I urge my colleagues to vote in favor of this amendment.

An important and necessary role for the Federal Government is to foster a competitive marketplace by ensuring that efficient and similar information about the product is available to consumers. Consumers can make their choices according to their own personal beliefs.

Another role is to ensure fairness, and this amendment provides that. I urge Members to vote for it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that our colleagues will vote in support of this sense-of-the-Senate amendment. It says that we should not pass legislation that makes health insurance unaffordable for working families; we should not divert limited health resources from serving patients; we should not impose political considerations on clinical decisions. I am all for that. Let's all support that.

But this does not address the issues raised when we talk about protecting basic rights of patients. The amendment I have offered gives the Senate the chance to go on record as saying it is time for Congress to decide that profits should not take priority over patients. My amendment and this amendment are not in conflict.

The broad principles in my amendment are supported by the American Medical Association, the disability groups, the advocates for mental health, consumer groups, the women groups, and the labor movement.

Let us all vote in favor of the Nickles amendment and then vote equally, and return the favor, for my amendment as well.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there a sufficient?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Nickles amendment No. 2282. 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea''.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—98

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi	Lott	

NOT VOTING—2

Helms	Inouye

The amendment (No. 2282) was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2183

Mr. KENNEDY. Mr. President, the next amendment is a sense of the Senate.

The PRESIDING OFFICER. Let the Chair call the amendment up. The amendment is No. 2183. The Senator is recognized for 1 minute.

Mr. KENNEDY. Mr. President, the time has come for action to protect families and curb the insurance company abuses. This amendment gives the Senate a chance to go on record as saying it is time for Congress to decide that profits should not take priority over patients.

I just ask our colleagues to read page 3 of this sense of the Senate. It ensures coverage of emergency services, and allows women direct access for obstetrical and gynecological care. It ensures women will not be subject to drive-through mastectomies. It meets the special needs of children and the special needs of individuals with disabilities. It provides for the protection of the relationship between the doctor and the patient, and the elimination of the gag clauses. And it provides greater information about health care plans to the patients.

Our opponents will argue that these rights will raise premiums. But it will not cost an additional cent for any of the good plans. It may cost more for those plans who do not currently do these things. We all know that the easiest way to save money is to deny care.

Let us stand for the patients and the medical profession. They have basically endorsed these rights, as has the President's commission. This amendment says that we are going to pass legislation which will protect them. That is what this sense of the Senate guarantees.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against—Mr. President, may we have order?

The PRESIDING OFFICER. Would the Senators please take their conversations to the cloakroom.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against Senator KENNEDY's amendment. I tell you, if you voted for the Nickles-Jeffords amendment, you should not vote for Senator KENNEDY's amendment, because the amendment we just adopted, I guess unanimously, said that we do not want to increase costs. The Kennedy amendment says, let us pass the so-called patients' bill of rights. That was introduced 2 days ago. It is 68 pages long. It has lots and lots of mandates, mandates that will increase costs. And as costs go up, the number of uninsured will go up.

This bill has hundreds of regulations in it. So if you want more regulations instead of patient care, that would be what you would be voting for in Senator KENNEDY's amendment. I mention that this is opposed by individuals from the Mayo Clinic to the Cleveland Clinic to some of the best health care providers in the world. They are saying: You are going to make us provide and spend our time litigating and regulating instead of providing quality health care.

I urge my colleagues to vote no on the Kennedy amendment. And if they voted in favor of the last amendment, they certainly should vote no on the next one. You cannot tell me this thing does not have significant costs to the consumers.

The PRESIDING OFFICER. Time has expired. All those in favor of the amendment——

Mr. NICKLES. I move to table the Kennedy 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 to lay on the table the amendment No. 2183. The 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

[Rollcall Vote No. 73 Leg.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Helms	Inouye

The motion to lay on the table the amendment (No. 2183) was agreed to.

AMENDMENT NO. 2208

The PRESIDING OFFICER. The next amendment is the Hutchison amendment numbered 2208, with 2 minutes equally divided.

The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. This is a budget that will set our spending priorities. What my amendment says is there are only two responsible ways to spend any future surpluses: to pay down the debt, to save Social Security; or to give tax relief to the hard-working American family. If Congress decides to put all the money into debt relief and Social Security, that is consistent with this amendment.

The only reason you would vote against this amendment is if you want Congress in the future to be able to go on spending binges and give the bill to our children. This allows us to put all the money on pay-down debt or to give tax relief.

It is important that we recognize that we have labored mightily. We should not snatch defeat from the jaws of victory on the balanced budget. This is our chance to take a stand. We are going to spend any future surpluses in only two ways—to pay down debt or to give tax relief to the hard-working American family.

I urge Members to support this.

Mr. LAUTENBERG. Mr. President, I strongly oppose the Hutchison amendment. It would reject President Clinton's call to save Social Security first. Yet, I hear conversations constantly about how everybody is saluting the sanctity of Social Security—preserve it, make sure we shore it up, make sure that we take care of it for future generations. But here we open the gate to use this money that would otherwise be reserved for Social Security for tax cuts. I think that the American people, if asked the question, would say no, we want to pay down the debt, shore up Social Security, and let's not use this for tax cuts, the benefit of which goes principally to those people in the higher income level.

I urge my colleagues to reject this amendment in the interest of saving Social Security first.

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 legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Helms	Inouye

The amendment (No. 2208) was agreed to.

AMENDMENT NO. 2284

The PRESIDING OFFICER. The pending question is the Rockefeller amendment No. 2284. There has been a motion to table, and the yeas and nays are ordered. In the interest of moving things along, the Chair is going to recognize each side for 1 minute, so we will know what we are voting on.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the budget resolution would take $10.5 billion of ''savings,'' which is in the baseline of the Veterans Administration budget, and remove it, excise it, and put it into more highway funds. There are $217 billion of highway funds over 5 years. What this would effectively also do is bar any veteran's claim for disability from a tobacco-related illness at a time when the test for getting a tobacco-related illness in the VA is incredibly difficult. Only 278 Americans, to this point, have achieved that. The whole issue on tobacco and the military has changed in the last 3 or 4 years. We want to restore the money, keep the money in the VA budget and not have it taken out and given to highways, which could find a different offset.

Mr. DOMENICI. Mr. President, I have moved to table.

I would like to withdraw my motion to table so the vote can be an up-or-down vote. I ask unanimous consent to be able to do that.

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

Mr. DOMENICI. Mr. President, I ask everyone on our side to vote in favor of this amendment. Then I want everybody to know that the subject matter will be the Domenici amendment. I will have a minute then, but I will use the remaining 30 seconds to tell you what I think we ought to do. This is potentially a $40 billion program. Congress never voted on it. The President has denied it twice and taken it out of his budget. We believe the best thing to do is to have one more solid look at it by the GAO, OMB, and the VA. They ought to report to us and the President before we engage in a $10 billion-a-year program which is built around the notion that if you ever smoked in the military and then you got out and smoked for 40 more years, you are to collect benefits from the military because you started smoking in the military. That is the essence of this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2284.

The 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—98

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi	Lott	

NOT VOTING—2

Helms	Inouye

The amendment (No. 2284) was agreed to.

AMENDMENT NO. 2283 TO AMENDMENT NO. 2226

The PRESIDING OFFICER. The question now is on an amendment in the nature of a substitute numbered 2283.

The Senator from New Mexico is recognized for 1 minute.

This is the amendment to the pending Rockefeller amendment.

Mr. DOMENICI. Mr. President, essentially the Domenici amendment says this program, which has never been voted on by Congress, which has been put into regulation by order of the counsel for the Veterans Administration, which will cost ultimately $40 billion, we are saying let us wait 1 year and have the GAO, the Veterans Administration, and the OMB study it and report to us and to the President. The President has denied this program's efficacy, because of concern about the kinds of benefits and whether they are relevant to service in the military, 2 years in a row. We ought to take a little bit of time before we get involved in a $10-billion-a year program.

I will give you one example. A veteran who smoked 3 years before he went into the service, 4 years in the service, and 40 years thereafter his surviving spouse might very well collect a widow's benefit and other benefits under this particular program.

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

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I hope all of my colleagues understand that by voting for the Domenici amendment—which I hope they will not—they will simply completely reverse the vote which they have just made and wipe it all out. That will seem strange, I think, to veterans. This is an up-or-down vote on veterans and their disability benefits. A 1-year study, in the humble opinion of the junior Senator from West Virginia, is a farce, because it is going to be made by exactly the same three groups that came up with the $10.5 billion cut out of the veterans account to put the money into highways. I doubt that they are going to be any different next year, because they will need the money. They will have to go get the money in the next year.

This cuts veterans. A ''no'' vote is what I would ask of my colleagues.

Mr. GRASSLEY. Mr. President, I support the amendment offered by Senator DOMENICI to the amendment offered by Senator ROCKEFELLER on disability compensation for veterans with smoking-related disabilities.

It seems to me reasonable to ask for more deliberate review of this issue. After all, President Clinton has twice proposed not to allow post-service smoking related illnesses to be eligible for VA disability compensation. Once the question has been thoroughly reviewed, we can then reconsider the matter.

This Domenici amendment would ask the General Accounting Office, the Office of Management and Budget, and the VA to review this matter over the next year. This will allow the main analytical resources of the Federal Government to come to bear on this question. And, when the assessment is finished, we will have greater confidence that we are doing the right thing.

With respect to the main Rockefeller amendment, we have to keep several things in mind. This would be an expensive program. According to the Congressional Budget Office, we are talking about around $10 billion over five years. It is also not clear that it is fair to all the other veterans who have service-connected disabilities which are clearly service-connected or low income veterans who have problems clearly related to military service that have led, or would lead, to receipt of disability compensation.

Furthermore, it is certainly possible that major inequities could result were the underlying amendment enacted. By this I mean that veterans who started smoking after military service could conceivably be eligible for disability compensation under terms of this amendment. Keep in mind also, that veterans who suffer from tobacco-related health problems can still qualify for health care services from the VA if they met the regular qualifying criteria.

The PRESIDING OFFICER. Does the Senator yield the remainder of his time?

Mr. ROCKEFELLER. I do.

Mr. DOMENICI. I ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent.

I further announce that, if present and voting the Senator from North Carolina (Mr. HELMS), would vote ''yea''.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—52

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

NAYS—46

Akaka	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Ford	Moynihan
Boxer	Glenn	Murray
Bryan	Graham	Reed
Bumpers	Harkin	Reid
Campbell	Hollings	Robb
Cleland	Jeffords	Rockefeller
Collins	Johnson	Sarbanes
Conrad	Kennedy	Snowe
Coverdell	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NOT VOTING—2

Helms	Inouye

The amendment (No. 2283) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2226, AS AMENDED

The PRESIDING OFFICER. Now the question will be on the Rockefeller

amendment as amended by the Domenici substitute. The yeas and nays have been ordered.

Mr. DOMENICI. I ask the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

The yeas and nays are vitiated.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2226), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for the benefit of the Senators, and this has been agreed to by the ranking member, we will now start the 1-minute ''vote-arama.'' From the list we will call up an amendment and it will be taken up. When it is finished, we will call up another one. We will alternate back and forth.

We are getting it down to a reasonable number on our side. We are hoping the other side will get rid of three or four more there, but we are going to start this way.

The first amendment on our side is the amendment of Senator GRAMS, No. 2222, and that will be followed by Senator KENNEDY, amendment No. 2184. For each one, they will tell you the title and then the Senator will have 1 minute to explain it.

Amendment No. 2222 by Senator GRAMS is called up.

AMENDMENT NO. 2222

The PRESIDING OFFICER. Amendment No. 2222 is before the Senate. One minute on each side. Senator GRAMS is recognized for 1 minute.

Mr. GRAMS. Mr. President, I rise to introduce an amendment expressing the sense of the Senate that projected budget surpluses should be dedicated to preserving and strengthening Social Security. This is a very simple and straightforward amendment. It asks Congress and the President to commit any budget surplus to reducing the Social Security payroll tax and use the tax reduction to set up personal retirement accounts for America's working men and women.

Mr. President, the latest report from the Treasury Department shows that we may have a budget surplus as large as $60 to $80 billion this year, if revenues continue to grow at the current rate. As I have argued repeatedly, this surplus comes directly from taxes paid by hard-working Americans, and it is only fair to return it to them in the form of tax relief, national debt reduction, or Social Security reform.

We all agree it is vitally important to save and strengthen Social Security. Many of my colleagues believe we should use the entire budget surplus to save the system, but the real question is how to do it.

Finally, this amendment is complementary to Senator ROTH's amendment. I believe the Roth amendment is an excellent one. I support it. The only difference is mine has the payroll tax reduction.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to oppose the Grams amendment. As he clearly says, the budget surplus should be used to, perhaps, establish personal savings accounts. At the same time I heard the Senator say we all want to save Social Security.

If we want to save it, then we ought to pay down the debt, shore up Social Security, and not turn over to the private sector the opportunity now to engage in individual savings accounts. This is not the place to do it. Perhaps it ought to be considered 1 day, but this would completely upset the principle of saving Social Security first. If we are going to talk about it, then we ought to really mean it and put all surpluses into saving Social Security and reducing the debt. I think that is the proper way to go, and I hope all my colleagues vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Are the yeas and nays ordered?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 2222).

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced, yeas 50, nays 48, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Helms	Inouye

The amendment (No. 2222) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open for amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2184

Mr. KENNEDY. Mr. President, I believe one of my amendments on the educational opportunity zones is before the Senate. Am I correct?

The PRESIDING OFFICER. Is the Senator talking about amendment No. 2184?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. KENNEDY. Mr. President, this is the last item of President Clinton's education proposal. It basically provides help and assistance to communities for these educational opportunity grants for those communities in this country, both in rural and urban areas, that are showing a special kind of designation in reforming and rehabilitating their total educational package.

This is one of the areas that has been recommended by most of the educational groups. It has been tried and tested in the past year and a half with very small, modest programs, with very substantial improvement in academic achievement and accomplishment.

It does provide $1.5 billion over 5 years, and it is paid for with an across-the-board cut in nondefense by less than two-tenths of 1 percent of the budget program. I hope the Senate will adopt the amendment.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have kept our word, and we have increased education spending by exactly what the President and the Congress decided to do last year in the Balanced Budget Act.

We provide an additional $8 billion in additional discretionary education funding over the next 5 years. In total, we will provide close to $20 billion in K–12 education funding this year. That is a 98 percent increase over the last 10 years.

We agree with the President on the funding. However, we disagree with the President on how to spend the money, because the President and his party want to make Washington, DC, education central. Republicans want to decentralize education decisionmaking and put power and resources into the hands of the States, the localities, and the families. We should oppose the amendment. I move to table the amendment.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2184. 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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 54, nays 44, as follows:

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—54

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

NAYS—44

Akaka	Dorgan	Kerry
Baucus	Durbin	Kohl
Biden	Feingold	Landrieu
Bingaman	Feinstein	Lautenberg
Boxer	Ford	Leahy
Breaux	Glenn	Levin
Bryan	Harkin	Lieberman
Bumpers	Hollings	Mikulski
Cleland	Jeffords	Moseley-Braun
Conrad	Johnson	Moynihan
Daschle	Kennedy	Murray
Dodd	Kerrey	Reed
Reid	Sarbanes	Wellstone
Robb	Specter	Wyden
Rockefeller	Torricelli	

NOT VOTING—2

Helms	Inouye

The motion to lay on the table the amendment (No. 2184) was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, on amendment 2184, believing it was an up-or-down vote, I voted in the affirmative. It was a tabling motion. Therefore, I inadvertently voted against my intentions. I ask unanimous consent that my vote be switched and that I be recorded as having voted in the negative. It would not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Mr. GREGG). Who seeks time on the next amendment? What is the will of the Senate?

Mr. DOMENICI. Mr. President, I understand that we are calling them up now. The Coverdell amendment is the next amendment we would like to call up on our side.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has 1 minute.

AMENDMENT NO. 2262

Mr. COVERDELL. Mr. President, amendment No. 2262, parallels the House-passed resolution passed unanimously this week that Congress set aside money for Black Hawks—$36 million. In last year's foreign operations spending bill the President signed this provision into law. But the money has not been spent. Black Hawks will work better than any alternative in eradicating the poppyseed that grows in Colombia. This poppy is used for heroin, which is becoming increasingly a problem in American cities.

We have a choice. We can either fight heroin at the source, or we can treat the victims in our own neighborhoods. You do not win a war treating the wounded. Let us get serious in this drug war and pass the amendment.

I attempted to come to a resolution with the good Senator from Vermont, but we could not reach agreement. Therefore, we will have to vote on the amendment.

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

Who seeks time in opposition? Time in opposition is running. Unless someone seeks time—

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am somewhat surprised by this because I understood I had an agreement with the Senator from Georgia. I understand now he does not want to follow through with that agreement. I have already told our side that we would not request a rollcall. I will stick to my agreement. We will not request one.

But I simply say there was a better way that would not have taken the money away from Bolivia fighting drugs. But we will just take this matter up when we get to conference. I will keep to my commitment to the leaders not to ask for a rollcall.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 2262.

The amendment (No. 2262) was agreed to.

Mr. DOMENICI. Mr. President, I report to the Senate, on the Republican side we have one amendment left, Senator NICKLES; on the Democratic side eight. I hope you can reduce that number some so we can get out of here earlier than any of us expected.

AMENDMENT NO. 2185, WITHDRAWN

Mr. DOMENICI. The next amendment to come up is Kennedy amendment No. 2185 regarding the EEOC.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

AMENDMENT NO. 2185

Mr. KENNEDY. Mr. President, the equal employment amendment calls for a 15% increase in the budget for the Equal Employment Opportunity Commission for the coming year. Under this amendment the EEOC's budget will increase from $242 million to $279 million next year.

One of the most basic civil rights protected by current law is the right to equal opportunity in employment, your right to be free from job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination, but we still have a long way to go to guarantee that you are hired or paid or promoted on the basis of your abilities. Too often, the right that you have on paper is not a right in reality, because your remedy is inadequate or non-existent.

The EEOC has the principal responsibility to combat discrimination in the workplace and that responsibility has grown significantly in recent years. The passage of the Americans with Disabilities Act, the growing awareness of the problem of sexual harassment in the workplace, and the effect of downsizing on older workers have all added greatly to the responsibilities of the EEOC, but there has not been a commensurate increase in the agency's resources. The Commission's workload is growing and its budget must keep up, or vast numbers of Americans will have a meaningless right—a right without a remedy.

In fact, EEOC funding has increased only by 5.2% over the last four years. That is not enough to keep up with inflation—let alone keep up with the agency's increased responsibilities. Without substantial new funding, the

EEOC will fall farther and farther behind in its vital work. I urge my colleagues to support this amendment.

The numbers tell the story. In 1990, 62,000 charges of discrimination were filed by employees in the private sector. That number increased to 81,000 in 1997, an increase of almost 30%. Ninety percent of the Commission's budget is allocated for fixed costs, with the vast majority—75%—going to salary and benefits. When its budget doesn't keep pace with inflation, the Commission must get along with fewer investigators and attorneys. As a result, although the workload has increased, the size of the staff has fallen. The number of employees declined from 2800 employees in 1993 to 2600 employees in 1997. Since 1980, the number of employees has dropped by 23%. Think about that—mushrooming responsibilities, declining resources. That's an invitation to employers to think they can get away with discrimination in the workplace.

The agency has tried to hold the line, but there is a limit to doing more with less. The Commission urgently needs this budget increase, and I want the Senate to approve it.

The PRESIDING OFFICER. Who rises in opposition?

The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. This sense-of-the-Senate amendment requests that the functional total in this budget that we assume in the EEOC should receive $279 million in budget authority. This is the level requested by the President. The amendment would raise a freeze baseline we assume by $37 million.

From my standpoint, ultimately the Appropriations Committee will determine between a freeze and a $37 million reduction, but if the Senator insists on this, then I have to move to table and ask for the yeas and nays.

I think you are just as apt to get the money without the amendment as you are with it, because it will be up to, incidentally, the man sitting in the chair, coupled with a couple of other Senators, which of the two levels will be funded. There is plenty of money for them to go either way.

Having said that, I urge you to withdraw your amendment. We stated the case here, but if you would like to vote.

Mr. KENNEDY. If we could have 2 minutes and maybe save ourselves time.

I ask unanimous consent to inquire of the manager, would we have the assurance of the chairman that he would bite for the higher amount? Is that what I understand the Senator is saying?

Mr. DOMENICI. Let's make sure we understand, I am not chairman at that point. In my capacity as a Senator, I agree that I will do everything I can in that regard.

Mr. KENNEDY. To get the amount.

That makes a good deal of sense to me.

Mr. President, I withdraw the amendment.

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

The amendment (No. 2185) was withdrawn.

AMENDMENT NO. 2188

Mr. DOMENICI. Is Senator WELLSTONE ready?

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. Thank you, colleagues.

The veterans' health care—some background—is funded by two sources: appropriations and a supplemental fund called the MCCR. The President's budget cut veterans' health care appropriations by $29 million, and the estimate is that the MCCR fund will generate $10 million less—a conservative estimate; CBO says much more than that.

This sense-of-the-Senate amendment simply puts that $40 million back. It makes the budget whole, takes it to last year's level. I hope there will be a strong vote for this. This is a vote to restore the funding and to make the veterans' health care system whole, at least as good as it was last year. We ought not to be cutting veterans' health care benefits. I hope I get an overwhelmingly positive vote on this.

Mr. DOMENICI. Mr. President, Senator WELLSTONE, if you will look at the budget, what we recommended is precisely what you are saying in your sense of the Senate. We reinstated $153 million in veterans' programs that the President had cut. Your amendment would be totally redundant.

I think what we could agree to here is that the amendment provides for an assumption that increases the level to the exact level you have recommended in your sense of the Senate. Thus, I don't think we need a sense of the Senate.

Mr. WELLSTONE. I say to my colleague my reading of it is different; otherwise, I would not have done the amendment. If you are right, there is no harm in a strong vote on this.

Mr. DOMENICI. Can we voice vote it?

Mr. WELLSTONE. I would like to have a recorded vote on it, but I assume, based upon the reaction, that there is overwhelming support for this amendment; is that correct?

Mr. DOMENICI. There is overwhelming support for the budget resolution, which does the same thing.

The PRESIDING OFFICER. All time has expired.

Mr. WELLSTONE. Let's have a voice vote.

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

The amendment (No. 2188) was agreed to.

Mr. DOMENICI. We really roll when everybody is sitting in their chair.

AMENDMENT NO. 2206

Mr. DOMENICI. Next is Senator REID on amendment No. 2206.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. REID. Mr. President, the amendment that has been offered by Senator REID and Senator BRYAN is supported by all environmental groups in the country. It is supported by the Counsel for Environmental Quality and the Secretary of the Interior. The Endangered Species Act is an important act. We have worked very hard to come up with a compromise. We must have a source of funding that is realistic. This is not. This is a quick fix that will fail just as quickly. It is unrealistic to sell public lands basically from the State of Nevada for a national project.

The amendment we have offered says that the landowner, instead of programs included in the Endangered Species Recovery Act, should be financed from a dedicated source of funding, and the public lands should not be sold to fund the Landowner Incentive Program of the Endangered Species Recovery Act.

This amendment should be passed. It is the fair thing to do.

Mr. BRYAN. I rise today in support of the Reid/Bryan amendment which expresses the sense of the Senate that Federal public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

As some of my colleagues are aware, the budget resolution before us today assumes the landowner incentive program of the Endangered Species Recovery Act will be enacted. The landowner incentive program includes habitat reserve agreements, safe harbor agreements, habitat conservation plans, and recovery plan implementation agreements within the Act. The report accompanying the budget resolution calls for funding for these programs to be made available ''from the gross receipts realized in the sales of excess BLM land, provided that BLM has sufficient administrative funds to conduct such sales.''

Mr. President, this proposal is a short-sighted attempt to find a solution to a very legitimate issue. I support efforts to find a sustainable funding mechanism to provide incentives to landowners to undertake conservation measures that are necessary for the protection and recovery of threatened and endangered species. The problem with the proposal before us today is that it fails to establish a reliable source of funding. The one-time sales of BLM lands cannot be expected to provide a revenue source for habitat conservation plans and other landowner incentive programs that are designed to last for 50 years or longer. This proposal is a classic example of selling a capital asset to pay for operation and maintenance costs. In my opinion, it represents the utmost in fiscal irresponsibility.

In addition, this proposal would set a dangerous precedent regarding the management of our public lands by threatening the public land base available to future generations of Americans. Currently, the land disposal

method favored the BLM involves land exchanges. This process allows the BLM to dispose of land it no longer needs in exchange for land that is worthy of public ownership. The land exchange process allows the BLM to trade an asset it no longer deems desirable for one that it does. Ironically, the BLM often uses land exchanges as a means of acquiring critical habitat for threatened and endangered species. By disrupting the land exchange process, the land sale proposal in this resolution could actually weaken the federal government's ability to acquire private, environmentally sensitive land that rightfully belongs in public ownership.

Mr. President, I am also concerned with this proposal because it would effectively eviscerate another piece of legislation that I have sponsored concerning the BLM land disposal process in Southern Nevada. It is no secret that the public lands that this budget resolution contemplates being sold are those BLM lands in the Las Vegas valley. I have worked closely with Senator Reid and our House delegation for the last three years to develop the Southern Nevada Public Land Management Act, which provides local governments in southern Nevada with more input into the BLM land exchange and land sale process. Over the last several years, BLM land exchanges have contributed significantly to growth and development in the Las Vegas valley. My legislation would allow local governments and the BLM to work more closely together in managing growth in the valley. The land sale proposal in this budget resolution would destroy the ability of the Las Vegas community to have a voice in the BLM land sale process as envisioned under my legislation.

I strongly urge my colleagues to support the Reid/Bryan amendment and to reject the irresponsible sell off of our public lands as contained in this budget resolution.

Mr. DOMENICI. I yield the minute we have to Senator CHAFEE.

Mr. CHAFEE. I will take 30 seconds, and the Senator from Idaho will take 30 seconds.

More than half of all the endangered species in the United States are in private lands. In the Endangered Species Reauthorization Act, we put in moneys, we provide for assistance to private landowners, most of them small landowners. We do that.

The chairman of the Budget Committee provided that if any BLM lands are sold—if they are sold, those moneys, instead of going into the general treasury, will be used for the Endangered Species Act to help landowners, mostly small landowners.

AMENDMENT NO. 2285 TO AMENDMENT NO. 2206

(Purpose: To recognize potential alternative funding sources for landowner incentives under the Endangered Species Recovery Act)

Mr. KEMPTHORNE. I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2285 to amendment No. 2206.

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

Mr. FORD. I object.

The PRESIDING OFFICER. The objection is heard. The clerk will report.

The assistant legislative clerk read as follows:

An amendment in the Second Degree to the Reid Amendment.

At the end of subsection (b)(2), strike "Act." and insert the following:

"Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding."

Mr. KEMPTHORNE. I want to acknowledge the great work that the Senator from Nevada has done on the Endangered Species Act, along with the Senator from Montana and the chairman from Rhode Island.

This is not a question of whether we should sell excess BLM lands; it is taking place; it is a question of where the revenues should be utilized.

The Budget Committee—and I thank the chairman—came up with a revenue source that finally we could compensate landowners who voluntarily stepped forward so we could have an incentive to help species and to help property owners.

Now the effect of the second-degree is to say that rather than foreclose the use of that excess land revenue, we will continue to look at all different sources of revenue so that we can come up with ways that we can make good on our pledge, and that is, property owners should be compensated when they come forward and help us save species.

This is good for species, good for people, and it keeps all options open.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I acknowledge the good work of the Senator from Idaho, the Senator from Rhode Island, and certainly the ranking member of the full committee in coming up with a compromise. However, the amendment that I have, the underlying amendment, does everything they say it should do, except their amendment will still allow Western lands to be sold at a fire sale to provide a quick fix for the Endangered Species Act. We do not need a quick fix; we need a dedicated source of funding.

Mr. D'AMATO. 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 amendment No. 2285. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—55

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

NAYS—43

Akaka	Ford	Lieberman
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Boxer	Gregg	Moynihan
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Torricelli
Dorgan	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Leahy	
Feinstein	Levin	

NOT VOTING—2

Helms	Inouye

The amendment (No. 2285) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2206

The PRESIDING OFFICER. The question is on the underlying amendment No. 2206.

The amendment (No. 2206) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2257

Mr. DOMENICI. Mr. President, the next amendment will be one from our side. It is our last amendment, which Senator NICKLES has. It is No. 2257.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, this is an amendment offered by myself and Senator MURKOWSKI. The net effect of it would be that if we are dealing with the budget process and the so-called wish list amendments, the sense of the Senate and sense of Congress would basically be ruled out of order. My amendment would instruct the Chair to make precatory amendments not germane to the budget resolution. That means you would need 60 votes to pass it. At one point, we had 100 amendments, and over two-thirds of them were precatory amendments; they were wishes. The word precatory means to wish. That doesn't change the budget resolution, and it wastes a lot of time. It means that, yes, we have some kind of sparring back and forth. I don't know how many votes we have had in the last couple of days, two-thirds of them have been sense of the Senate or sense of the Congress. And, really, they will have very little impact on the budget process. I think they have made the Senate look bad in the process.

I urge my colleagues to support the amendment. I am not going to request the yeas and nays unless it is necessary. I think this would help us do our business in a much more orderly and efficient manner.

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, I recognize the fact that the distinguished Senator from Oklahoma has sent up a sense-of-the-Senate resolution to prohibit sense-of-the-Senate resolutions. This amendment would prohibit those sense-of-the-Senate resolutions——

Mr. NICKLES. If the Senator will yield, this is a concurrent resolution.

Mr. LAUTENBERG. Then I owe the Senator an apology. I will start all over. I don't call attention to the fact that he has sent a sense-of-the-Senate resolution to the desk.

This amendment, however, Mr. President, would prohibit any Member of the Senate from offering a sense of the Senate or sense of the Congress amendment to a budget resolution. The budget resolution already places serious restrictions on minority participation. This is how we get there. When you are on this side next year, you will know how it feels to be in the minority and you will have an opportunity to amend things that you don't see.

I, frankly, don't see a lot of harm in it. It takes time, yes, but it gives a chance for an exchange of ideas that I think is important.

I make a point of order that the amendment is not germane.

Mr. NICKLES. Mr. President, I move to waive the point of order, and I tell my colleague that you can still pass sense-of-the-Congress resolutions with 60 votes.

The PRESIDING OFFICER. The question is on the motion to waive the point of order.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES: I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators wishing to vote or to change their vote?

The clerk will report.

Mr. FORD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from Kentucky is reported as a negative. The clerk will report.

Mr. DASCHLE. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from South Dakota is reported as negative.

Mr. COVERDELL. Regular order.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The yeas are 60——

Mr. FORD. Mr. President. You can't do that there, come on.

The PRESIDING OFFICER. The yeas are 60 and the nays are 38.

Mr. DURBIN. Mr. President, how am I recorded?

Mr. SARBANES. No, no, no, no, no.

Mr. DURBIN addressed the Chair.

Mr. SARBANES. Not when someone is seeking recognition here.

The PRESIDING OFFICER. The Chair is ruling the reporting of the vote can occur and the yeas are 60——

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

The PRESIDING OFFICER. And the nays are 38.

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

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object.

Mr. NICKLES. Mr. President, I will renew my request. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator DURBIN be recognized to switch his vote.

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

VOTE CHANGE

Mr. DURBIN. Mr. President, no. I ask unanimous consent that my vote be changed to no.

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

Mr. LOTT. Are we waiting for the vote to be turned in?

The PRESIDING OFFICER. We are waiting for the vote to be reported.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39, and the motion to waive is not sustained.

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—59

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

NAYS—39

Akaka	Feinstein	Leahy
Baucus	Ford	Levin
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bryan	Hollings	Murray
Bumpers	Johnson	Reed
Conrad	Kennedy	Reid
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Feingold	Lautenberg	Wyden

NOT VOTING—2

Helms	Inouye

Mr. LOTT. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank Senator NICKLES for the magnanimous gesture he just made. However, I want to emphasize we are trying to move these votes, and the Chair was absolutely right, because it is up to the discretion of the Chair to respond when Members ask how they are recorded, but also when regular order is called for, especially when we are trying to move through all these votes, the Chair is under an obligation to bring this to a conclusion.

I think we had the right resolution here, but I want to make sure everybody understands, we are trying to move these votes through. We are trying to get to a conclusion, and that brings me to my next point.

It is 5 after 9. We still have, it looks like, as many as five amendments that

we may have to vote on. I urge Senators, if they are planning on calling up those amendments, to see if we can't work out something where maybe some of them can be accepted or not offered and that we not go through the process of having second-degree amendments offered at this point.

If we can do that, we can finish this within this hour, by 10 o'clock. I thank Senator REID and others for the work they have been doing in trying to help pare down the list. We are very close now, and I think it important we not lose the decorum we have exercised through a long day. I thank my colleagues for that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I also want to acknowledge the efforts made by the distinguished Senator from Oklahoma, Senator NICKLES, in resolving this minor problem. I appreciate very much his efforts to do what he did. I will say, however, that we have been working in good faith on both sides to try to move this along. Regular order is called, but also Senators deserve the right to be recognized when they seek recognition for purposes of clarification of their vote, so there is a need to be sensitive on both sides in a request of the Chair. I know that the Chair was accommodating or attempting to accommodate Senators.

I also join with the majority leader in asking the five remaining authors to work with us to see if we might reduce the number of rollcalls necessary. We are very close now, and I thank my colleagues on this side for cooperating thus far. Let's see if we can get it down to a couple, fewer than what we have right now. We can finish this within the hour, and I hope we can receive just a little more cooperation to make that happen. I yield the floor.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2216

Mrs. MURRAY. Mr. President, I call up amendment No. 2216.

The PRESIDING OFFICER. Amendment No. 2216 is the pending amendment. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, my amendment increases Function 500 budget authority and outlays to include the President's education initiatives, and adds the Resolution level for IDEA. The offset is a Function 920 across-the-board reduction of less than one percent, taken from non-defense discretionary funds.

The President's budget request only included a level of $35 million for the Individuals with Disabilities in Education Act (I.D.E.A). To get the Federal Government back on track toward its responsibility to cover 40 percent of the cost of educating special education students at the local level, significant increases are necessary.

The Resolution level in fiscal year 99 for Function 500 is $500 million below a freeze. It does not provide enough funding for the important education initiatives requested by the President and supported by the American public: Continuing investments in education technology, including teacher training reflecting my Teacher Technology Training Act; creation of education empowerment zones; appropriations for Minority Teacher Recruitment; funding for the 21st Century Learning Centers; appropriations for Children's Literacy and Work Study; increases for Title I funding; an increase in the maximum Pell Grant; and increased funding for Safe and Drug-Free Schools.

My amendment makes education a higher priority within the construct of a balanced budget. I must point out that even with my amendment, the President and the Budget Committee have left other critical educational services unfunded. But by passing this amendment, we will take steps to stop the cuts to education, and get on the road toward results for American students.

Mr. President, the American people believe education should be a higher priority than its current 1.8 percent of total Federal outlays. They see the need to improve the quality of every Federal education program, minimize red tape, improve efficiency, and create collaboration. But, they also see our Nation facing increased enrollments, a teacher corps nearing retirement, and other factors which increase the overall need for education funding at this critical point in our history. The American people see that education must become a higher priority in our national budget.

Unfortunately, this budget fails to meet the education needs of America. It does not invest in the future. It cuts from services that are helping students in schools today. This budget resolution places America at a crossroads—and it takes us down the wrong road. A vote for the MURRAY amendment is a vote that honors our commitment to fund 40 percent of the cost of special education funding, but doesn't try to pit students against one another over limited federal dollars. We need to invest in the future, and we need a budget that reflects America's priorities.

Mr. President, when looking at the budget resolution as it came from the Committee, I think we need to ask ''what do the assumptions in the Republican budget resolution leave out?'' The answers are disturbing.

Within Function 500, for sub-function 501 (Elementary and Secondary Education), Chairman DOMENICI's Committee resolution starts with a freeze.

The resolution then adds $2.5 billion for funding for the Individuals with Disabilities in Education Act (IDEA), and $6.3 billion for Title VI School Reform efforts, for a total of $8.8 billion over 5 years.

From this amount, the majority then assumes that $2.2 billion will be saved through consolidation of current educational services, leaving their overall add to a freeze at $6.6 billion.

Mr. President, another important question now arises: Which important priorities of the American people were left out when the majority ignored the President's new initiatives?

The only education programs explicitly left unfunded by the discretionary Republican budget resolution are the President's new initiatives (such as educational empowerment zones; teacher technology training; the new transition to school program; community-based technology centers; and Safe and Drug-Free Schools coordinators). These programs total $2.4 billion.

When added to the $7.3 billion in mandatory spending for class size reduction, the total President's request level for new sub-function 501 funds is $9.7 billion over a freeze.

Because the Republicans assume $2.2 billion in consolidation, we need to ask another question: Which current programs will be cut under their $2.2 billion consolidation proposal?

This list could include any discretionary elementary and secondary education program, such as:

Title I Education for the Disadvantaged (including reading and math assistance for needy students; Even Start; Migrant Education; services for neglected and delinquent students; and others.)

America Reads Children's Literacy

Eisenhower Professional Development

Safe and Drug Free Schools and Communities

Magnet Schools

Education for Homeless Children and Youth

Inexpensive Book Distribution

Bilingual Education

Goals 2000

Arts in Education

Women's Educational Equity

School-to-Work

Vocational Education

The American people will remember that last year, during debates on consolidation and block granting, proponents of block-granting federal education funds proclaimed that by eliminating bureaucracy under block-granting, school districts would actually have more money to spend, not less. Hold-harmless provisions were discussed, which would purportedly assure that school districts would not see funding cuts.

But we had all heard this kind of talk before, from those who start by ''consolidating,'' and then take the next step to ''downsizing.'' Too often a block-grant equals a cut, and our school communities know it.

We were told that the fundamental philosophical question was whether or not we believed that individual school districts and parents and teachers know best how to handle education in their own communities, or whether we

believed those fundamental decisions are best left to bureaucrats in Washington, D.C.

I think the fundamental question is rather when certain people in positions of authority in Washington D.C. are going to listen to their state and local governments and the people. This is a time of incredible renewal in education. Republicans, Democrats and Independents in my state of Washington and other states are on a serious, measurable road to school improvement.

From school report cards, to higher standards, to increased family and community involvement—improvement is happening, accountability is present, and students and their parents are seeing results. At a minimum, there is a fundamental discussion about educational improvement going on in every community in my state. When federal consolidation is tied to questions of ''who knows best,'' I think those who do know best, the parents, teachers, students, and community leaders like those in my state have reason to feel betrayed.

Because money does matter. Yes, we need to consolidate services where it has an educational goal. Yes, the federal government works best when it creates red tape least—but Americans interested in improving education already have venues to make these changes. And these discussions—such as the one that will occur during the 1999 rewrite of federal elementary and secondary education programs—respect the knowledge and experience of those who actually learn with or work with federal education services.

But when the Congress ignores needed investments to improve school facilities and improve the quality of school personnel—then uses block-grants as cover for education cuts—local communities have reason to feel betrayed.

So, my hope is that those who want to improve the federal government's efforts to help students learn, and who see consolidation as a vehicle toward this end, will work with local school communities. My hope is that they will work with those of us who have experience in education. My hope is that we can work together to find results for students.

Because when the Congressional majority begins to pay attention to the appropriate federal role in school improvement, that is a positive step. Now that the discussion is joined, however, it must be productive, bipartisan, and aimed at efforts that will work.

When we look at this budget resolution, we also need to ask ''what do the assumptions in the President's budget request leave out?''

The President's budget request assumes less than sufficient funding (less than current-services funding, or complete terminations) for, among others:

Impact Aid (Construction and payments for Federal Property)

State Student Incentive Grant

Innovative Education Program Strategies

Ellender Fellowships

Literacy Programs for Prisoners

Urban Community Service

National Early Intervention Scholarships and Partnerships

State Grants for Incarcerated Youth Offenders

In addition, the President's budget includes only $35 million for funding for the Individuals with Disabilities in Education Act over a freeze annually. My amendment would meet the $500 million increase per year in Sen. DOMENICI's Committee reported resolution ($465 million over the President's level). For too long, the Congress has not met its obligation to pay 40 percent of the costs of educating each special education student.

Education, especially public education, is near and dear to the American people. Although the challenges are great, there are productive discussions happening in public schools across the country. Local people are making decisions that are producing results for students. We know we need to expect more from our schools than folks did in the past. We know we have an economy and a society full of new demands. Regardless of political persuasion, ethnicity, income, age, or any other dividing line one might find—all Americans want students to succeed. And there is broad recognition that we should do more, not less. More to improve the quality of our schools. And more to make education a higher priority in the federal budget. I urge adoption of the Murray amendment.

Mr. President, I ask unanimous consent that several letters regarding education funding be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF TEACHERS

April 1, 1998.

DEAR SENATOR: On behalf of over 950,000 members of the American Federation of Teachers (AFT), I urge you to oppose the FY 1999 Concurrent Resolution on the Budget, S. Con. Res. 86, unless changes are incorporated to rectify the following shortfalls.

Although the budget resolution assumes a $2.5 billion increase for IDEA over five years, a $500 million increase in FY 1999, total discretionary spending in Function 500 reflects only a $600 million increase over FY 1998. This level is $1.6 billion below the President's budget and $1 billion below the amount needed to maintain current program levels in education, job training, and social services.

This budget resolution should include funding for the President's initiatives in class size reduction and for school construction. The President requested $1.1 billion to recruit and train 100,000 new teachers over the next seven years in order to reduce class size to an average of 18 in grades 1–3, when children need the most help in learning to read proficiently and mastering the basics. The AFT also supports he President's proposal for more than $20 billion in interest-free bonds for school construction. An estimated one-third of all schools need extensive repairs and new academic facilities are needed to serve the booming enrollments in elementary and secondary schools. Instead, the budget resolution assumes a $6.3 billion increase, $522 million in FY 1999, for Title VI Innovative Program Strategies, an education block grant program, while assuming an estimated $2.2 billion in savings from unspecified consolidation of elementary and secondary education programs.

In addition, the AFT opposes savings assumed in discretionary spending resulting from repealing Davis-Bacon and the Service Contract Act beginning in the year 2000. The AFT also opposes the citing of S. 1133, The ''Parent and Student Savings Account Plus,'' as an illustration of tax relief, which would expand the use of Education IRAs to include private and religious school tuition for elementary and secondary students.

For these reasons, I urge you to oppose S. Con. Res. 86 unless amendments are adopted to address these concerns.

Sincerely,

GERALD D. MORRIS,
Director of Legislation.

NAPSEC

March 25, 1998.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: On behalf of the National Association of Private Schools for Exceptional Children (NAPSEC), an association that represents over 900 private special education schools for children with disabilities across the nation both nationally and through its Council of Affiliated State Associations, I urge you to oppose the FY 99 Budget Resolution when it is considered by the Senate.

Although the resolution adds a billion dollars for special education programs and Title VI innovative education strategies programs, the resolution provides only $600 million more for all education and related programs. The resolution would fund education programs at $1.1 billion below current service levels. Programs like Head Start, Title I, Pell Grants, and other education programs would have to be cut or frozen to make up the difference.

This action appears totally inappropriate considering the new challenges facing America's education system—rising enrollments at all levels, more students with special needs, growing teacher shortages, unsafe, overcrowding, and decaying schools, just to name a few.

Recent polls ranked increasing federal funding for education ahead of health care, reducing national debt, tax cuts, crime, and defense. I urge you to represent this priority by supporting a bipartisan budget resolution that makes increased investments in education. I also ask you to support the amendments that are offered that would increase funding for education.

Thank you for considering our request.

Sincerely,

SHERRY L. KOLBE,
Executive Director & CEO.

NSBA,

March 25, 1998.

Hon. PATTY MURRAY,
U.S. Senate, Washington, DC.

DEAR SENATOR MURRAY: The National School Boards Association, representing 95,000 school board members through its federation of 53 states and territories, urges you to make education your first priority and to oppose the FY 1999 Budget Resolution reported from the Senate Budget Committee last week because of its inadequate levels of funding for education.

The Senate Budget Committee's resolution is more than $1 billion below current services for discretionary spending in Function 500,

which includes education and related programs and is $1.6 billion below the President's request. While recommending a billion dollars more for special education and the Title VI innovative education strategies programs, the FY 1999 Budget Resolution provides only $600 million more for all education and training programs. Programs like Title I, Impact Aid, and charter schools would have to be cut or frozen to make up the difference.

In contrast, the FY 1999 Budget Resolution allocates increases for health and transportation over the next five years that are $20 billion and $30 billion higher, respectively, than the levels approved in last year's budget agreement. This increase will put further pressure on funding levels for education and other domestic programs.

Finally, the FY 1999 Budget Resolution also rejects creating new revenue streams for education such as tax incentives to encourage school construction and mandatory spending for new initiatives proposed by President Clinton.

When looked at as a totality, the FY 1999 Budget Resolution will result in cuts below the current level of services for education at a time when America's educational system is facing new challenges at the start of the 21st century.

Education is America's best investment. Education will continue to fuel a growing economy that is able to compete in world markets; provide the job-ready labor force that will contribute to the stability of the Social Security system; give all Americans the opportunity to achieve a higher standard of living for themselves and their families; and allow the United States to maintain its strong leadership role in the world. Last year, Congress and the Administration worked together to provides a substantial increase in the investment in higher education. This year, several important investments for elementary and secondary education have been targeted, and it is vitally important for our nation's schoolchildren that we make a commitment to fund them. Our nation's schools face unprecedented challenges: exploding enrollments; dramatic increases in students with special needs; overcrowded, inadequate, and unsafe school buildings; high demands for costly, new technology; and the commitment to reach high standards for all students. To meet the current challenges for elementary and secondary education, the federal government needs to expand its financial commitment to education funding, state and local funding cannot meet the expanded demands and expectations for our schools.

We hope to work with you to ensure a significant federal funding of the American public's top priority—education. We hope the year will not begin with a debate about cutting the federal investment in elementary and secondary education.

If you have any further questions about this issue, please call Laurie A. Westley, assistant executive director, at 703–838–6703.

Sincerely,

WILLIAM B. INGRAM,
President.
ANNE L. BRYANT,
Executive Director.

COMMITTEE FOR EDUCATION FUNDING
March 23, 1998.

Re: Oppose FY99 Budget Resolution That Falls Short of America's Education Investment Needs

DEAR SENATOR, The Committee for Education Funding, a nonpartisan coalition of over 90 education organizations reflecting the broad spectrum of the education community, urges you to oppose the FY99 Budget Resolution reported out by the Senate Budget Committee on March 18, 1998 because of its inadequate funding levels for education.

The Senate Budget Committee's Resolution is over $1 billion below current services levels for discretionary spending in Function 500, which includes education and related programs, and is $1.6 billion below the President's request. While recommending a billion dollars more for special education and the Title VI innovative education strategies programs, the resolution provides only $600 million more for all education and related programs. Programs like Head Start, Title I, Pell grants, or other education and related programs would have to be cut or frozen to make up the difference.

In contrast, the resolution allocates increases for health and transportation over the next five years that are $20 billion and $30 billion higher, respectively, than the levels approved in last year's budget agreement. These increases, while much needed, will put further pressure on funding levels for other domestic programs like education.

The budget resolution also rejects creating critical new revenue streams for education such as mandatory spending to reduce class size and tax incentives to encourage school construction as proposed in the President's budget.

Taken all together, this budget resolution is likely to result in cuts below current service levels for education at a time when America's educational system is facing new challenges at the start of the 21st century. These include rising enrollments at all levels; more students with special needs; growing teacher shortages and professional development needs; unsafe, overcrowded and outdated school facilities; access to rapidly advancing educational technology; and continuing access to postsecondary education for low income students.

Recent polls ranked increased federal funding for education ahead of health care, reducing national debt, tax cuts, crime and defense (Greenberg-Guinlan and the Tarrance Group, January 1998). We urge you to support a bipartisan budget resolution that makes increased investment in education the top budget priority to meet the growing needs of America's students and secure America's future. We also urge you to support amendments to the budget resolution that would increase funding for education.

Sincerely,

KENNETH G. MCINERNEY,
President.
EDWARD R. KEALY,
Executive Director.

NATIONAL PTA,
March 16, 1998.

Hon. PATTY MURRAY,
Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR MURRAY: The National PTA urges you to include education as a top funding priority in the FY 1999 budget resolution you are about to consider. There are thousands of excellent public schools in this country, but too many others lack the resources they need to provide a quality education for all children. These schools face formidable challenges, which include record-high student enrollments, an increase in the number of children with disabilities, a growing need for new and qualified teachers, extensive and expensive technology needs, and school facilities in desperate need of expansion and renovation. An increased federal financial investment is needed to address these national concerns.

For the past two years, Congress has increased federal funding for education, and National PTA supports this leadership. National PTA now urges lawmakers to continue this positive trend to assure that the benefits of this investment are long-lasting. Even with the recent spending growth, none of the major elementary and secondary education programs designed to expand educational opportunity or improve achievement is funded near the level needed to serve all who are eligible.

As you develop the FY 1999 Senate Budget Resolution, National PTA asks that you include an increase for discretionary education and children's programs sufficient to allow funding for new initiatives and increases in vital existing programs like Title I, IDEA, and Impact Aid. We also urge you to include in the budget an accommodation for new sources of funding for education, such as an infrastructure tax credit or mandatory education programs to reform schools and increase student learning.

Now is an excellent time to strengthen the federal investment in successful and cost-effective education programs. The nation's economic health is robust. The president's budget request is balanced and projects growing surpluses for at least the next ten years. Many vital interests will compete for discretionary funds this year, but investing in education is one of the best ways to assure that the national economy continues to prosper, and the stability of the Social Security system is strengthened.

We look forward to working with Congress to secure much-needed resources to improve the quality of public schools and to invest now for America's future.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

Mr. President, I request the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I didn't want to interrupt, but some of us are having a little difficulty hearing even when there is quiet. Maybe Senators could make sure they are talking into the mike.

I didn't hear much of what Senator MURRAY said. But, Mr. President, let me say what I understand this amendment does. It asks for a $2.5 billion increase in education for special ed. It doesn't say where the money comes from, but it comes from somewhere in the budget.

The Republican budget before us asks $2.5 billion more for special ed than the President of the United States asked for. As a matter of fact, the President, after committing to dramatically increase special ed, increased it $38 million while we increase it $2.5 billion. We said where we took the money so that it is doable. This one does not even indicate what programs in the Government would be cut to pay for this. I don't believe this is the way we ought to do business here, and if the time has been yielded back, I yield mine. I move to table the Murray amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2216. 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 North Carolina (Mr. HELMS), is necessarily absent. I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS), would vote ''yea.''

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—55

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

NAYS—43

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Johnson	Reid
Bumpers	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	
Feingold	Levin	

NOT VOTING—2

Helms	Inouye

The motion to lay on the table the amendment (No. 2216) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe the next amendment is amendment No. 2220 by Senator BIDEN.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2220

Mr. BIDEN. Mr. President, recognizing reality and the hour, I am going to tell you what my amendment was going to be, and then I will withdraw it. This amendment was to see to it that the moneys from the tobacco settlement, if any, could have been used for VA health care, as well as Medicare. But looking at that lineup, I understand the outcome, and so I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 2220) was withdrawn.

Mr. DOMENICI. The next amendment is the Feingold amendment.

AMENDMENT NO. 2224

Mr. FEINGOLD. Mr. President, I offer this amendment to establish a narrowly focused, deficit-neutral reserve fund to help people with disabilities become employed and remain independent. While it does not specify a specific proposal, I want it to be clear that we have crafted this reserve fund with a very specific measure in mind, and that is the bipartisan Work Incentives Improvement Act of 1998, S. 1858, which was developed under the leadership of the Senator from Vermont, Mr. JEFFORDS.

We truly offer people with disabilities a chance to leave the disability rolls and become self-sufficient taxpayers. If just 1 percent of the 7.5 million Americans with disabilities become successfully employed, it is estimated it will save, in cash assistance alone, over $3.5 billion. So I urge the body to support this narrowly targeted, capped, deficit-neutral reserve fund.

Mr. KENNEDY. Mr. President, I rise today to support Senator FEINGOLD in his amendment to create a disability reserve fund to allow people with disabilities to become employed and remain independent. The amendment would ensure that the budget resolution incorporates the flexibility to allow offsets for the bipartisan Work Incentive Improvement Act of 1998. This bill allows people with disabilities to become employed and remain independent, by providing more affordable and accessible health care.

Despite the extraordinary growth and prosperity the country is enjoying today, persons with disabilities continue to struggle to live independently and become fully contributing members of their communities. Of the 54 million disabled people in this country, many have the capacity to work and want to become productive citizens, but they are unable to do so because they are afraid of losing their health care.

Today, 7.5 million disabled Americans depend on public assistance. The cost to the taxpayer is $73 billion annually and will continue to increase at 6% a year. If we can support just one percent of the these 7.5 million individuals to become successfully employed, savings in cash assistance would total $3.5 billion over the work lives of these individuals.

Senator FEINGOLD's amendment creates a narrowly targeted reserve fund, which allows savings or revenues from various sources to be used to offset the costs associated with this proposal. The reserve fund is limited in the total spending it permits for this specific purpose, and is permissive—it allows the Senate leadership to use savings from unrelated areas to be dedicated to support disabled people to become employed. Work is a central part of the American dream, and it is time for this Congress to support our disabled citizens in achieving that dream.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, the amendment violates the Budget Act. This sets up a new reserve fund to create a new entitlement for disabled people. It permits the raising of taxes in order to pay for it, and in every respect it violates the Budget Act. I do not think I have to say much more.

We have denied any new reserve fund where specific revenues or resources have not been allocated. That is the case here. We think we have adequately taken care of the disabled under our budget. In many cases, we have done more than what the President has done. So with that, I make a point of order that the amendment is not in order under the Budget Act.

Mr. FEINGOLD. Mr. President, I move to waive the Budget Act as to the pending amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? 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 waive the Budget Act as to the amendment No. 2224. The 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 North Carolina (Mr. HELMS), is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS), would vote ''no.''

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The yeas and nays resulted—yeas 47, nays 51, as follows:

(Rollcall Vote No. 82 Leg.)

YEAS—47

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

NAYS—51

Abraham	Cochran	Gorton
Allard	Collins	Gramm
Ashcroft	Coverdell	Grams
Bennett	Craig	Grassley
Bond	D'Amato	Gregg
Brownback	DeWine	Hagel
Burns	Domenici	Hatch
Byrd	Enzi	Hutchinson
Campbell	Faircloth	Hutchison
Coats	Frist	Inhofe

Kempthorne	Murkowski	Smith (NH)
Kyl	Nickles	Smith (OR)
Lott	Roberts	Stevens
Lugar	Roth	Thomas
Mack	Santorum	Thompson
McCain	Sessions	Thurmond
McConnell	Shelby	Warner

NOT VOTING—2

Helms Inouye

The PRESIDING OFFICER. On this vote the yeas are 47, and the nays are 51. Three-fifths of the Senators present and voting not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained. The amendment falls.

AMENDMENT NO. 2234

Mr. DOMENICI. Mr. President, we have just two amendments that require votes, but we have finally agreed on the Boxer amendment and there will not be a second-degree amendment. I ask that amendment No. 2234 be called up. This will be voice voted. It is already understood if the Republicans say ''no'' loud enough, you will win.

Mrs. BOXER. Mr. President, I thank my chairman for his many courtesies throughout the evening. I would have appreciated one more courtesy, which would have been accepting the amendment. I want to say to my colleagues that I urge a strong voice vote on this side. There isn't one penny of tobacco money in the budget resolution going for NIH research, and nothing for cancer research. So I hope you will give me a strong aye voice vote, even though I think the result is predetermined because I think with all the people getting cancer caused from cigarettes, it makes sense to use the reserve fund from the tobacco settlement for NIH funding.

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

The amendment (No. 2234) was rejected.

AMENDMENT NO. 2230

Mr. DOMENICI. Mr. President, the next amendment is Senator JOHN KERRY's amendment No. 2230.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, my amendment is subject to a budget point of order. Since that is the same 60 votes that it will require to accomplish this later, I am not going to ask my colleagues to make that vote tonight. What I would ask is that my colleagues, during the break, think about the appropriateness or inappropriateness of where we are currently allocating tobacco funds.

The entire purpose of the tobacco legislation is directed at stopping kids from smoking. Yet, that is going to require funding for various things, such as research and compliance. We need to assist the tobacco farmers. There are clearly a set of priorities for where tobacco money should go. I hope when we come back and take up the Commerce Committee bill, we will find it in ourselves to adopt those appropriate priorities.

I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMENICI. Mr. President, we thank the Senator for doing that.

Senator ROBB is the last amendment that I think we have to have a vote on.

Mr. LAUTENBERG. Mr. President, will the Senator mind me asking to put a couple things in the RECORD.

Mr. DOMENICI. Of course.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 2232

Mr. ROBB. Mr. President, I call up my amendment No. 2232.

The PRESIDING OFFICER. Amendment No. 2232 is now the pending business.

The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I regret very much that I am not in a position to do as my two previous colleagues have done because we have a bit of a dilemma for tobacco farmers. Everyone who has proposed legislation to include the legislation reported out of the Commerce Committee yesterday by a vote of 19–1 makes provisions for tobacco farmers in terms of transition.

The tobacco reserve fund, however, has been wisely fenced off by the chairman of the Budget Committee so that it might not be raided by those of us who might have other spending plans. But the only source of payment for any of the plans that have been proposed or considered is going to be the money that comes into that particular fund.

This amendment would simply make available that particular funding, along with Medicare, to fund any of the tobacco provisions that might otherwise bring down tobacco legislation for the tobacco farmers.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Everybody should recall that the Republican budget says unless and until the Congress of the United States produces legislation with 60 votes that does otherwise, we allocate whatever Federal moneys we receive from any cigarette settlement to the Medicare fund, which is the fund most entitled to it because it's the fund that is most abused by smoking—$25 billion a year.

So what we have now is an attempt to say, no, let's change it just a little bit, let's add another use to that fund. I don't believe we should do that.

I make a point of order that this amendment violates the Budget Act because it is not germane.

Mr. ROBB. Mr. President, I move to waive the point of order, 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 the motion to waive the Budget Act.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—31

Akaka	Harkin	Moynihan
Baucus	Hollings	Reed
Breaux	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Thompson
Coverdell	Landrieu	Thurmond
Daschle	Lautenberg	Warner
Faircloth	Lugar	Wellstone
Ford	McConnell	
Graham	Mikulski	

NAYS—67

Abraham	Durbin	Lott
Allard	Enzi	Mack
Ashcroft	Feingold	McCain
Bennett	Feinstein	Moseley-Braun
Biden	Frist	Murkowski
Bingaman	Glenn	Murray
Bond	Gorton	Nickles
Boxer	Gramm	Reid
Brownback	Grams	Roberts
Bryan	Grassley	Roth
Bumpers	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee	Hutchinson	Smith (NH)
Coats	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kohl	Thomas
DeWine	Kyl	Torricelli
Dodd	Leahy	Wyden
Domenici	Levin	
Dorgan	Lieberman	

NOT VOTING—2

Helms Inouye

The amendment (No. 2232) was rejected.

The PRESIDING OFFICER. On this vote the yeas are 31, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just say there are no more amendments that we have to have rollcall votes on before final passage. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask we agree to vote—to have a voice vote en bloc on the amendments that are on the list that I sent to the desk. I send that to the desk now. It is the list that we submitted which starts with No. 2271 and ends with No. 2252. I ask unanimous consent that those amendments

be voted en bloc, and that they be voice voted. There is an expectation that the ayes will prevail here. I call that to the attention of the Chair.

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

Mr. DOMENICI. I thank the Chair.

VOTE ON AMENDMENTS NOS. 2271, 2238, 2180, 2243, 2265, 2272 AND 2252, EN BLOC

The PRESIDING OFFICER. The question occurs on agreeing to amendments 2271, 2238, 2180, 2243, 2265, 2272, and 2252.

The amendments (Nos. 2271, 2238, 2180, 2243, 2265, 2272, and 2252) were agreed to.

The text of the amendments is printed in a previous edition of the RECORD.

AMENDMENT NO. 2238

TAX COMPLEXITY

Ms. MOSELEY-BRAUN. Mr. President, I am so pleased that the Senate has agreed to accept my amendment on tax complexity. Mr. President, two weeks from now is April 15, a day known as Tax Day. On that day, approximately 120 million Americans will file some type of tax return to the Internal Revenue Service. Of these taxpayers, more than 40 percent will file the short tax forms known as the 1040EZ, or the 1040 long form.

These two forms—only one page long—are designed to be simple and easy to complete, but Americans will pay millions of dollars to tax preparers to fill out these forms in their stead in order to avoid making a mistake and facing the wrath of the Internal Revenue Service.

The perception is that the tax code is too complicated, and frankly, these Americans have good reasons to be concerned. The Balanced Budget Act of 1997, passed by Congress last year and hailed as providing significant tax relief to every American, added over 1 million words and 315 pages to the Internal Revenue Code. The capital gains computation form alone grew from 19 lines to 54. Consequently the average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year. The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours this year.

Tax relief is not just about financial relief, it is also about paperwork relief. This amendment states that it is the Sense of the Senate that this chamber give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity to the code and increased compliance costs to the taxpayer. I think we have sent a sound message to the American people that we are committed to reducing complexity in this already onerous tax system.

AMENDMENT NO. 2243

Mr. LAUTENBERG. Mr. President, this amendment expresses the Sense of the Senate that Congress should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan.

In the Amtrak Reform and Accountability Act of 1997, Congress declared that ''intercity rail passenger service is an essential component of a national intermodal passenger transportation system.'' With the passage of this Act, Congress and the President effectively agreed to provide adequate appropriations over the next five years for Amtrak to implement its Strategic Business Plan so that it may achieve the goal of operating self-sufficiency.

I would like to take a moment to thank Senator LOTT for his cooperation on this amendment and for his commitment to providing the funding necessary for Amtrak to implement its Strategic Business Plan.

I would also like to thank Senator MCCAIN for his cooperation and assistance in working out the language of this amendment.

Finally, I would like to thank Senators ROTH, BIDEN and all of the cosponsors of this amendment for their continuing support of Amtrak.

I believe that for the first time in memory, we have a general commitment among members of Congress to provide Amtrak with the funding necessary for it to turn its financial situation around. We will accomplish this by providing Amtrak with the capital funds necessary to modernize its equipment and facilities. For too long, Congress underfunded Amtrak, leaving it with an aging and inefficient capital stock. By providing sufficient capital funding, we will allow Amtrak to increase the efficiency of its operations and attract new passengers by providing better, more reliable service.

Last year's $2.2 billion capital fund and the passage of the Amtrak Reform legislation brought the dawn of a new day for our national passenger railroad.

We need Amtrak to reduce congestion on our highways and in our skies. Congress and the President have demonstrated clear support for Amtrak as a national system and for continued federal appropriations. Too often in the past, we under-funded this important system. Today, Amtrak is operating under substantial challenges to meet strict business goals.

I believe Amtrak is up to the task and I hope and expect that we will provide them the funds we have promised and give Amtrak a fighting chance to succeed.

Mr. BIDEN. Mr. President, I am pleased to join with my good friend, the distinguished Ranking Member of the Budget Committee, FRANK LAUTENBERG, in introducing this amendment. We are in excellent company, joined by the distinguished Chairman of the Finance Committee, BILL ROTH, the distinguished Majority Leader, and other supporters of Amtrak.

As I testified just last week before Senator SHELBY'S Appropriations Subcommittee on Transportation, Amtrak is currently under the gun—both the Amtrak Reform Act we passed last year, and our current budget plans assume that Amtrak will be without operating subsidies beginning in 2002.

Personally, I am not convinced that this is a wise course of action. Virtually all passenger rail systems in the world are supported by public funds, because their benefits—reduced congestion on highways and at airports, less air pollution—are enjoyed by those who may never ride a train. Public support does not automatically signify inefficiency, Mr. President; in the case of passenger rail, it is a recognition that the public benefits are not fully paid for by individual ticket purchases.

But it is even clearer, Mr. President, that passenger rail deserves support for its major capital needs. Just as the federal government provides funds for highways, airports, ship channels, and ports, it has a proper role—justified by the strictest notions of economic efficiency—in providing support for the basic infrastructure of our national transportation system.

Despite the heavy burdens placed on Amtrak by years of under funding, Amtrak has responded with increased efficiency—and has undertaken a business plan that aims at operating self-sufficiency by the year 2002.

This amendment expresses the sense of the Senate that we should live up to our end of the deal we entered into when we passed the Amtrak Reform Act last year—we should, at an absolute minimum, provide Amtrak with the funds necessary for them to reach 2002 with the equipment, routes, and ridership that will make that self-sufficiency possible. That means providing Amtrak with the funds—both long-term high-return capital from its capital funds, as well as operating support—that they anticipate in that business plan.

And I must add, Mr. President, that following the recommendation of last year's Presidential Emergency Board, Amtrak has agreed to provide pay raises for its long-suffering workers. To make good on that commitment, and to provide similarly for all of the workers that have gone for years without a pay raise—or even a contact—Amtrak will require the funding level we commit to with his amendment.

I am gratified that we have the support of so many of my colleagues for this amendment. Today, we will put the Senate on record in support of funds for Amtrak that will allow them to achieve the goals that we have set for them. That, Mr. President, is the least we can do.

Mr. MACK. Mr. President, there has been a good deal of concern over whether the budget resolution actually provides adequate funding to allow the Labor-HHS subcommittee to provide increased funding for the National Institutes of Health as assumed in the budget.

After extensive conversations with the Chairman of the Budget Committee

Chairman and his staff, I am confident that the recommendations contained in the budget resolution would in fact allow for increased funding of the National Institutes of Health.

In fact, the Chairman of the Budget Committee has agreed to enter into a colloquy with me which explicitly states that the budget assumes a substantial increase over the Labor-HHS subcommittee's 1998 appropriated levels. The chairman has assured me that this funding level assumes increases to cover shortfall created by forward funding in last years Labor-HHS appropriations bill. Additionally, the budget assumes further increases to fund a number of Congressional priorities, including increased funding for the National Institutes of Health.

The full content of the colloquy is contained in a written statement which I will now send to the desk and ask that it be entered into the RECORD in its entirety.

Mr. President, as my colleagues will recall, during consideration of the 1998 Budget Resolution, I offered an amendment to express the sense of the Senate that funding for the National Institutes of Health should be increased by 100 percent over the next five years. It passed by a vote of 98–0.

The amendment I am offering today will help to ensure that the Senate continues to move forward toward achieving this goal. The 1999 Senate Budget Resolution assumes an increase of $1.5 billion for the National Institutes of Health for FY 1999, an 11% increase over the FY 1998 funding level.

I know the Chairman of the Budget Committee, Senator DOMENICI, has worked very hard in a tight budget year to include this increase in the Budget Resolution. I want to express my sincere thanks to Chairman DOMENICI and commend him for his leadership on this initiative. He, too, has been a true friend to NIH and I know he shares our commitment to increased funding for biomedical research.

I am aware of concerns raised by patient organizations and public health advocacy organizations with respect to future increases for NIH.

Based upon discussions I have had with both Chairman DOMENICI and with Chairman STEVENS today, I am convinced the budget resolution will, in fact, lead to the increases necessary to achieve the goal of doubling funding for NIH.

I have submitted into the RECORD a colloquy with Senator DOMENICI which addresses these concerns, and I encourage all interested parties to review this colloquy.

It is also important to remember that the Congress is at the beginning of the budget process. The House of Representatives has not acted on the Budget Resolution. There still must be a conference with the House.

At this time, I am convinced the Budget Committee has done its' best to provide the framework to increase funding for NIH by at least $1.5 billion in FY 1999. And, I am hopeful that the Appropriations Committee will do its best to support these recommendations.

For purposes of this Budget Resolution, I do believe it is important for the Senate to be on record with respect to our bipartisan commitment to NIH.

To that end, the amendment I offer today will express the Sense of the Senate in three areas.

First, it would reaffirm our commitment to double funding for NIH over the next five years.

Second, it would express the Sense of the Senate that appropriations for NIH should be increased by $2 billion in FY 1999.

Finally, it would express the Sense of the Senate that, at a minimum, appropriations for NIH should match the levels specified in the Budget Resolution.

Funding for NIH has always enjoyed strong bipartisan support in the Senate. Today should be no exception. I urge my colleagues to support this amendment.

ADDITION OF COSPONSORS—AMENDMENT NO. 2243

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the following Senators be added to the Amtrak sense-of-the-Senate amendment No. 2243: Senators MOYNIHAN, JEFFORDS, CHAFEE, KERRY, MOSELEY-BRAUN, LIEBERMAN, DURBIN, SARBANES, MIKULSKI, DODD, BAUCUS, LEAHY and HUTCHISON.

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

AMENDMENT NO. 2219

Mr. DOMENICI. Mr. President, we have one last thing, amendment No. 2219, by Senator DORGAN. Would you call that up? Here we are going to voice vote it. Let me make sure everybody understands, this amendment is supposed to fail. And there has been concurrence on that point as we deliberated on this subject.

The PRESIDING OFFICER. Amendment No. 2219 is before the Senate. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2219) was rejected.

AMENDMENTS WITHDRAWN

Mr. DOMENICI. Mr. President, I ask unanimous consent that all other pending amendments be withdrawn.

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

Amendment Nos. 2186, 2194, 2215, 2223, 2227, 2231, 2241, 2242, 2245, 2247, 2179, 2181, 2249, 2255, 2256, 2259, 2260, 2261, 2267, 2268, 2273, and 2274 were withdrawn.

AMENDMENT NO. 2204

Mr. KOHL. Mr. President, my amendment to the Budget Resolution I hope will be only the first step this Congress will take to prevent abuse and mistreatment of elderly and disabled patients in long-term care.

Mr. President, it is estimated that more than 43% of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care service, both in nursing homes and home health care, is sharply increasing, and it will continue to do so as the Baby Boom generation ages. The vast majority of long-term care facilities do an excellent job in caring for their patients, but it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where long-term care workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. Most recently, The Wall Street Journal published a troubling article describing the extent of this problem and the difficulties we face in tracking known abusers. I ask that this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. KOHL. This article is only the tip of the iceberg. A recent report from the Nation's long-term care Ombudsmen indicates that in 29 states surveyed, 7,043 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board and care facilities. Similar stories have appeared nationwide and abuse is not limited to nursing homes. It is far too easy for a health care worker with a criminal or abusive background to gain employment and prey on the most vulnerable patients.

Why is this the case? Because current state and national safeguards are inadequate to screen out abusive workers. All States are required to maintain nurse aide registries which include information about abusive workers. But these registries are not comprehensive or complete. First, many facilities do not report abuse complaints and instead, simply fire the worker. Second, these registries usually do not include abuse information about home health or hospice aides. Finally, and most important, there is no national system in place to track abusers, little information sharing between States, and no Federal requirement that a criminal background check be done on potential employees. A known abuser or someone with a violent criminal background in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

I have introduced and continue to work on legislation that would create a national registry of abusive long-term care workers and require criminal background checks for prospective employees who participate in Medicare and Medicaid. Although this will not prevent all cases of abuse, I believe it will go a long way toward making sure that those who have a history of preying on the vulnerable are not paid to do so by Medicare and Medicaid.

This Budget Resolution includes a lot of different priorities and funding recommendations—some of which I agree with, and others that I believe deserve

more attention. But as we consider this Budget Resolution, we must not forget to protect our nation's most vulnerable citizens—the elderly and the disabled.

This amendment expresses our desire to establish a viable, efficient, and cost-effective national system that will screen out abusive workers and prevent them from working with patients. We should adopt this amendment to devote resources toward developing such a system. We should adopt this amendment to send a clear signal to potential abusers that we will not tolerate the mistreatment of our patients. And we should adopt this amendment to demonstrate our commitment to protecting the elderly and the disabled from known abusers and criminals. When a patient checks into a nursing home facility or receives home health services, they should not have to give up their right to be free of abuse, neglect, or mistreatment.

EXHIBIT 1

[From the Wall Street Journal]

MANY ELDERS RECEIVE CARE AT CRIMINALS' HANDS

(By Michael Moss)

When Carletos Bell applied to work at the San Antonio Convalescent Center, he didn't try to hide his violent criminal past. He disclosed his record of aggravated assault right on his application for nurse-assistant.

He got the job anyway, in June 1996. Six months later, Mr. Bell was charged with sexually assaulting a 71-year-old resident of the nursing home. He pleaded not-guilty and is now in jail awaiting trial.

The case illustrates a growing problem for nursing-home patients and owners alike: People with serious rap sheets are landing jobs as care givers for the elderly.

On Monday, a local trial judge in Denver gave a green light to the first-ever class-action lawsuit alleging nursing-home negligence. A pivotal claim is that many nurse-assistants had arrest records. A local attorney for the facility's former owner, GranCare Inc., denies the allegation of negligence.

Even before that ruling, crime against residents of nursing homes has been a growing concern among patient advocates. Efforts to draw attention to the problem have been stymied partly by the lack of good data. Advocates say there is severe underreporting of crimes—especially of rapes—because residents often fear retribution for leveling complaints.

Still, the U.S. Department of Health and Human Services' Office of Inspector General took disciplinary actions mostly related to nursing-home abuse in 382 cases in 1997, more than double a year earlier. The office received 1,613 reports of abuse allegations in that year, up 14% over a three-year period.

Lesser crimes abound as well. Four percent of nursing-home workers acknowledged they stole money, jewelry and other items from residents, in questionnaires completed as part of a soon-to-be-published study by Diana Harris, a sociologist at the University of Tennessee, Knoxville. Ten percent of workers said they saw other staff steal.

Nursing-home owners, in turn, are finding themselves at greater risk in lawsuits brought by injured residents. In some facilities, plaintiffs' attorneys are discovering that a large portion of the staff has a criminal past. At another San Antonio nursing home, the Crestway Care Center, where in 1995 two female residents said they were raped, half of the 69 male workers had arrest records and nearly one-quarter had felony convictions, according to pretrial fact-finding in a negligence lawsuit the women brought against the nursing home. The facility's owner at the time couldn't be reached. His attorney declined to comment. The suit was settled last year.

The plaintiffs' criminologist, Patricia Harris, noted in court papers, ''A setting which contains infirmed females who are unable to defend themselves creates an enhanced opportunity for sexual assaults.''

When trouble strikes, the involvement of a single employee with a felony record can send jury awards soaring. Last year, the owner of the nursing home where Mr. Bell worked, Living Centers of America, quickly settled a lawsuit brought by the resident whom Mr. Bell allegedly assaulted. Since then, investor group Apollo Management LP, headed by financier Leon Black, has acquired control of Living Centers and merged it with GranCare to form Paragon Health Networks Inc., of Atlanta.

''Until there is some public awareness, the problem of nursing homes employing criminal and sexual deviants is going to escalate,'' says the resident's attorney, Marynell Maloney, who also brought the other San Antonio case.

Living Centers' local attorney, Charles Deacon, says the job interviewer at the facility made a mistake in hiring Mr. Bell. Given Mr. Bell's record, says Mr. Deacon, ''there is no way the company would ever have wanted him.''

Employees with criminal records pose an industry-wide problem, says Mr. Deacon, who represents other nursing-home owners. ''They end up costing these companies a lot of money.''

A Boston jury last month sent a message to a home health-care provider by awarding $26.5 million to the estate of John Ward, who was beaten and stabbed to death in 1991, along with his grandmother. The perpetrator was a six-time convicted felon who was hired by an agency to care for Mr. Ward, age 32, at their home.

Rachel Schneider, acting co-president of the Visiting Nurse Association of Greater Boston, which settled the lawsuit after the jury's verdict, says the killings were ''one of those very unfortunate lessons.'' The agency began checking its workers for criminal records starting in 1994, she said.

Nursing-home owners, patient advocates and labor unions agree that an important step in combating nursing-home crime is to keep criminals from getting the jobs. Bills introduced in both houses of Congress would require Federal Bureau of Investigation background checks of would-be nurses' aides and other care givers.

A group of nursing-home owners, the American Health Care Association, says it supports the concept and favors imposing background-checks on care givers at hospitals and other providers, too. Patient advocates say there's no reason to limit the checks to nurses' aides. ''We think everybody—doctors, nurses, everyone—should be checked,'' says Elma Holder, founding director of the National Citizens' Coalition for Nursing Home Reform.

A growing number of states already have legislation mandating background checks, with mixed results. Illinois's two-year-old program for screening nurses' aides has turned up disqualifying criminal backgrounds on about 5% of the people who were checked. Their crimes ranged from theft to homicide. But nearly 90% of those who asked that the law be waived were permitted to take or keep jobs anyway.

''The law is a farce,'' says Violette King of Nursing Home Monitors, a local patient-advocacy group based in Godfrey, Ill. The state Department of Public Health responds by saying it weighs each waiver request carefully.

Spokesman Thomas Schafer cites the case of a man who murdered his girlfriend 24 years ago. He had been working in a nursing home without problems for 15 years when the new background-check program turned up his record. The state decided he wouldn't be a risk to the residents.

One thorny question is whether mere arrests should carry as much weight as convictions. In Colorado, it has become a point of contention in the Denver class-action suit. Of the 176 aides hired by Cedars Health Care Center in 1995 and 1996, 74 of them, or 42%, had arrest records, the plaintiffs' attorney has alleged.

''Most of these records reflect serious, and sometimes habitual, criminal behavior,'' alleges the complaint filed by Denver attorney Lynn Feiger, an employment-law specialist, on behalf of five current and former Cedars residents. More than 200 can join the suit, thanks to this week's ruling.

The nursing-home owner's attorney, Jerome Reinan, who is weighing an appeal of the class-action decision, argues that the threshold should be convictions. ''We're not aware at this point of any convictions that would made an employee ineligible for hiring,'' says Mr. Reinan.

State officials in Colorado say they are considering a number of ways to strengthen rules for screening nursing-home employees, including extending checks to probation reports and arrest records.

''An arrest record is certainly indicative of a pattern,'' says state Department of Public Health spokeswoman Jackie Starr-Bocian. ''We have had a concern here in Colorado for many years about issues of employment in nursing homes. Now it's a very grave concern because our unemployment rates are so low it's hard to find qualified applicants.''

AMENDMENT NO. 2240

Ms. MOSELEY-BRAUN. I believe that the Senate has taken a step in the right direction today by accepting my amendment that ensures that the Senate will not reduce the value of Social Security. Mr. President, Social Security is perhaps the most successful and important government program ever enacted in the United States. It has allowed millions of Americans to retire with dignity and has played a key role in bringing poverty among the elderly to the lowest level since the government began keeping poverty statistics.

But if you ask young adults—the twenty-something and thirty-something Americans—whether they believe Social Security will be there for them, they will tell you that they are more likely to see a UFO than receive Social Security benefits when they are old.

That's regrettable, Mr. President, not just because these young Americans are financing the benefits that my generation will receive from Social Security, but also because they have every right to benefit from Social Security when they reach their twilight years. Social Security was created not just for the current generation, or for our generation, but for all the generations that will follow.

The Senate, I think, has a responsibility to restore the faith of young Americans in their Social Security. In a recent poll, fewer than one-third of Americans age 55 and older expressed a

lack of confidence in the ability of the Social Security system to meet its long-term commitments. For those under age 55, however, nearly two-thirds expressed that view.

Frankly, young Americans have good reason to be worried. Americans are living longer and retiring earlier. As a result, retirees will collect Social Security benefits for a far longer time than was anticipated when the system was developed. That means that younger Americans may be paying into a system that will no longer provide benefits when it is time for them to retire.

The impact of these trends will be greatly magnified when the Baby Boom generation retires. Once the Boomers have retired, there will only be about tow working Americans contributing to Social Security for every retiree receiving benefits, down from over five just a generation ago.

Social Security is too important to the retirement security of too many people for us to retreat from that accomplishment. More than one-half of the elderly do not receive private pensions and more than one-third have no income from assets. For 60 percent of all senior citizens, Social Security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, Social Security benefits provide over 50 percent of their retirement income.

It is our responsibility to act to ensure that the Social Security system provides the same value to new generations of Americans as it did to past recipients. It is my hope that in having passed this amendment, we will have demonstrated to younger Americans that we are committed to safeguarding the integrity of the Social Security system no only for their generation, but for all the ones that will follow.

I also want to say how pleased I am that the amendment I proposed that would express the Senate's sentiment that the Administration should include in its yearly budget a generational impact study will also be included in the budget resolution. I believe that this type of information will be useful in our decision making process and will lead us in a direction that is proactive, rather than reactive.

Again, I thank my colleagues for their support.

AMENDMENT NO. 2263

Mr. TORRICELLI. Mr. President, I would like to begin by acknowledging Senator SANTORUM's efforts on this amendment. I look forward to working with him in the future to preserve our nation's most vulnerable farmland.

We have heard a lot during the last decade about the dissolution and destruction of the American Family Farm. Indeed, the family farm is under serious threat of extinction. Today, there are 1,925,300 farms in the United States, the lowest number of farms in our nation since before the Civil War. The U.S. is losing two acres of our best farmland to development every minute of every day. In my state, New Jersey, we have lost 6,000 farms, or 40% of our total, since 1959. This reduction has serious implications for the environment, the economy and our food supply.

The threat comes partially from an anachronistic and unfair inheritance tax that threatens the generational continuity of the family farm, and partially from the fact that much of America's farmland is near major cities. As our cities sprawl into neighboring rural areas, our farms are in danger of becoming subdivisions or shopping malls.

Last year I strongly supported a significant reduction in the estate tax to keep farms in the family, preserve open space and ensure fairness in our tax code. This was an important victory for farmers across the nation. However, we also need programs like the Farmland Protection Program to reinforce this effort. That is why I am supporting Senator SANTORUM's amendment which will express the Sense of the Senate that Congress should reauthorize funds for the Farmland Protection Program. This critical program is designed to protect soil by encouraging landowners to limit conversion of their farmland to nonagricultural uses.

The Farmland Protection Program was authorized by the 1996 Farm Bill and provided $35 million over a six year period. However, the last of the funding was dispersed in FY1998 and there is no money in the budget for the program this year. This amendment will send a strong message that we remain committed to protecting our family farms and preserving our open spaces. I am proud to support Senator SANTORUM's amendment, and look forward to its acceptance by my colleagues.

AMENDMENT NO. 2266

Mr. BIDEN. Mr. President, of all the priorities included in the Budget Resolution now before the Senate, 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 does exactly that—by clarifying that it is the sense of the Senate that the Violent Crime Control Trust Fund will continue through fiscal year 2002.

First, let me point out that it is 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 workforce 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 fund nearly the dollars we promised.

Working together in 1993, Senator BYRD, myself, Senator GRAMM, Senator DOMENICI and other Senators 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 nearly 70,000 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. 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-Gramm amendment before the Senate offers one modest step towards meeting that challenge—By confirming the Senate's commitment to fighting crime and violence against women will continue to at least 2002. By confirming the Senate's commitment 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—to at least 2002.

The Biden-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 fighting the scourge of youth violence—or don't; stand up for building new prisons—or don't; stand up for increased border enforcement—or don't.

Every member of this Senate is against violent crime. 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 and help restore at least some small piece of the dignity taken from them by 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.''

STATEMENT ON THE MARKET ACCESS PROGRAM

Mr. KEMPTHORNE. Mr. President, I rise today in support of the Market Access Program. This program continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs.

The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In Fiscal Year 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion and contributing billions of dollars more in increased economic activity and additional tax revenues.

For example, the Idaho State Department of Agriculture received $125,000 of Market Access Program funds during the past year. These funds were used to promote Idaho and Western United States agricultural products in the international markets of China, Taiwan, Brazil, Mexico, Guatemala, and Costa Rica. One particular activity, the promotion of western U.S. onions in Central America, required $15,000 of MAP funds and generated inquiries for onions valued at $150,000.

Demand for U.S. agricultural products is growing 4 times greater in international markets than domestic markets. MAP has been an enormously successful program by any measure in supporting this growth. Since the program began in 1985, U.S. agricultural exports have more than doubled—reaching a record of nearly $60 billion in 1996; contributing to a record agricultural trade surplus of $30 million; and providing jobs to over 1 million Americans.

MAP is a key element in the 1996 Farm Bill, which gradually reduces direct income support over 7 years. Accordingly, farm income is now more dependent than ever on exports and maintaining access to foreign markets.

Two years ago, European Union (EU) export subsidies amounted to approximately $10 billion in US dollars. The EU and other foreign competitors also spent nearly $500 million on market promotion. The EU spends more on wine promotion than the US spends for all its commodities combined.

Mr. President, the Market Access Program should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition and protect American jobs.

Mrs. MURRAY. Mr. President, I am a cosponsor of amendment No. 2268 to S. Con. Res. 86 introduced by Senator KEMPTHORNE, expressing the Sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

The MAP is an important trade promoting program that truly benefits the diverse agriculture of Washington state and the nation. The MAP is a partnership with private agriculture to promote U.S. agricultural goods around the world. It helps to level the playing field for our growers in a global marketplace made increasingly competitive by subsidies foreign governments provide to their growers.

This Sense of the Senate resolution corrects the misguided direction of the Budget Committee to cut the MAP. This proposed cut was one among many reasons that I voted against this Budget Resolution when it was passed out of the Budget Committee.

Since moving towards market-based agricultural programs under the 1996 FAIR Act, research and trade have become the new safety net for our growers. Without continuous and vigorous trade promotion, our growers will see market share decline and farmgate prices drop. Our growers are already suffering under depressed prices, they need us to maintain the MAP and other agricultural trade initiatives to remain competitive. I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I strongly support the Market Access Program. I urge my colleagues to support the sense of the Senate amendment, offered by my colleague Senator KEMPTHORNE, to assure funding for this very important and effective agricultural export program. I would like to point out to the Senate why this Market Access Program (MAP) is so important for agriculture in my State of California, and many other states as well.

Using the MAPs $90 million annual funding level as a fractional offset for the now $214 billion transportation package, has an enormous negative impact on American agricultural export efforts at the very time when our farmers are contending with constricted markets in Asia and increased EU help for competing agricultural exporters seeking to displace American products in the marketplace.

My objection is not against transportation needs but the termination of an important agricultural export tool.

The purpose of the MAP is to increase U.S. agricultural project exports. This increase in such exports helps to create and protect U.S. jobs, combat unfair trade practices, improve the U.S. trade balance, and improve farm income.

The MAP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price supports and toward expanding markets.

The MAP program has been significantly reformed over the last several years to meet congressional expectations—now only small business, farmer cooperatives and associations and state departments of agriculture can participate in the program. The funding level has been substantially reduced to a third of its former cost. It is a cost share program, requiring participants to provide matching funds to qualify for federal funding help.

And MAP works. The U.S. Department of Agriculture estimates that each dollar of MAP money results in an increase in agricultural product exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own.

Mr. President, the Market Access Program has been an unqualified success for California farmers. For many California crops, the MAP has provided the crucial boost to help them overcome unfair foreign subsidies. I would like to share two of the successes of this program in California.

California produces about 85% of the U.S. avocado crop on over 6,000 farms that average less than 8 acres per farm. Between 1985 and 1993, California avocado growers utilized $2.5 million of their own money, combined with $3.4 million of MAP funds to achieve over $58 million in avocado sales in Europe and the Pacific Rim. This is better than a 17 to 1 return on our MAP investment that means jobs for Californians.

The growth of California walnuts exports also illustrates the success of this program. Since 1985, the year before the MAP began helping walnuts, 90% of the growth in California walnut sales has come from exports. And 90% of this export growth has been to markets where California walnuts have had MAP support. The total value of these exports in 1985 totaled $36 million. The total export value has now grown to $119 million.

We should not unilaterally disarm our export promotion program for agriculture when we are only months away from the commencement of WTO agricultural trade negotiations scheduled to commence in 1999.

Mr. President, the MAP is a wise investment in American agriculture and I urge my colleagues to support Senator KEMPTHORNE's amendment to support needed funding to USDA's Market Access Program in the Budget Resolution.

Mr. COCHRAN. Mr. President, I support the amendment of the Senator from Idaho, Mr. KEMPTHORNE, expressing the Sense of the Senate that funding for the Market Access Program should be fully maintained.

The Senate has on several occasions debated funding for the Market Access Program. Most recently, on July 23, 1997, the Senate voted 59–40 in favor of tabling an amendment to reduce the Market Access Program from $90 million to $70 million. The Senate, recognizing the importance of this program, firmly rejected the suggestion to reduce it by even $20 million. I hope the Senate will, by an even greater margin, express its support that the budget should not assume the reduction of this program.

The Market Access Program is one of the few tools that the Department of Agriculture has to combat the unfair trading practices of other countries. Since its inception in 1985, the Market Access Program and its predecessors, the Targeted Export Assistance Program and the Market Promotion Program, have assisted nearly 800 U.S. cooperatives, trade associations and corporations in promoting their products overseas.

Our agricultural exports have more than doubled—from $26.3 billion in 1985 to a forecast level of $58.5 billion in 1998. In large measure this moderate increase, even in the face of the Asian currency crisis, signifies the results of efforts we have made since the mid-1980's to enhance our export competitiveness and develop new markets overseas.

In fact, it is remarkable that the value of U.S. exports will increase slightly over last year and are only slightly below record 1996 levels even with the dire situation in Asian markets. U.S. farmers are particularly vulnerable to the instability of key Asian markets which account for 40 percent of our exports. The Market Access Program and other export programs are crucial to our farmer's ability to compete in a global marketplace.

NATIONAL PARKS AND ENVIRONMENTAL IMPROVEMENT ACT FUND

Mr. McCAIN. Mr. President, I rise today to reaffirm a commitment made by the chairman of the Senate Budget Committee, Senator DOMENICI, to establish a National Parks and Environmental Improvement Fund in the FY'99 Budget Resolution. My colleague, Senator STEVENS, and I reached an agreement last year with the Budget Committee Chairman to designate this fund from the interest derived from an $800 million land settlement for the protection and enhancement of our national parks.

The fund will become a reality upon enactment of this year's budget resolution. I believe the reasons for creation of this fund could not be more compelling when directed toward the protection of our most coveted natural areas. The General Accounting Office found that while the park system and park visitation are growing, the financial resources available to protect and maintain our parks continue to fall short of the need. The estimated unmet capital needs has reached nearly $8 billion. In times of budgetary constraint, the interest from the fund, which could reach $50 million annually, will allow the Federal government to pay for much needed capital improvements within our National Parks and begin to address the multi-billion dollar backlog in repairs and maintenance. Beginning in FY'99, the interest targeted to the fund will allocate 40 percent to national parks, 40 percent for state grants and 20 percent for marine research.

Mr. President, our National Park System is our natural and historical heritage, set aside for the benefit of present and future generations. The National Parks and Environmental Improvement Fund will help us to fulfill our stewardship responsibilities and protect the integrity of our natural environment.

I applaud the leadership of my distinguished colleague, Senator DOMENICI, for including the fund as part of this year's budget resolution.

Mr. MACK. Senator DOMENICI, I understand that an assumption in this Budget Resolution considers that receipts from the sale of the surplus public lands could be used to fund recovery efforts on private land for endangered species. I would like to clarify that this would in no way alter the current arrangement with the Everglades Recovery Program which is also funded by land sales.

Mr. DOMENICI. That is correct, the surplus public land sales assumed in the resolution are restricted to excess Bureau of Land Management lands, and would not in any way slow progress with recovery of the Everglades. The lands proposed in the resolution would be lands that have not been designated for another purpose.

Mr. MACK. I thank the Senator for that clarification.

FEDERAL EXPENDITURES TO INCREASE U.S. ENERGY INDEPENDENCE

Mr. CHAFEE. Mr. President, the committee report accompanying the budget resolution includes a brief discussion of the Administration's so-called Climate Change Technology Initiative (CCTI) request for fiscal year 1999 and subsequent fiscal years. Specifically, the committee report states on page 22 that, ''[s]ince the President has not submitted a treaty or plan to implement the reductions called for in the agreement [Kyoto Protocol], providing additional funding for these technology programs in the 1999 budget is premature.'' The committee report goes on to state that, ''[a]s a result, the resolution assumes last year's levels of $730 million for these technology programs and does not provide the increases requested by the President.''

I am trying to understand the implication here. Setting aside the merit of the Administration's CCTI request, voluntary domestic activities to reduce greenhouse gas emissions, including tax incentives and research funding for energy efficient technology and renewables, are consistent with the existing 1992 Rio Climate Treaty that the United States has already ratified. While some use economic arguments to oppose any form of government subsidy, prudent investment along these lines does not constitute regulation and is in no way a form of Kyoto Protocol implementation.

Therefore, I ask my friend and colleague from New Mexico, Senator DOMENICI, if he and other members of the Budget Committee are arguing in the committee report that we cannot take steps to try to increase energy efficiency and advance renewables unless and until the Senate provides its consent to the Kyoto Protocol?

Mr. DOMENICI. Mr. President, I am not making such an argument. If I and other members of the Budget Committee believed that, we would have eliminated all current funding for energy efficiency and renewables technology programs in this budget resolution. I do have some concerns about the efficacy of the Kyoto Protocol, but the report language that you cited is intended to convey that additional funding for these programs is very difficult under existing budget limitations.

Mr. LUGAR. I welcome the Chairman's remarks. Promotion of energy efficiency and renewable energy programs can increase our energy security, address a variety of air pollution problems and lead to a stronger economy. I am pleased to learn that the Budget Resolution accommodates federal initiatives to enhance energy security and renewable energy provided that these initiatives can be funded within overall budget constraints.

Mr. CHAFEE. Mr. President, I thank the chairman of the Budget Committee for clarifying the report language. I yield the floor.

FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH (NIH).

Mr. MACK. Mr. President one of my top priorities since coming to Congress has been support of programs to eradicate the effects of cancer and other diseases that affect the people of the United States. I know many here in the Senate share my concerns who have joined me in seeking to increase funding substantially for the National Institutes of Health (NIH). Indeed, the goal of this group as stated last year is to double funding for NIH over 5 years.

I am pleased that the Budget Resolution takes a substantial step toward meeting this goal and thank the Chairman of the Committee, Senator DOMENICI, for recommending a funding increase of $1.5 billion in FY1999 and $15.5 billion through 2003.

However, I would mention to the Chair that there has been much concern expressed by many public health advocacy groups that the Budget Resolution levels for the Appropriations' Subcommittee on Labor, Health and Human Services, and Education will not support this increase. Accordingly, I would ask the floor manager to alleviate these concerns by answering a few simple questions for me.

Has the Budget Committee assumed sufficient funds in their budget recommendation to allow the Labor-HHS subcommittee to match its 302(b) allocation from last year?

Mr. DOMENICI. First, I would like to state for the record that 302(b) allocations for the Committee on Appropriations are solely within the purview of that committee. The Budget Resolution is an expression of the Senate's priorities, and as such, makes recommendations to committees. However, the Budget Resolution assumptions do not bind the Appropriations Committee to any particular course of action, other than meeting the discretionary caps.

That being understood, the Budget Resolution assumes a substantial increase over the Freeze Baseline for the Labor-HHS subcommittee. The Freeze Baseline levels are based on FY 1998 appropriations action.

Mr. MACK. Does this assumed funding level also provide additional increases for shortfalls created due to forward funding in last year's Labor-HHS bill?

Mr. DOMENICI. The Freeze Baseline already includes spending previously approved by the subcommittee, including forward funding and advance appropriations.

Mr. MACK. Finally, does the assumed level also provide increases to match the Budget Committee's recommendation for increased NIH funding?

Mr. DOMENICI. The assumed increase exceeds the $1.5 billion increase for NIH in FY 1999 and is intended to fund other initiatives as well, such as IDEA.

Mr. MACK. I thank the Chairman of the Budget Committee. I believe he has been more than generous to the Labor, HHS Subcommittee and I hope that the Appropriations Committee will treat the subcommittee equally well.

To help that process, I sent to the desk a Sense of the Senate amendment, which provides that the Senate should provide such funds to match the recommendations for increased NIH funding as set forth in the Budget Resolution.

MARKET ACCESS PROGRAM

Mr. GORTON. I am concerned about one program which has been slated as an offset for transportation increases—the Market Access Program. The Market Access Program is a USDA cost-share program which provides assistance to U.S. agriculture when competing against subsidized nations overseas.

In the State of Washington we have seen a dramatic increase in apple exports from 4.5 million boxes to over 25.1 million—an increase of over 500 percent. Export sales now total well over $300 million. This success is due, in part, to the Market Access Program. MAP is absolutely essential if U.S. agriculture is to remain viable and competitive in the international marketplace.

Mr. DOMENICI. I fully understand your concern, and the agriculture community's concern, about the current position of MAP in the Budget Resolution. During the Conference on the Budget Resolution we will have an opportunity to take another look at this issue. In that event, I will commit to working with you to find alternatives. I want to assure you, the Committee went to great lengths to identify offsets for highway spending. As you know, we included MAP because it is one of several export programs through USDA.

Mr. GORTON. Thank you for your commitment to this effort. I look forward to working with you during the Conference Committee to see that this issue is resolved in a favorable manner.

SEC FEES

Mr. GREGG. I rise today to discuss efforts that were made to insert assumptions into the Budget Resolution that would hurt the Commerce, Justice, State, and Judiciary (CJS) Subcommittee. Those assumptions sought to amend the securities legislation that we negotiated with the Senate Banking Committee and House Commerce Committee in 1996. Specifically, they assume reductions in NASDAQ transaction fees. The result being that the Appropriations Committee pick up the cost of $73 million.

Prior to 1996, the 6(b) fees were paid by corporations to register securities. Some interests felt that the 6(b) fees had grown too large. During negotiations with the White House and the authorizing committees it was agreed that over the next ten years 6(b) fees would be reduced. The creation of the NASDAQ transaction fees was a concession made to the CJS subcommittee as part of a larger compromise that led to a phasing out of the Section 6(b) registration fees. The intent was to minimize the impact on the Appropriations process.

Since 1934, Section 31 transaction fees had been imposed on exchange listed securities but not on those sold in the Over the Counter (OTC) market. As part of the agreement in 1996, extending the section 31 fee to the OTC market allowed the 6(b) registration fees to be reduced while retaining adequate fee collections to support and offset the SEC's appropriation.

In arriving at the compromise that resulted in the ten year funding mechanism, it was acknowledged that surpluses over the SEC's funding would likely exist until the end of the ten year schedule. After that time the SEC was to be fully funded by direct appropriations.

Mr. DOMENICI. The Senator from New Hampshire should know that we do not have any assumptions in the Budget Resolution, before the Senate, that in any way changes or reduces the fees collected by the SEC.

Mr. GREGG. I want to thank the Senator from New Mexico for his effort on this important issue. We must preserve our ability to fund the SEC in the future, when we may not be so fortunate to have such a good economy.

Mr. KOHL. Mr. President, earlier today I supported an amendment offered by my distinguished colleague from West Virginia, Senator ROCKEFELLER. Senator ROCKEFELLER's amendment to the Budget Resolution would have restored $10.5 billion to the Veterans' Affairs Subommittee, offsetting that restoration by reducing funds allocated to the Transportation Subcommittee.

As we all know, the Senate ISTEA bill, now awaiting conference deliberations with the House, authorized approximately $217 billion for transportation over 6 years—about $171 billion for highways, about $41 billion for transit and about $2 billion for safety. These levels represent a 38 percent increase for transportation over the previous ISTEA bill. Under the Budget Resolution considered today, a significant portion of this increase is financed by a $10.5 billion reduction in funds set aside to pay for smoking related illnesses among veterans.

Mr. President, I believe we need to do more for infrastructure development—our investment in roads, bridges and transit must increase if we hope to maintain our quality of life while keeping up with the demands of the economy and the changing nature of our cities and towns. That said, veterans should not have to pay for that investment. It's not right, and perhaps more importantly, it's not necessary.

The ISTEA bill vastly increased transportation funds and took some big steps to improve the longstanding equity problem between those states that contribute more in gas tax revenues than they receive and those states that receive more than they contribute. However, while improving the donor state problem to some extent, the bill also provided generous increases in funding to many donee states. I would argue that we were too generous to those states. It was unacceptable to me that despite a 38 percent increase in the amount of funds made available for transportation, the ISTEA bill continued to have donor states give significantly more than they get back, and donee states get significantly more than they give. We could've done better. And if we had provided less of an increase to donee states, we could have avoided the need for controversial offsets, such as the reduction in veterans benefits that Senator ROCKEFELLER sought to restore. We all know that sometimes fairness is painful to swallow, and it seemed to me that in the highway bill, we simply gave everyone more in order not to inflict pain on some. Today we voted on whether veterans should feel that pain. But why

should we limit programs for our veterans in order to be even more generous to those who are already in an advantageous position under transportation formulas? Simply put, we should not. A more responsible course of action would have been to distribute highway dollars more fairly, limiting the increase overall by limiting the increase to states that were already getting more than their fair share.

Mrs. MURRAY. Mr. President, I am proud to be on the floor today as we discuss a budget that is balanced and does have a planned surplus for as far as the eye can see. It was only a few short years ago when we were here on the floor debating budgets that anticipated deficits well into the future. While I support the fiscal responsibility assumed in this budget, I have to rise in opposition. This budget does little to prepare for the next century and it allows the federal government to turn its back on our children. This budget is a failure for our children and our economic future.

During Committee consideration and floor debate, I attempted to amend this Resolution in an effort to ensure that children remain a top priority of the federal budget. Unfortunately, the Republicans chose to ignore the education and early development needs of our children. The Republican budget strategy is to spend for today and do little to plan for tomorrow.

As a new Member of the Senate Budget Committee in 1993, I was committed to reducing the deficits and restoring fiscal order to federal spending. I knew that it would be a tough challenge and a difficult task, but I also knew we owed our children this much. We had to end deficit spending and stop borrowing from their future.

I stood on this floor during the summer of 1993 when we debated the Deficit Reduction plan, which many of my Colleagues on the other side predicted would drive our economy into recession and do little to reduce the deficit. As we debate the fiscal year 1999 Budget Resolution, I am pleased to report that the discussion has gone from how to reduce the deficit to how to invest the surplus. The economy is strong and all indications show that economic growth will continue. Unemployment is at an all time low and interest rates are not raging out of control.

I am proud to have worked to get our fiscal house in order without jeopardizing our economic prosperity. I also welcome the new challenges of how to invest the surplus and maintain our investments in our future.

I am pleased that the Republican budget does do the right thing on Social Security. As called for by the President, the Resolution currently before us today does dedicate any budget surplus to saving Social Security. This is the kind of bipartisan work that I am pleased to be part of. Saving Social Security is important for current workers and future retirees.

Social Security is the most important anti-poverty program ever implemented by the federal government. As a result of the enactment of Social Security, far fewer seniors live in poverty when they retire. For many, having Social Security gave them the ability to retire. Without Social Security, old age would mean economic insecurity and instability. The program has been an unqualified success and we must continue this proud legacy.

We have made a commitment to today's workers that must be honored. When they retire or become disabled, Social Security will protect them and their families from economic disaster. We must do everything possible to maintain the success of Social Security.

But I am concerned that there are some who want to use the surplus to provide tax shelters to the most affluent. Make no mistake about it, simply allowing tax cuts to encourage workers to set up individual retirement accounts will not have Social Security. It will give those with more income a greater ability to shelter this income, but it does little to help Social Security. Keep in mind, Social Security is a social insurance plan, not a retirement plan. Insurance works best when the risk is spread across the population. Allowing the rich to shelter more of their income to save for retirement will not save Social Security.

Please do not hide behind saving Social Security to provide tax cuts to the most affluent. The American worker deserves a more honest and responsible approach. We can reform Social Security without dismantling the program. We need to work in a bipartisan manner to enact real reforms, not tax cuts in disguise.

I also urge my Colleagues on the other side not to fool themselves into thinking that dedicated all federal tobacco revenues to Medicare will save the program. Medicare's problems go well beyond just a cash reserve. Unlike Social Security, Medicare has always been a pay-as-you-go program. Simply throwing money at the program will do little to improve the long term condition of the Medicare program. We all know that structural changes are the real answer. We have to improve the health of senior citizens before we can hope to improve the financial health of Medicare.

I am pleased that my amendment regarding prevention benefits for Medicare beneficiaries was adopted by the Senate. If my Colleagues on the other side are serious about saving Medicare, we must increase the prevention focus within Medicare. It is simply beyond understanding why Medicare will not reimburse for prescription drugs to reduce cholesterol, but will pay for inpatient, acute care for by-pass surgery.

A greater focus on prevention will prove that we are serious about saving Medicare. Prevention benefits are the kind of reforms needed to really save Medicare. It seems almost insincere to target new federal tobacco revenues to Medicare and not put these benefits to use in improving the health status of senior citizens.

I think the greatest failure of this budget is the complete disregard for enacting real tobacco control legislation. The debate is not just about how to spend tobacco revenues, but enacting a national anti-smoking bill that could potentially wipe out smoking in less than one generation. We have an historic opportunity to end the plague of tobacco. We cannot afford to let this opportunity pass.

The Republican budget resolution creates huge roadblocks for enacting tobacco control legislation. I am concerned that the Resolution will block any new revenues for the Food and Drug Administration to regulate nicotine as a drug. Without new revenues, FDA cannot enforce youth access laws that prevent children from buying cigarettes. Without tobacco revenues, FDA cannot regulate an industry known for hiding the facts and lying to Congress. How can FDA challenge an industry that has creatively targeted our children?

There can be no anti-smoking national policy without a strong and well-financed FDA. Any attempt to pass anti tobacco legislation without a strong FDA will only fail. We will never end the tobacco companies attack on our children.

This Budget Resolution fails our children in many ways. Not just about tobacco, but in preparing them for the challenges they will face tomorrow. We have all seen study after study that proves we need to place education as a top priority at both the federal and state level. Our children do not have the resources and are not being given the opportunity to meet their potential.

I am disappointed in the lack of any effort in the Republican Budget Resolution to deal with overcrowded classrooms and decaying schools. How can we hope for high test scores when children have no heat in the classroom or windows covered with cardboard? How can we hope to prepare our children when there are 45 children in each classroom? How does a child receive the individual attention so important to cultivating their skills and their self esteem when there are 45 students for every teacher? Our classrooms boarder on chaos every day because of these deplorable conditions. Yet the Republican response was to simply ignore these problems.

These are not local problems as some may argue. A well educated and skilled work force is a national security issue. We cannot remain a global economic power without a well educated and skilled work force. If we do not dedicate the resources necessary to ensure that every child can learn and can learn in an environment that is geared toward more than just survival, we jeopardize our own economic stability. Education is not just a local concern or a concern of parents. Ask any business

owner about the need to have an adequate supply of skilled labor. I can assure you that this is not a local issue, but is becoming a national disgrace.

Ignoring investments in education is simply irresponsible and selfish. I urge my colleagues to do the right thing and address the pressing needs of today's classrooms. We can do better.

Mr. GRASSLEY. Mr. President, I wish to commend my colleague Senator DOMENICI, the Chairman of the Senate Budget Committee, for bringing a truly remarkable budget resolution to the Floor of the Senate. I truly never thought that I would be standing here during my lifetime preparing to vote on a resolution that will bring our federal budget into balance, even producing a surplus. This is going to be one of those rare occasions when the Congress will actually be following its own advice. We will advance beyond the rhetoric of talking about balancing the budget and actually balance the budget. And we are doing it 4 years ahead of time. This is a truly remarkable achievement.

If we continue on this course, something even more remarkable may begin to happen. The public may start to lose some of the skepticism about the Congress which has built up over the years.

Last year we were faced with many hard choices as we worked on the bipartisan Balanced Budget Act of 1997. It was a difficult time. The decisions which we made then were as tough as any decisions which we as legislators have ever had to make. But we joined hands, and for the good of the country we made them. Those difficult, sometimes bitter decisions are now bearing the sweet fruit of a balanced budget along with a possible surplus.

We should be hearing the blue bird of happiness here in the Senate CHAMBER, and continue to be careful with the taxpayers money. But that doesn't seem to be the case. Instead we are hearing the gremlin of spend, spend, spend. It seems that the lessons we have learned about tightening our belts and living within our means was fleeting at best. To make matters worse, we are talking about spending money that we do not have yet.

Another way that we are talking about spending money that we don't have in the various votes about spending the tobacco settlement money. This is not the appropriate time for this debate.

In addition, we are putting the cart before the horse. We are debating how to spend the money from a tobacco settlement before we have made the hard choices required to enact this settlement. What about liability limitations, advertising restrictions, billion dollar attorneys fees, tax deductibility questions, new federal regulations, and antitrust limits? These are just a few issues that must be carefully considered before Congress passes any tobacco legislation.

When we pass tobacco legislation, our goal—our priority—must be to eliminate youth smoking. When I can, I discourage people, both old and young, from smoking. I recently took my grandson Patrick to a town meeting, where AL GORE was speaking, that was organized to alert young people to the dangers of smoking. Let's make that clear, there is no one in this room who favors youth smoking. Any efforts to characterize anyone otherwise are disingenuous and frankly, unhelpful to this debate.

I believe that we must pass tobacco legislation this session. And we need to keep our priorities straight when we do this. Our priority must be to stop youth smoking, not to coddle the tobacco industry. This Budget Resolution protects the chances of passing solid tobacco settlement legislation this year. It takes the proceeds from this theoretical legislation and puts them in a reserve fund for Medicare—which pays the health-related costs that the state lawsuits were designed to address. It funds the issues won in the settlement—smoking cessation programs, health research, and such—from existing funds. We believe that these are important enough to fund them without waiting for new legislation. This allows us to stop arguing over how to spend the money long enough to consider the issues that must be solved for us to get this money. This gives us the strongest hand to enact legislation that creates a real, effective and lasting regime for reducing youth smoking.

Now is also not the time to talk about new entitlement programs. Now is the time to keep entitlements and spending in line with last year's bipartisan budget agreement. It is time to make sure the entitlements we have already can meet their commitments to the millions of Americans who depend on them.

Again, this is a good budget. This budget paves the way for real increases in spending for health research, child care, and other important programs. And we do it within the agreed upon budget caps.

I greatly admire the Chairman of the Senate Budget Committee and the skill and expertise which he has shown in crafting this budget resolution. This is a good resolution. This resolution keeps the faith with the American people as we continue to work to get a balanced budget and to keep it.

Mr. JEFFORDS. Mr. President, I rise today to commend Majority Leader LOTT, Chairman DOMENICI and the members of the Budget Committee for putting together a balanced fiscal blueprint for the Federal Government. The federal budget consists of more than 1,060 spending accounts that fund an estimated 113,000 programs, projects, and activities. The federal budget and a Congressional budget collapse these accounts into twenty budget functions. It was not too long ago that we talked about the ever-increasing deficit and the need to for fiscal restraint of these functions. Under this resolution, the budget would be balanced three years earlier than the Fiscal Year 2002 deadline set out in the Balanced Budget Agreement of 1997.

The budget we will be voting on provides for the first surplus in a generation. After reaching a peak of $290 billion in 1992, the unified budget deficit has declined to where the Congressional Budget Office projects a surplus in the current fiscal year of nearly $8 billion. Current laws and policies left unchanged, and real economic growth averaging 2.2 percent annually, the unified budget surplus is projected to grow to $67 billion by 2002. The budget achieves this surplus while also increasing spending by 3.6 percent over last year.

Even though the budget calls for increased spending, it maintains the principles of the Balanced Budget Agreement of 1997. This budget we have before us today embraces a bipartisan approach of protecting federal programs while preserving the principles of fiscal discipline.

Mr. President, Chairman DOMENICI has increased funding in some of the programs that are important to me as Chairman of the Labor and Human Resources Committee. The budget provides an additional $15 billion for the National Institute of Health, $5 billion for the IDEA educational programs, and $5 billion for Child Care Block Grants.

The budget provides funding for the $214 billion Intermodal Surface Transportation Efficiency Act that the Senate passed on March 12, 1998. The State of Vermont would average $118 million a year in highway money and $2.5 million for mass transit projects through 2003. Vermont will be able to use funds to reconstruct aging rail lines, repair bridges, and improve major roads throughout the state. Mass transit funding will go to small-town bus systems and minibuses for disabled and handicapped people in rural areas.

Mr. President, even though this budget provides additional funding on programs that are very important to me, we still have many challenges ahead. The Federal Government still has a $5.5 trillion debt. In Fiscal Year 1998, the Federal Government will spend about $250 billion on interest on the national debt. One out of every seven dollars in taxes goes simply to pay off the bondholders. This money gets diverted from important programs that the Federal Government provides. The Clinton Administration said that without enactment of any budget agreement, debt would have approached $7 trillion by 2002.

Mr. President, there is $14 trillion in unfunded obligations for the retirement and health care benefits of the Baby-boomer generation. That generation is now just ten years away from starting to impose its unprecedented burdens on its children and grandchildren. We as a nation need to begin to agree on a way to ensure the health care and retirement security of the Baby-boomer generation retirees.

The economy of the United States is booming and inflation has all but vanished. Unemployment is low and federal budget will be balanced for the first time in 30 years. This budget provides the building blocks to meet the challenges that lie ahead. I call upon my colleagues to build upon the work over the last decade at both ends of Pennsylvania Avenue and support this budget resolution.

Ms. MIKULSKI. Mr. President, I rise in firm opposition to S. Con. Res. 86, the Budget Resolution for fiscal year 1999. I do so with great disappointment.

Mr. President, last year the Congress produced an historic budget agreement. We produced a plan to finish the job we started in 1993 of eliminating the budget deficit. We worked together—across party lines—to balance the budget, to protect our seniors by ensuring the solvency of Medicare, and to provide for key investments in education and health care. We also provided real tax relief for working families.

I had hoped we would be able to continue to build off the framework of the 1997 Balanced Budget Act and Taxpayer Relief Act. Unfortunately, this budget resolution ignores the priorities that were at the core of those agreements.

I will oppose this resolution because it does not reflect the principles and priorities that I believe must be part of the budget. I want a budget that preserves the safety net for seniors, gets behind our kids, provides for safe streets and a safer world, and provides for investments in science and technology. I believe this budget is defective in each of these areas.

The Democratic budget alternative that was offered during our debate was strong where this resolution is deficient. It would have allowed for enactment of a comprehensive child care initiative to improve and expand the availability of quality, affordable child care and after school programs for school age children. No working parent should have to worry about finding suitable care for their child—a safe place with well-trained staff. The lack of adequate safe and affordable child care is a major concern of America's families. Our alternative would have gone a long way to meet that critical need.

The Democratic alternative was strong on education. It would have enabled us to improve the education of our children through initiatives to reduce classroom size, hire 100,000 more teachers, and to ensure that children attend school in safe and well-maintained facilities.

Our Democratic alternative was strong on Social Security. It made clear that before we spend one penny of any projected budget surplus, we should save Social Security first. Social Security is a sacred compact with America's seniors. We owe it to every senior citizen to ensure that Social Security is there for them, and that it will be there for today's workers when they retire.

Our Democratic alternative was strong on health care. It would have provided for vital new investments in health care research. It would have ensured that the funds generated by a comprehensive tobacco bill—a priority for the American people—could be used to fight teen smoking, to conduct tobacco-related health research, to provide programs for people who want to quit smoking, and to help tobacco farmers move to new crops.

I believe we produced a budget that should have had the support of a bipartisan majority. It was a common sense budget—that kept our commitment to a balanced budget, while providing for the sorts of investments in key priorities that are critical for getting our country ready for the next century.

I am deeply disappointed that our alternative was rejected. The Budget Resolution before us now does not meet America's needs. I cannot support it.

FOCUS ON TEACHER QUALITY

Mr. DEWINE. Mr. President, I rise today to speak on behalf of my Sense of the Senate Resolution which I have introduced.

In believe there is a crisis in teacher education in the United States. To me, that means we have to look to new ideas. If we are serious about restoring America as an academic power, I believe that we have to act immediately to find solutions. In the past, education reform has not been bold enough—and our children are suffering very serious consequences.

Some alarming statistics really brought this home for me:

36% of those now teaching core subjects—like English, math, science, social studies, and foreign languages—neither majored nor minored in those subjects.

A study conducted by the National Commission on Teaching and America's Future revealed that

More than one-quarter of newly hired public school teachers in 1991 lacked the qualifications for their jobs, and nearly one-fourth of all secondary teachers did not even have a minor in their main teaching field.

The Commission also found that

56% percent of high school students taking physical science were being taught by out-of-field teachers, as were 27% of those taking mathematics and 21% of those taking English.

This is bad enough—but there's also evidence that the least qualified teachers were most likely to be found in high-poverty and predominantly minority schools, and in lower-track classes. In fact, in schools with the highest minority enrollments, students had less than a 50% chance of getting a science or mathematics teacher who held a license and a degree in the field he or she taught.

This is a prescription for disaster on a truly national scale. With this failure of investment in properly trained teachers, we should not be surprised that students are doing so poorly on standardized tests. After all, if the teacher does not understand the subject he or she is teaching, then certainly the students will not learn what they need to know.

It is inexcusable that a country that leads the world in so many ways does not give its children the best academic resources available. The truth is, the United States will not remain a world leader unless we make a commitment to invest more in teacher quality—and soon.

I am encouraged that we have bipartisan interest in reforming the education system. However, we must address the problem of quality teachers before we merely reduce class size and hire 100,000 new teachers.

The answer, in my view, is to only certify quality teachers—and furthermore, to get the quality teachers to teach our neediest kids. All children, from K to 12th grade, deserve the chance to have well-educated, qualified teachers who will help them reach the limits of their academic potential.

I have introduced legislation that would provide assistance for the creation of teacher training facilities across the United States that will help train teachers who are either already in the classroom, or about to enter the teaching profession. While it is important to stem the tide of unqualified teachers reaching the classroom, we must also focus on helping teachers that are already in the classroom and need assistance in becoming the best teachers that they can be.

The Teacher Quality Act is commonsense legislation that will assist school districts in their struggle to maintain the highest possible academic standards for their children. The idea for this legislation developed out of my admiration for the Mayerson Academy in Cincinnati, Ohio. The Mayerson Academy was established in 1992 as a partnership between the Cincinnati business community and its schools. Its mission is to provide the highest quality training and professional development opportunities to the men and women responsible for educating the children of Cincinnati.

We also need to tap into the expertise of people who have a lot to offer our children, but who haven't trained specifically to be teachers. I have introduced legislation that will expand and improve the supply of well-qualified elementary and secondary school teachers, by helping States develop and implement programs for alternative certification or licensure of teachers.

The Alternative Certification and Licensure of Teachers Act will give people who would like to teach a chance to do so. These are people who can serve as mentors and role models—real-life examples of how a good education can make a huge positive difference in a student's future.

We need to bring the best possible people into America's classrooms—people who can inspire kids with their knowledge and experience. That's what this bill would accomplish.

When it comes to education, our national task is clear: We have to develop

an education system that will draw the best and brightest students into the teaching profession. The States need to be encouraged to provide incentives for people to become teachers, and restore a sense of pride to this profession.

Without strong teachers, our children will continue to struggle. But if we start attracting the best possible people into the classroom, there's really no limit to what our young people can achieve.

Please join me in voting for this Resolution so that we can begin a concerted focus on teacher quality in this country.

Ms. MOSELEY-BRAUN. Mr. President, today our economy is remarkably strong, and this year our budget will balance for the first time since 1969. In 1993, many of my colleagues and I passed a historic budget plan that set the stage for this strong economy. Today, I am proud to report that the Congressional Budget Office estimates a surplus of $8 billion this year.

In these past 4 years, we've achieved the lowest tax burden for working families in 20 years. Unemployment was 7.5 percent in 1992. Last month it fell to 4.7 percent, its lowest in 24 years. And since President Clinton took office, more than 13 million new jobs have been created. We have strengthened the economy while at the same time reducing the size of government.

For the past several days, we have been considering the Budget resolution for 1999. This resolution could have provided us the opportunity to take the next vital step in creating even a stronger economy and addressing some of our nation's most urgent needs. While this resolution has several provisions which I do believe will lead us in that direction, I also believe that it fails to seize the opportunity to address some of our nation's most immediate needs, and for that reason, I will not support this budget resolution.

First, let me say that I am pleased that the drafters of this resolution have made provisions for the Senate increases and offsets for reauthorization of ISTEA, assuming an additional $2.7 billion over five years for mass transit programs, $25.9 billion above last year's agreed to levels. In addition, I am pleased to see that an additional $5 billion in discretionary budget authority has been provided for the Child Care Block Grant, and I am additionally pleased to see provisions for the extension of the R&E tax credit, IRS reform, technical corrections to 1997 tax bill, and child care tax relief.

Over the course of this week, however, several good amendments have been offered that could have strengthened this budget resolution and made it an even clearer expression of our values. Unfortunately, most of those efforts failed here on the Senate floor. The majority—who did nothing to help erase the red ink our Administration inherited from them—continues to cling to failed economic policies.

For instance, this budget resolution fails to do anything in the way of addressing the $112 billion that the GAO reports is needed to bring America's crumbling schools up to code, or to address the need to strengthen our public school system. There is no greater challenge or threat to our nation's future prospects in this technological age and global economy than quality education for every American child. Failure to respond to that challenge is not only irresponsible, but destructive.

Equally distressing is that fact that this resolution does not do enough to address the current status of our Medicare and Social Security systems. This opportunity should have been used, I believe, to provide retirement security for our seniors. Social Security and Medicare have worked well together, bringing poverty among the elderly to its lowest level since we have been keeping statistics. Furthermore, these programs have helped to increase life expectancy among men and women. Millions of senior citizens deserve to have a decent retirement, and this budget fails to address their needs.

Do we need to operate these programs the same way? Of course not—but we do need to secure the guarantees they provide for Americans. The time for reform of both of these vital programs is now, and we do ourselves a disservice by not seizing this opportunity.

As with education, the issue is whether we are preparing our nation for the challenges of the next century.

We can fix these institutions and remain fiscally responsible. We have proven, in passing last year's budget agreement, that it is possible to address the needs of our nation and promote economic growth and a fair tax system at the same time.

It is unfortunate that politics prevented us from fashioning a budget resolution that could have served the needs of all the American people, and not just a few. I cannot in good conscience support this budget resolution, and I urge my colleagues to vote against it.

Ms. SNOWE. Mr. President, the FY 1999 budget resolution is the first resolution that has been crafted since the historic balanced budget agreement was reached and enacted just 10 short months ago.

I would first like to congratulate the Chairman of the Budget Committee, PETE DOMENICI, for bringing us to the point where a balanced budget is no longer just a projection at end of some indeterminate period of time—but may actually be a reality by the end of the current fiscal year. His years of dedication to balanced budgets and his ongoing commitment to being a responsible steward of the taxpayer's dollar may soon be rewarded—and I am pleased to have had the opportunity to serve with him on the Budget Committee during this historic time.

Furthermore, I believe that the resolution that Chairman has crafted deserves the support of no less than each of the 76 members who voted for last year's bipartisan agreement. This resolution is not only consistent with that agreement, but also adds critical funding for a multitude of programs that are priorities for many in the Senate: child care, health research at the National Institutes of Health (NIH), smoking cessation programs, and federal funding for the Individuals with Disability Education Act (IDEA), to name just a few. Any member who heralded last year's budget agreement—or who voted in favor the provisions and spending targets it contained—would be hard-pressed to explain why this resolution does not deserve their support this year.

Mr. President, as I stated during the recent markup of this resolution in the Budget Committee, I believe it is important that we establish several guiding principles in crafting the FY 1999 budget resolution. I am proud to say that the resolution we crafted—and which is now being considered by the full Senate—achieves all of these goals.

First, based on the 29-year losing streak we have had in balancing the federal budget, we have an obligation to craft a resolution that puts us on a credible and prudent path that will keep the budget balanced for many years to come.

Second, we must craft a budget resolution that is based on the balanced budget agreement that was enacted 10 short months ago.

Third, with an eye to the future, we must preserve the Social Security program before utilizing any portion of forthcoming surpluses for spending increases or tax cuts.

And, fourth, we must ensure that any monies generated by tobacco revenues in the months ahead be utilized to preserve and protect Medicare.

Although it would seem that these principles will be easy to attain, Congress' unproven track record of keeping the budget in balance, the tenuous nature of our economic assumptions, and the overwhelming desire of some individuals to ''spend'' money we don't even have, will make this difficult.

As I said, Congress has been on a 29-year losing streak when it comes to balancing the budget—we have no track record of getting the budget in balance or keeping it in balance. Therefore, much as I am pleased that CBO now projects an $8 billion surplus this year and total surpluses of $151 billion over the next five years, I believe we have an obligation to prove to the American people that we will ensure these projections become a reality not only for the next five years, but year-after-year in the future.

Achieving this goal will be harder than it looks. The simple fact is that the current outlook and surplus estimates are based on extremely tenuous projections. Therefore, to modify a well known saying, ''we shouldn't count our surpluses before they're hatched.''

First, our estimated surpluses are based on the assumption that we will

have no recessions or economic downturns in the coming 10 years. Based on the fact that we are now in the midst of one of the longest stretches of sustained economic growth in our nation's history, this seems to be a fragile estimate at best.

Specifically, as the chart behind me indicates, the current period of sustained economic growth first started in March 1991. If it continues until December 1998, it will match the duration of the longest peacetime expansion in U.S. history—the ''Reagan expansion''—which lasted 92 straight months (i.e. November 1982 to July 1990). Furthermore, if this expansion continues until early 2000, it will be longest period of expansion ever—peacetime or wartime—which was set in the 1960's (106 straight months, from February 1961—December 1969).

Therefore, If CBO's projection come true and growth is sustained through 2008, we will double the all-time record of 106 straight months set in 1969. Needless to say, with 61% of the economists surveyed by Blue Chip believing a recession is likely to occur before March 2000, these estimates of prolonged economic growth leading to substantial surpluses should be viewed with a health dose of skepticism.

Furthermore, our estimates for growth in even the *current* year are predicated on shaky estimates. Specifically, although the impact of the Asian economic crisis has seemed only slight up until now, we still do not know how severe the overall impact will be—and we certainly won't know until later in the year when it's too late to alter the budget.

Already, just two weeks ago, we learned that the U.S. trade deficit for the month of January soared to a new all-time record of $12 billion, as exports to Asia dropped precipitously. According to a recent Washington Post article, many economists expect that because of problems in Asia, the trade deficit will widen substantially this year from the $114 billion deficit posted in 1997—which was already the largest trade deficit our nation had posted in nine years. Needless to say, if this situation persists and worsens, there will be a drag on the U.S. economy.

In light of these risks, we would be wise to heed the caution of CBO when it comes to touting the budget outlook. As CBO outlined in their own January report, the economy is ''highly unlikely to develop precisely as the forecast predicts''—and even a moderate recession, such as the one experienced in the early 1990's, could lead to the budget outlook deteriorating by ''more than $100 billion'' for a year or more. In fact, if projected growth is even 0.5% lower than CBO projects over the next 10 years, the budget outcome will be $150 billion worse than projected in 2008.

It is because of CBO's own cautions that I am especially concerned with the economic and budget estimates of OMB. Although the CBO and OMB estimates are very close together, the simple fact is that OMB still provides a more favorable economic outlook in coming years. Specifically, as a result of more favorable growth estimates and lower inflation estimates, OMB's estimated surpluses are $66 billion—or 30 percent—higher than CBO. Therefore, prudence dictates that OMB's estimates be viewed with even greater skepticism than the already optimistic projections of CBO.

Clearly, if we are to establish a track record of balanced budgets, we must chart a prudent course in the budget resolution. And for this reason, we must adopt a resolution that not only follows CBO's more modest economic estimates, but that also adheres strictly to last year's balanced budget agreement. This body should do nothing to jeopardize that agreement, which put in place strict spending limits that will improve the chances of projected surpluses becoming actual surpluses.

Regrettably, the President does not seem to share this view. Rather, he views the recent favorable estimates as an opportunity to spend money, create new programs, and violate the terms and spirit of the budget agreement we reached just 10 short months ago!

By proposing to increase taxes by $105 billion and to increase spending by $118 billion, the President's budget would revert to the tax-and-spend policies that the American people believed we abandoned three years ago.

Furthermore, although President Clinton has urged that Congress not spend the surplus until Social Security is fixed, CBO now tells us that the President's own budget would not only spend the surplus, but also cause a deficit in three years! Specifically, as CBO stated in their March 4 preliminary analysis of the President's budget: ''CBO estimates that the President's policies will reduce projected baseline surpluses by $43 billion between 1999 and 2003—and will temporarily dip the budget back into red ink by a small amount in 2000.''

Needless to say, these aren't the kind of policies that Congress agreed to when we crafted the bipartisan balanced budget agreement last year—and that's not what the American people were led to believe would happen when President Clinton unveiled his budget proposal in February.

While some may argue that the President is not bound by last year's budget agreement because the budget may be balanced sooner than expected, I have only one thing to say: I don't remember any clause in the agreement that read: ''If a balanced budget is achieved prior to 2002, the terms and spending limits of this agreement are automatically waived.''

Fortunately, the Chairman of the Budget Committee, Pete Domenici, understands the need for prudence, and crafted this resolution accordingly.

As the budget before us demonstrates, the Chairman believes that we have an obligation to treat this favorable budget news as a chance to prepare for the future and address the long-term demands that retiring Baby Boomers will place on our budget in 10 short years.

Specifically, this resolution adheres to the budget agreement we struck 10 months ago. Also, he leaves every dime of every future surplus to the Social Security Trust Fund—which is just as the President urged us to do, though his own budget does not. And, finally, he ensures that Congress does not forget or ignore the plight of Medicare—a critical program that will be insolvent in 2008, which is long before Social Security will be insolvent, and sooner than many would like to remember.

To achieve this final goal, the Chairman has wisely walled-off any monies we receive from tobacco legislation and dedicated it to Medicare. In comparison, the President would like to target these monies to a host of new programs that he believes will have popular appeal. Perhaps targeting windfall revenues to a program that our elderly rely on for their medical needs isn't as appealing as handing out new ''goodies'' in an election year, but I certainly believe it would be more responsible and prudent.

In addition, when considering the cost of smoking-related illnesses on the Medicare program each and every year, linking any forthcoming tobacco revenue to the Medicare program is imminently appropriate. As the chart behind me indicates, Columbia University found that smoking-related illnesses cost the Medicare program $25.5 billion in 1995 alone. In fact, of the various forms of substance abuse that affect the Medicare program, tobacco-related illnesses accounted for 80% of the approximately $32 billion total costs in 1995.

Therefore, even assuming that these costs have not risen since 1995—which is doubtful—then the President's budget, which assumes tobacco revenues of approximately $13 billion in each of the coming five years, will not even come close to covering the costs of tobacco on the Medicare program. In fact, the President's assumption would cover only slightly more than half of these annual costs. Needless to say, the budget resolution's assumption that these monies be used to shore-up the Medicare program is more than justified when considering these facts.

Now, some members have expressed concern that walling-off tobacco revenues in this manner will harm our efforts to pass comprehensive tobacco legislation later this year. As a member of the Senate Commerce Committee—the Committee that will soon be marking-up this legislation—I cannot emphasize enough that this concern is unfounded.

The tobacco reserve fund does not imperil comprehensive tobacco legislation, as some members on the other side of the aisle will contend. Rather, just the opposite is true: It will protect future tobacco legislation.

The simple fact, Mr. President, is that the more uses we identify for possible tobacco revenues in the budget resolution, the more the urge to spend money will become the driving force for tobacco legislation. If that happens, the only winners will be the tobacco companies, because Congress will have lost sight of the true goal of that legislation: reducing—if not eliminating—teen smoking.

Tobacco companies would like nothing more than for those of us who are committed to passing comprehensive tobacco legislation to argue about how money will be spent. The simple fact is that if we divvy-up the pot of potential tobacco money in this resolution, we will face enormous pressure to simply pass a tobacco bill at all costs, regardless of its merits. Such a bill could well-contain many weak provisions that favor tobacco companies—but the pressure to ''spend the money'' will drive members to overlook the inherent flaws of such a bill.

As the Washington Post stated in a February 3 editorial: ''Mr. Clinton would pay for a fair amount of his program with a tobacco bill that he has thus far not submitted. He is relying on Congress to write it. He says that as a deterrent to smoking, it should raise the price of smoking $1.50 a pack in real terms over 10 years, and he proposes a division of the revenue. The problem with that will be if the money becomes more important than the rest of the bill, and the tobacco companies are able, as is their intent, to buy weaker legislation than might otherwise be passed.''

That's not an outcome that I want for tobacco legislation—and that's not the outcome that I believe the American people want either.

Unfortunately, those who would attempt to push for an advance-divvying of the tobacco ''piggy-bank'' drive us toward that outcome.

The fact of the matter is that the Chairman's mark will ensure that tobacco legislation to reduce teen smoking is able to move forward based on sound policy—not politics. Limiting the use of the federal share of future tobacco monies to Medicare is not an impediment to tobacco legislation—it is an enabler.

Mr. President, if I understand the argument of the minority accurately, they believe that limiting the use of the federal share of tobacco monies to Medicare will impose an additional hurdle to tobacco legislation. They are saying that it will prevent tobacco monies from being used for important tobacco-related purposes, such as smoking cessation programs and health research.

As the Chairman has outlined, his budget resolution does more for these programs today than any theoretical tobacco bill is able to do. This resolution provides $800 million for tobacco cessation and prevention programs, and $15 billion for research at the NIH. That's real money—not the illusory money that we simply hope tobacco legislation will generate in the future.

Now, some may argue that this budget simply does not provide enough for these or other smoking-related programs, and that any forthcoming tobacco legislation should provide additional monies for these purposes. That's a legitimate argument.

But the simple fact is that this budget will not prevent additional monies from being provided for such purposes if a tobacco bill is passed. In fact, the budget resolution will not even prevent tobacco monies from being diverted to programs that have nothing to do with tobacco.

The bottom line is that if tobacco legislation is brought up on the floor of the Senate and members wish to divert monies for any number of purposes—either related to smoking or not related to smoking—they can do that. It will simply take 60 votes to waive the point of order that this resolution would create against such spending—which is the same margin of votes that will be required to end debate on that same tobacco bill (achieve cloture).

Therefore, in light of the fact that it will take at least 60 votes to end debate on a tobacco bill and—ultimately—to pass a tobacco bill, this point of order is not onerous. It simply ensures that we keep our priorities straight from the start (Medicare), and ensures that the various ways we spend tobacco monies will have the same level of support as the tobacco bill itself.

The bottom line is that if Congress believes that more money is needed from the tobacco bill to pay for smoking cessation and other tobacco-related programs, garnering 60 votes to waive the point of order will not even be an issue. Therefore, arguing that this requirement—which is no more onerous than the 60-vote margin that will be required to end debate and pass the tobacco bill—endangers tobacco legislation, is completely inaccurate.

The bottom line is that this resolution seeks to protect tobacco legislation from being weakened or undermined by a ''rush for the money.'' So I hope that those who are concerned about tobacco legislation will join us in this effort to keep the focus of tobacco legislation on reducing teen smoking—not on spending money.

I want a strong, effective tobacco bill—I don't want it undermined and weakened because the ''politics of spending'' got in the way of good policy.

Mr. President, these and other principled decisions that are embodied in this resolution will undoubtedly be challenged by those who would like to open the fiscal floodgates and start spending at will or pass another round of tax cuts. However, I believe that as we move from a period of deficit politics to surplus politics, we should exercise discipline and prudence to ensure expectations are met—not re-open the federal credit card account that got us into so much trouble in the first place.

At the same time, maintaining fiscal discipline and adhering to last year's balanced budget agreement does not mean that we must ignore important issues confronting our nation today. Specifically, within existing budget constraints, we can and should address the educational needs of our children and tackle the child care crisis that is affecting countless families nationwide.

But funding these and other priorities doesn't require that we violate last year's spending caps—rather, they require that we prioritize our spending and have the will to target our spending accordingly.

In particular, I would like to highlight the manner in which the Chairman properly accommodated one such priority—child care—in this resolution. As the leaders of both parties an the Administration have demonstrated through a variety of proposals, improving child care should be a priority during the current Congress. And in light of the ever-expanding need for child care assistance, such a decision is not surprising.

In 1995, 62 percent of women with children younger than 6 years of age—which means 12 million children—were cared for by someone other than a parent during working hours, and the numbers have not improved. Yet the supply of child care does not meet demand, and existing child care is often unaffordable. In fact, on average, child care costs range from $3,000 to $8,000 per year, and can be even higher for infant care.

Safety is also a factor that looms heavily on parents' minds—in fact, a U.S. News and World Report article last August found that 76 children died in day care in 1996. This is tragic and should not be the case. Placing children in child care should be an act of confidence, not a leap of faith.

Finally, many families who wish to care for a young child at home—even for a short period of time—cannot afford to forgo the second income, while other families undertake great scarifies to do so. But what many American families share is that terrible feeling that they have no option. And it should not be this way.

That is why the assumptions of this budget resolution are so critical. Not only would this budget double funding for the Child Care Development Block Grant (CCDBG)—going from $5 billion to $10 billion—over the coming five years, but it would also ensure that any tax package subsequently passed by the Finance Committee provide tax relief to families struggling with child care. I believe that these are policies that both Democrats and Republicans alike can and should embrace.

In January, I introduced a comprehensive bill—the Caring for Children Act—with Senators Chafee, Hatch, Roberts, and Specter, that is designed to increase the availability of a safe and affordable child care. That legislation would expand the Dependent Care Tax Credit, and for the first

time make this credit available to families where a parent stays at home to care for a child. It also encourages public-private partnerships, provides increased funding for quality, and doubles funding for the Child Care Development Block Grant.

Although the budget resolution does not advocate any particular child care bill, I am pleased that the assumptions included in this budget would comport with our bill, and I hope that policies along these lines will be enacted in the coming months.

I know that other child care bills have been introduced in the Senate—including a bill introduced by Senator Dodd, along with Senators Murray and Conrad. I truly believe that we are not that far apart in terms of policy, and I look forward to a time when we can work together to bridge these differences.

At the same time, I also know that there are those who will be adamant that the increased funding provided in the budget resolution for the Child Care Development Block Grant be mandatory in nature. However, I believe that the large increase in discretionary funding provided in the resolution is the most fiscally responsible approach to this nation's child care needs—and is quite an accomplishment when considering the fiscal constraints imposed in last year's bipartisan balanced budget agreement.

To those who will say that the Appropriations Committee will not be able to locate additional funds within the discretionary caps for child care, say, If child care is truly a priority, then it is simply a matter of having the will—and casting the votes—to ensure that an additional $1 billion per year is identified during the appropriations process for child care as we weigh our spending priorities. And considering that the President has proposed more than $47 billion in non-defense discretionary cuts over the coming five years, this is hardly a practical impossibility—it is only a matter of will.

Mr. President, this decision to dramatically increase funding for child care is but one of many decisions contained in this resolution that will address shared priorities. While some may argue that the recent favorable budget outlook gives us leeway to fund these priorities out of surplus monies or hoped-for tobacco revenues, the bottom line is that Republicans and Democrats alike fought hard for, and agreed to, this bipartisan agreement only ten months ago.

We should not take steps now to violate not only that agreement, but our trust with the American people. We have a responsibility to abide by this agreement, and the Chairman provided very generous funding within these constraints to ensure that child care and other priorities are properly addressed.

The bottom line is that this resolution abides by last year's balanced budget agreement; provides increased funding for critically needed priorities; preserves every penny of every surplus over the coming five years to protect Social Security; and ensures that any windfall revenues from tobacco legislation will be used to buttress the Medicare program.

The fact that this budget resolution abides by last year's agreement should be reason enough for each of the 76 members who voted for last year's agreement—including 36 Democrats—to vote for this budget plan. And the fact that it contains these other strong provisions should lead to even stronger bipartisan support. Therefore, I urge that my colleagues support this soundly-crafted resolution.

Mr. President, there is a saying: ''Money's only something you need if you're around tomorrow.'' While this may be true for an individual, it doesn't make for good federal policy. Therefore, I congratulate the Chairman of the Budget Committee for recognizing that being a good steward of the federal budget requires that we ensure there is money around tomorrow—even if we are not.

Our children and grandchildren are counting on us to make decisions today that will ensure they are not left with a mountain of unpaid bills and a host of unresolved problems on the horizon. The budget that you have crafted—and that is now before this body—would protect them from both of these dangers, and I congratulate you for your continued foresight. Thank you, Mr. President, and I look forward to voting in favor of this resolution.

Mr. KERRY. Mr. President, today, the Senate will approve a budget which will go beyond a balanced budget and create a surplus for the first time in more than a generation. This has been a key objective for me since I came to the Senate in 1985. So there is reason for some satisfaction and relief tonight. However, as we balance the budget, the picture is not entirely appealing. Unfortunately, we have failed to provide adequate support for the critical needs of our nation's children.

The Federal government has run a deficit continuously for more than 30 years. It soared to dangerous levels in the 1980s during the Reagan and Bush Administrations. As a result of these deficits, our national debt has multiplied several times, exacting a toll on our economy, increasing interest rates, squeezing federal spending and making debt service one of the largest expenditures in the Federal budget.

In 1993, following President Clinton's election, we began the long journey back from crushing deficits and toward fiscal responsibility by passing an enormously successful economic plan. The power of our economy was unleashed and our nation has benefitted greatly: unemployment is at record low; interest rates are subdued; the stock market is surpassing all expectations; and economic growth continues to be robust. This path culminated in last year's agreement to balance the budget and provide substantial broad-based tax relief for working American families and small businesses. The 1999 Budget Resolution is another step on the path to fiscal responsibility. I commend the leaders with key roles in bringing us to this point: President Clinton and his advisers, The Senate Republican and Democratic leadership, and the Chairman and Ranking Member of the Senate Budget Committee.

I strongly support the fact that the budget resolution produces a surplus which we can use to begin to restore the financial credibility of the Social Security system or pay off our federal debt. But that is far from the only measure that should be applied to a budget. Deficit elimination is a vital objective, but it is neither an economic policy nor a statement of priorities for our nation or its government.

How we balance the budget is just as important as whether we do so.

This budget unfortunately will leave some critical American needs unmet. It misses a unique opportunity in America's history to assist children and families and resolve many of our most pressing problems in education, child care, health care and environment.

Our children face real problems, and although there are a number of areas where we could improve this resolution, I want to focus my remarks on its effect on our nation's children. The out-of-wedlock birth rate is too high. While the Gross National Product has doubled over the last two decades, the child poverty rate has increased 50 percent. An American child drops out of school every eight seconds, is reported neglected or abused every 10 seconds; and is killed by guns every hour and a half. As a society, we are creating these problems for our children. Yet we know that scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families and our nation.

America's children especially need support during the formative, preschool years in order to thrive and grow to become contributing adults. However, adequate child care is not affordable or even available for too many families. That is why I believe we must provide more help to working families to pay for critically needed, quality child care, an early learning fund to assist local communities in developing better child care programs, and sufficient funding to double the number of infants and toddlers in Early Head Start. President Clinton shares this view and included in his 1999 budget proposal my recommendations on this issue. However, the Republican leadership rejected this approach and included no additional mandatory funding for either child care subsidies or early childhood education. Further, the resolution goes out of its way to exclude child care from the tobacco reserve fund. Instead, the budget tentatively promises a $5 billion increase

only if Congress is willing to cut other worthy programs to do so. That is unacceptable to the working families in this country. I joined Senator DODD in offering an important amendment to rectify this situation and increase funding for these crucial programs. While this amendment secured a majority vote, under Senate rules that was insufficient so the amendment did not become part of the resolution.

Mr. President, we must develop an educational system which prepares our children and young people for adulthood. Today, we are failing too many of our children. Crumbling schools. Overcrowded classrooms. Inadequately prepared teachers. The federal government provides a small amount of the total funding for public elementary and secondary education—less than seven percent of total public spending on K–12 education comes from the federal government, down from just under 10 percent in 1980. We must back up our grand rhetoric with appropriate funding for these worthy programs.

With my enthusiastic support, Democrats offered a number of amendments to this resolution to increase the effectiveness of our educational system. Among them were amendments to reduce class size from a nationwide average of 22 in grades 1–3 to an average of 18, to provide funds to help local school districts hire an additional 100,000 teachers, and to develop federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate our public schools, many of which are in disrepair with emphasis on the 100 to 120 school districts with the largest number of low-income children. Finally, Democrats proposed a $2.2 billion increase for after school programs, education opportunity zones, and the High Hopes Initiative.

I am deeply disappointed that the Republican budget resolution does not include any of these proposals and that Republicans again and again rejected these initiatives. The consequences of the Republican budget are clear. Half a million disadvantaged children will not receive the extra help they need to succeed in school. Approximately 450,000 students will be denied safe after-school care in 1999. Some 30,000 new children will be denied access to the Head Start program. Some 6,500 public schools will not have drug and violence prevention coordinators. 3.9 million attending or wanting to attend college will be denied an increase in their Pell Grants. If we are going to talk about education being a national priority, then we ought to match our grand rhetoric with real money. The budget resolution we are considering today does not meet this challenge.

Access to health care in our nation is also inadequate. President Clinton proposed three initiatives to provide Americans aged 55 to 65 new ways to gain access to health insurance by allowing those aged 62 to 65 to buy into Medicare, paying a fair premium for the coverage. It also would allow displaced workers over 55 access to similar Medicare coverage. The third initiative would allow Americans over 55 who have lost their retiree benefits access to their former employers' health insurance until age 65. These proposals would give many Americans who are too old for conventional health insurance yet not old enough to be eligible for Medicare access to basic health insurance coverage. However, the Republican budget proposal rejects all those proposals even though they pay for themselves with changes to the existing Medicare program.

Over the next five years, this Republican budget will spend $4 billion over five years less than President Clinton proposed for the Ryan White AIDS CARE program, drug abuse prevention and treatment, and Center for Disease Control prevention activities.

Last year, I traveled to Kyoto, Japan to attend the Climate Change Conference. The vast majority of the scientific community and policy makers the world over who have carefully examined the issue of global warming have concluded the science is compelling and that it is time to take additional steps to address this issue in a more systematic way. The Republican budget proposal, however, refuses to fund President Clinton's initiative to reduce greenhouse gas emissions early in the next century. This is a short-sighted approach which could pose a serious threat to our environment—indeed, to the survival of our planet—in future years. We cannot afford to continue avoiding the consequences of our own actions, or condemning future generations to a despoiled planet.

I am a strong supporter of President Clinton's Clean Water Initiative, an action plan to focus on remaining challenges to restore and protect our nation's waterways, protect public health, prevent polluted runoff and ensure community-based watershed management. But the Republican budget plan ignores this proposal.

I am pleased and relieved the budget is balanced, but the Senate nonetheless has failed to address glaring, fundamental needs of our nation and its people. The budget could have been and should have been much, much better. For these reasons, with disappointment and regret, I will vote no on this resolution, and join others in committing to try to alter the misplaced priorities to better reflect and meet our nation's real needs.

Mr. DODD. Mr. President, I rise today to express my views on the budget resolution. I commend the Budget Committee on the job it has done. Chairman DOMENICI and Senator LAUTENBERG should be praised for their efforts to bring a bill to the floor that balances the budget for the first time in 30 years. And yet, this resolution fails to adequately address some of our nation's most pressing priorities, including child care, education, and health care.

First, however, I would like to take a moment to discuss how we reached this historic moment when, for the first time since 1969, we present the American people with a budget that is in balance. The balanced budget we have today is a result of the hard work and progress we have made over the past few years to reduce the deficit. The effort dates back to 1990 when President Bush—despite strong opposition from his own party—boldly endorsed a plan that lowered the deficit by $500 billion and started us down the road to fiscal responsibility.

This effort was then continued by President Clinton in 1993 when he proposed a far-reaching economic plan, which is more appropriately called the Balanced Budget Plan of 1993. This balanced budget plan, which I supported, was enacted into law without a single Republican vote and has helped to reduce the deficit from $290 billion at the beginning of 1993 to an anticipated surplus this year. Despite the claims by my colleagues on the other side of the aisle that President Clinton's plan would doom our economy, this economic plan has put us on a road to solid recovery. It has reduced deficits by more than $1 trillion, led us to the lowest unemployment rate in 24 years, created 15 million new jobs, and resulted in the greatest number of Americans owning homes ever.

Most recently, Mr. President, we finished the job of balancing the budget when we enacted the Balanced Budget Act of 1997. The Balanced Budget Act of 1997, which I supported, not only reduced spending, but also cut taxes for the first time in 16 years, providing much-needed tax relief for working families. I was very pleased to support the Balanced Budget Act of 1997 because it protected our priorities such as fiscal discipline, child care, education, health care, and the environment.

Unfortunately, Mr. President, the resolution before us today fails to protect these priorities and turns its back on America's families and children. It fails to recognize many initiatives important to our children and families including quality child care, reducing class sizes, renovating and modernizing our children's schools, and promoting after-school learning.

The resolution provides no mandatory funding for either child care or early childhood education. Moreover, it explicitly excludes President Clinton's proposals to use any revenues from comprehensive tobacco legislation to pay for initiatives for children, including child care, anti-smoking education, children's health care, and improvements in education.

Clearly, the resolution before us shortchanges children, and that is why I offered an amendment to establish a deficit-neutral reserve fund.

The resolution also reduces funding for the Administration's education priorities by $2 billion, and as a result, about 450,000 students could be denied safe after-school care in 1999, some 30,000 new children could be denied access to the Head Start program, and

6,500 middle schools would not have drug and violence prevention coordinators. And yet, while Republican budget increases funding above the President's request for Impact Aid, Special Education, and the title VI block grant, these increases come at the expense of many other priorities that also strengthen our commitment to children and education.

Mr. President, this budget as a whole ill-serves children and families, and that is why I was pleased to support the Democratic alternative budget offered by Senator LAUTENBERG. The Democratic alternative would strengthen our commitment to our priorities by providing funding for key initiatives such as hiring an additional 100,000 teachers, creating more after-school programs, and doubling the number of children who receive child care assistance. Further, the Democratic alternative moves us toward our goal of one million children in Head Start by 2002, doubles the number of children in early Head Start, and places up to 500,000 children in after school learning centers.

In addition, Mr. President, the Democratic alternative maintains our commitment to other Democratic priorities such as cleaning up the environment and investing in our transportation infrastructure. Moreover, it would expand Medicare coverage to Americans ages 55–65. And not least, Mr. President, the Democratic alternative strengthens Social Security by reserving the entire unified budget surplus, while maintaining strict fiscal discipline by meeting the discretionary caps in all years.

I regret, Mr. President, that the Democratic alternative was defeated. And I regret that the resolution before us today is not one that I, in good conscience, can support. In my view, the Republican budget shortchanges America's working families. I am, however, hopeful that as we move forward in the budget process, we will craft legislation that focuses on priorities like child care, education, health care, and the environment. Finally, Mr. President, in our efforts to craft a budget that targets the needs of working families, it is imperative that we remain vigilant in our efforts to maintain fiscal responsibility.

Mr. KOHL. Mr. President, I rise in opposition to the Budget Resolution. And while I will not vote for the final product, I want to compliment both sides of the aisle this year's unique debate over our budget blueprint.

For the first time since I arrived in the Senate, the issue of balancing the budget was not an issue. The President started the debate this year by proposing a budget that balances this fiscal year—a full two years before the proposed Constitutional Balanced Budget Amendment would have demanded it. The Republican members of the Budget Committee countered with the balanced budget before us today, and Democrats offered up their substitute, also in balance.

This year, partisan attempts to play ''pin the blame for the deficit'' were replaced by a serious discussion of the government's priorities. Hot air gave way to an honest airing of our policy differences. We debated the questions that must be answered in the budget that will guide our legislative actions for the rest of the year—questions about how government should spend its time and energy in the coming fiscal year.

And it is because of the budget answers those questions that I must oppose this budget. Though the numbers add up, the policies do not.

In short, on too many issues of importance to the families of America, this budget is more than silent—it stifles discussion.

For example, the budget forbids consideration of a comprehensive child care program for the United States—a plan like that proposed by the President, by Senator DODD, or by Senator CHAFEE. Senator DODD offered an amendment to fix this, and it was defeated.

How can we support a budget that does not at least allow Congress to consider the child care needs of our youngest children and our hardest working families?

At a time when 60 percent of our preschool age children are regularly cared for by someone other than their parents, can we accept a budget that will not allow us to debate any proposals to increase the accessibility of decent child care?

At a time when we are learning more each day about the importance of brain development in the earliest years of life, can we accept a budget that will not allow us to discuss creating more quality early education opportunities?

At a time when the business world is waking up to the link between good child care and employee productivity, can we accept a budget that will not let Congress also explore how to help working parents work well?

This budget also precludes consideration of any of the various proposals to implement the tobacco settlement. Under the budget, the Hatch plan, the emerging McCain bill, the Chafee-Harkin bipartisan plan, the Conrad bill, or even the initial tobacco settlement between the State Attorneys General and the tobacco companies would be out of order on the Senate floor.

This budget silences Congress on two of the most pressing issues that face our nation today: How can we give our youngest children the best start to their educations and their lives? And how can we free our children from the deadly pressure to start smoking?

Despite these serious objections, I would like to thank the managers of the bill, and the whole Senate, for unanimously accepting my amendment to the Resolution expressing the Senate's intention to protect our nation's elderly and disabled patients from abuse, neglect and mistreatment in long-term care facilities.

And I would like to compliment the drafters of this budget for one section. The $30 billion tax cut envisioned in this budget does include $9 billion for child care tax credits.

As many of you know, I have worked hard to establish a tax credit to provide an incentive to private sector businesses willing to take actions that increase the supply of quality child care.

My credit will give incentives to large companies—like Wisconsin's Johnson Wax or Quad Graphics—that set up state of the art child care centers on-site. And it will provide an incentive for smaller companies—like the 80 companies in the New Berlin, Wisconsin Industrial Park that joined together to build a child care center open to the children of all of their employees.

In addition, my credit is not just for the costs of construction—but also for the other substantial costs of providing suitable quality child care: the costs of accrediting a center, of setting up a merit-based pay system for the woefully underpaid child care workers, for reserving slots in an existing child care facility, or for hiring a resource and referral firm to design the best child care option for a given company.

This proposal has the support of the President, child care advocates, the business community, and the 72 Senators who voted for it as part of last year's tax package. I am glad to see that the budget before us also would support it.

However, as much as I would like to see us move forward on my child care tax credit this year, it is only one part of the solution to the shortage of quality, educational child care in this country.

For years, the Federal budget stole from the future to fund programs and pork in the present. The enormous deficits of those years were a national shame.

Today, the budget is in balance and moving toward surplus. We have reason to be relieved, but not reason yet to be proud. We have stopped stealing from our grandchildren, true. But this budget does not let us even consider in a comprehensive way their earliest, and most important, educational needs.

We have an obligation to at least discuss how best to nurture our youngest children—and I cannot support a budget that will not allow that.

I urge my colleagues to vote down this budget.

Mr. DASCHLE. Mr. President, the Senate will soon voice its opinion on the FY1999 Budget Resolution. The debate on this year's resolution offered the American people an excellent opportunity to observe each party's fiscal priorities. A budget resolution is essentially a fiscal roadmap to the future. Within the confines of scarce resources, a budget resolution forces real choices upon the Democratic and Republican parties.

Earlier in the debate, Senate Democrats offered their vision for America's

future. Our plan put Social Security first, lived within the spending ceilings established in last year's budget agreement, and contained key domestic investments and targeted tax cuts for working families. Our budget did all of these things plus one more. According to the non-partisan Congressional Budget Office, it maintained balance in 1999 and produced a unified budget surplus for as long as CBO is willing to project.

Before taking a look forward and describing our budget priorities for the future, I would like to take a brief look back. Just over 5 years ago when President Clinton took office, the budget deficit stood at a whopping $290 billion—the highest level in this nation's history. What's worse, the deficit was projected to grow to over $500 billion by the end of the decade if nothing was done to attack this insidious problem. Fortunately, the President and the Democratic Congress, without the assistance of a single Republican vote, took action. Together we passed legislation in 1993 that began to both stem the flow of red ink and target investments and tax cuts toward working Americans and their families.

Our political opponents harshly criticized our approach. Although I will not name the names of those who went on record predicting failure for our economic policies, it is not an exaggeration to say that many were predicting a disaster of near biblical proportions. It can also be said that many who publicly predicted economic ruin in 1993 are still here today, and many who bravely cast their vote for this package in the face of this cascade of criticism are not.

And today the results are clear to all. The economic plan Democrats passed 5 years ago produced the largest amount of deficit reduction in our history. The 1993 plan put us in position for what we accomplished this year—the first unified balanced budget in 30 years. Our plan also provided the foundation for what most economists are calling the strongest economy in a generation. About 15 million new jobs have been created since its enactment. The unemployment rate is 4.6 percent—a 25-year low. The core inflation rate is 2.2 percent—the lowest level since 1965. And real average hourly earnings have increased by 2.3 percent in 1997 alone—the fastest annual growth rate since 1976. These positive indicators moved Goldman Sachs, a distinguished Wall Street investment firm, to conclude in their March 1998 report on the U.S. economy: ''the current U.S. economic environment is the best ever—steady growth without inflation. As the expansion turns seven years old this month, there is still no recession in sight . . . On the policy side, trade, fiscal, and monetary policies have been excellent, working in ways that have facilitated growth without inflation.''

The Democratic record on deficit reduction and economic growth is clear. Our prescriptions for both have produced unprecedented success. And today we come before the Senate with our plan for the future. This plan builds on our past success and is based on four key principles. First, we will keep the unified budget in balance in 1999 and as far into the future as the Congressional Budget Office is willing to project. Second, our plan generates unified budget surpluses of $143 billion over the period 1999 to 2003 and sets the full amount aside to shore up Social Security. Third, the Democratic plan gets the CBO seal of approval. According to CBO, it complies fully with the spending caps established in last year's budget agreement. Fourth, in stark contrast to the Republican budget we have been considering on the Senate floor this week, our plan provides funding for key domestic investments and targeted tax relief for working families and businesses.

Unfortunately, Senate Republicans defeated this proposal earlier this evening. I would like to take a moment now to discuss briefly the Republican fiscal prescription and how it differs from the plan we offered earlier. These differences are most visible and most important in the area of education. The Democratic budget proposes providing funds to help local school districts hire an additional 100,000 well-prepared teachers. This initiative would reduce class size in grades 1 through 3 from an average of 22 to 18. The Republican budget rejects this proposal.

The Democratic budget proposes federal tax credits for local school districts that build and renovate public schools. The Republican budget does not even mention school construction.

The Democratic budget proposes increasing discretionary funding for key education and training programs, including a $2.2 billion increase in 1999 alone. This funding increase supports the High Hopes initiative, after-school learning programs, and educational opportunity zones. The Republican budget freezes spending on most important education programs. As a result, about 450,000 kids will be denied access to safe after-school learning centers. About 30,000 kids will be denied access to Head Start. And about 6,500 middle schools will not have drug and violence prevention coordinators.

The story is similar on child care and basic research. Within the overall context of a balanced budget, Democrats are proposing important initiatives in each of these areas. And the Republicans? Well, they just say no. No to education. No to child care. And no to basic research.

The final, but important, difference between the Democratic and Republican budgets is each side's approach to ending tobacco's hideous hold on young people in this country. The Democratic budget contains a comprehensive proposal to end Joe Camel's reign over America's teenagers. Our budget fully funds anti-youth smoking initiatives, tobacco-related medical research, smoking cessation programs, and public service advertising to counter the tobacco's targeting of our kids. The Republican budget does none of these.

It would be bad enough if the Republican budget stopped there. Unfortunately for this generation of teenagers and those that follow, it does not. The Republican budget goes even farther. It establishes a supermajority requirement for any future legislation that attempts to tackle teen smoking in a comprehensive manner. If this Republican budget as currently constructed is adopted, a minority of this body will be able to dictate whether and how the Congress should reduce the power of tobacco companies and weaken the industry's hold on our kids. In other words, the Republican budget stacks the deck against meaningful tobacco reform.

In closing, Mr. President, the Democratic approach to tackling this nation's fiscal and economic problems has delivered results unmatched in recent history. Record deficit reduction and economic growth. Our budget plan for the future would continue this progress. It would maintain fiscal discipline while investing in key domestic initiatives such as education, child care and basic research. And the Democratic budget is the only plan that allows Congress to construct a comprehensive approach to reducing teen smoking and provides the resources to do so. At the same time, the Republican budget before us rejects many of these principles.

Therefore Mr. President, it is for all of these reasons that I ask my colleagues to just say no to this Republican budget.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank everyone for their patience and in particular staff on the Republican side and the Democrat side for the marvelous work they have done. Let me say we are going to vote on this shortly. I feel rather proud. What we are going to do is move in a strong direction toward saving Medicare, saving Social Security, a significant tax cut, increases in education, and increases in criminal justice, the National Institutes of Health and programs of that sort. Yet we have not broken the caps and we will have balanced budgets for quite some time if we follow this format as we implement it during the year.

Once again I thank everyone in that regard.

Mr. GORTON. Will the Senator yield for a moment? I am informed by staff that, assuming the passage of this resolution, it will be the earliest the Senate has ever passed a budget resolution and probably the first time that the manager has not lost a single amendment in which he was interested.

Mr. DOMENICI. Thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I wanted to make the Members aware of that also,

and also congratulate Senators DOMENICI and LAUTENBERG for the way they have worked together and the way they moved us through this very long process. It has been completed in record time, and I think we all owe them a debt of gratitude and appreciation.

Several Senators addressed the Chair.

Mr. LOTT. Before I yield the floor, so Members will know this before we go to the vote, we will be in session tomorrow, but only for wrapup. We do have some Executive Calendar nominations I think we can clear. We have gotten agreement on the Shipping Act, so we will have debate on the bill and on one amendment, but the vote will not occur on that bill until we return. We will return on April 20, but the first recorded vote will be the morning of Tuesday, April 21. So after this recorded vote, that is the final vote for the night and for the week and the next will be April 21. Thank you all for your cooperation.

Mr. ROCKEFELLER. Will there be opportunity tomorrow to speak as in morning business?

Mr. LOTT. Absolutely.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, I want to also congratulate the distinguished chair and ranking member for the great job they did and commend everyone for their cooperation. We were able to finish tonight almost on time, in large measure because of the cooperation. I appreciate that. We come to a different conclusion about the final result, but there is no doubt about the cooperation and effort and leadership demonstrated by the chair and the ranking member.

Mr. LAUTENBERG. Mr. President, if I might add a word also, to say that working with our colleagues on the Republican side, particularly the chairman of the Budget Committee with whom I work closely and I consider a friend, we try to handle disagreements in a positive fashion. Sometimes it gets a little edgy, but rarely.

I also want to say I thought, and I was discussing it with a couple of Senators here, that there was a degree of comity in this deliberation that is an improvement, I think, over what we have seen in past years. It is a much better way to work. I thank our leader for his support and also to say to the majority leader that his steady hand helped move things along. It has been an excellent experience. I wish we had won more than we did, but we go away knowing that we had a fair chance at the deliberation. That is what counts.

I particularly want to say to PHIL GRAMM and to Senator NICKLES, I thank them for their gesture—with the encouragement of the majority leader—in kind of righting what we took to be a wrong. I want to acknowledge it publicly.

With that, I thank my friend from New Mexico and hope we will have lots of occasions to do these budget resolutions—with me in the majority seat. I hope we will be able to do this many times.

Mr. President, I thank the Democratic staff of the Budget Committee for a job well done. They are Amy Abraham, Phil Karsting, Dan Katz, Jim Klumpner, Lisa Konwinski, Diana Meredith, Marty Morris, Sue Nelson, Jon Rosenwasser, Paul Seltman, Scott Slesinger, Mitch Warren, and, with particular thanks, Bruce King.

Also, I extend my thanks to the Democratic floor staff and the Secretary for the Minority for a job exceptionally well done.

The PRESIDING OFFICER. The question now occurs on agreeing to S. Con. Res. 86, as amended.

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 North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''nay.''

Mr. FOX. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—57

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

NAYS—41

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	

NOT VOTING—2

Helms	Inouye

The concurrent resolution (S. Con. Res. 86), as amended, was agreed to.

(The text of the concurrent resolution will be printed in a future edition of the RECORD.)

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

PROVIDING SECTION 302 ALLOCATIONS

Ms. COLLINS. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 209) providing section 302 allocations to the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 209) was agreed to as follows:

S. RES. 209

Resolved, That (a) for the purposes of section 302(a) of the Congressional Budget Act of 1974 the estimated allocation of the appropriate levels of budget totals for the Senate Committee on Appropriations shall be—

For non-defense:

(1) $289,547,000,000 in total budget outlays,

(2) $255,450,000,000 in total new budget authority,

For defense:

(1) $266,635,000,000 in total budget outlays,

(2) $271,570,000,000 in total new budget authority,

For Violent Crime Reduction:

(1) $4,953,000,000 in total budget outlays; and

(2) $5,800,000,000 in total new budget authority,

For mandatory:

(1) $291,731,000,000 in total budget outlays; and

(2) $299,159,000,000 in total new budget authority,

until a concurrent resolution on the budget for fiscal year 1999 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 86

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution now remain at the desk, and when the Senate receives the House companion, all after the resolving clause be stricken, the text of S. Con. Res. 86 be inserted and the concurrent resolution be immediately agreed to. I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

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

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that there now be a