resolution; which was considered and agreed to:

S. RES. 203

Whereas the Lady Volunteers (referred to in this resolution as the ''Lady Vols'') won its third straight National Championship in the National Collegiate Athletic Association women's basketball tournament on March 29, 1998;

Whereas the Lady Vols finished the 1997–1998 basketball season with a perfect record of 39 wins and zero losses; and

Whereas the Lady Vols have won 6 National Championships in the last 12 years; Now, therefore, be it

Resolved, That it is the sense of the Senate that the University of Tennessee Lady Volunteers basketball team should be recognized as the new dynasty in collegiate women's basketball.

SENATE RESOLUTION 204—TO COMMEND AND CONGRATULATE THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM

Mr. FORD (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 204.

Whereas the University of Kentucky Wildcats men's basketball team defeated the University of Utah's team on March 30, 1998, in San Antonio, Texas, to win its seventh National Collegiate Athletic Association (NCAA) championship;

Whereas, the Wildcats overcame the largest halftime deficit in a championship game, earning for themselves the nickname ''The Comeback Cats'';

Whereas, Coach Tubby Smith, his staff, and his players displayed outstanding dedication, teamwork, unselfishness, and sportsmanship throughout the course of the season in achieving collegiate basketball's highest honor; and

Whereas Coach Smith and the Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the basketball capital of the world: Now, therefore, be it

Resolved, That the Senate commends and congratulates the University of Kentucky on its outstanding accomplishment.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Kentucky.

SENATE RESOLUTION 205—CELEBRATING ''NATIONAL PUBLIC HEALTH WEEK''

Mr. FAIRCLOTH (for himself, Mr. JEFFORDS, Mr. BOND, Mr. FRIST, Mr. CHAFEE, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 205

Whereas over the past 50 years, the United States has achieved significant increases in life expectancy and reductions in the incidence of injury, disability, and disease;

Whereas the public health approach is credited with the majority of improvements in our Nation's health status and expanded life expectancy of 30 additional years since the turn of the century;

Whereas public health services are successful in identifying and addressing patterns of disease, illness, and injury in populations and ensuring healthy living and working environments;

Whereas the 3,000 public health departments of the Nation provide the critical frontline of defense against the dangers posed by infectious disease outbreaks, natural disasters, terrorist acts, and other serious threats to the health of Americans; and

Whereas ''National Public Health Week'' provides an opportunity to highlight and commend the efforts of public health professionals to protect, promote, and enhance the health of all citizens in communities across this country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding dedication of community, State, and Federal public health professionals and services and commends the professionals for their role in safeguarding communities and workplaces, and improving health and well-being of Americans; and

(2) calls upon Americans to celebrate ''National Public Health Week'' during the week of April 6 through April 12, 1998, with appropriate activities and ceremonies.

Mr. FAIRCLOTH. Mr. President, I rise today to ask my colleagues to join me in celebrating National Public Health Week during the week of April 6 through April 12. I believe that this years theme, ''healthy people in healthy communities'' says it all. It should be the goal of every single one of us of help focus public attention on major health issues in our communities, and the contributions our public health professionals play in addressing our health and safety needs.

Established by Congress in 1995, public health week affords us an opportunity to learn and to teach others about public health success stories like the elimination of small pox and polio and improvements in childhood immunization. Few people know that it was public health that successfully waged the war to reduce lead from paint, fluoridate drinking water and protect people from gasoline vapor, thus giving our children a brighter future and gaining a 30-year increase in life expectancy in the 20th century.

Incidence of heart disease and stroke have dramatically declined through public health community-wide education initiatives. As someone who represents people who live in the buckle of the stroke belt in the United States, I was pleased to learn that 2 million American deaths from heart disease and stroke have been prevented in the past thirty years through public health prevention programs.

I urge my colleagues to take a moment during spring recess to participate in public health activities in their states. In years past, North Carolinians have organized health fairs in churches and community centers, and sponsored ''healthy eating'' cooking contests to commemorate the week. I urge all Americans to take the time to evaluate their own personal health consciousness.

As we approach the millennium, threats of biological and viral epidemics plague our communities like never before. Our public health departments and professionals serve as our first line of defense against the growing threat of infectious disease and bioterrorism. With less than 40 percent of our health departments able to communicate by computer with CDC, it is our obligation to provide public health with the manpower, training, and equipment needed to fight these growing threats.

Our U.S. Public Health Service will celebrate their 200th anniversary this summer, and the 50th anniversary of the World Health Organization. Let us be the Congress that is known for making the health of our citizens our No. 1 priority.

Mr. President, it is my honor and privilege to submit to you today a Senate resolution to recognize the contributions of public health and prevention services to our nation in an effort to celebrate National Public Health Week.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

SMITH AMENDMENTS NOS. 2179–2181

Mr. SMITH (of Oregon) proposed three amendments to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

AMENDMENT NO. 2179

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY TAXES.

(A) FINDINGS.—The Senate finds that—

(1) financing for Social Security Old Age, Survivors, and Disability Insurance (OASDI) is provided primarily by taxes levied on wages and net self-employment income. The level of these tax rates is set permanently in the law at the rate payable today;

(2) more than ninety-five percent of the work force—an estimated 148.2 million workers in 1998—is required to pay Social Security taxes;

(3) Social Security taxes are paid both by employees and employers and the self-employed on earnings up to a maximum amount of $68,400 in 1998, the amount increasing at the same rate as average earnings in the economy;

(4) the Social Security tax was first levied in 1937 at a rate of 1% on earnings up to $3,000 per year;

(5) the rate in 1998 has risen to 6.2 perecent—an increase of 620 percent, and a majority of American families pay more in Social Security taxes than income taxes;

(6) in his State of the Union message on January 27, 1998, President Clinton called on Congress to ''save Social Security first'' and to ''reserve one hundred percent of the surplus, that is any penny of the surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century.''

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that when the Congress moves to work in a bipartisan way on specific legislation to reform the Social Security system, it will not consider increasing

Social Security tax rates on American workers, beyond the permanent levels set in current law nor increase the maximum earnings subject to Social Security taxation beyond those prescribed by the wage indexing rules of current law.

AMENDMENT NO. 2180

At the end of title III, add the following:

SEC. . GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes.

AMENDMENT NO. 2181

On page 53, strike lines 1 through 22 and insert the following:

SEC. 316. SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate finds that—

(1) the use of tobacco products by children and teenagers has become a public health epidemic and according to the Centers for Disease Control and Prevention, more than 16,000,000 of our Nation's children today will become regular smokers;

(2) of the 16,000,000 children who become regular smokers, approximately one-third or 5,000,000 children will die of tobacco-related illness;

(3) the Centers for Disease Control and Prevention reports that tobacco use costs medicare approximately $10,000,000,000 per year, and the total economic cost of tobacco in health-related costs is more than 100,000,000,000 per year; and

(4) the public health community recognizes that by increasing the cost of tobacco products by $1.50 per pack, the rate of tobacco us among children and teenagers will be reduced.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that, if comprehensive tobacco legislation requires an increase in the price of cigarettes, any such revenue should be used to restore solvency to the medicare program under title XVIII of the Social Security Act.

HOLLINGS AMENDMENT NO. 2182

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. ___. PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

KENNEDY (AND BOXER) AMENDMENT NO. 3183

Mr. KENNEDY (for himself and Mrs. BOXER) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE 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.

KENNEDY AMENDMENT NO. 2184

Mr. KENNEDY proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 16, line 9, increase the amount by $200,000,000.

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

On page 16, line 13, increase the amount by $318,000,000.

On page 16, line 14, increase the amount by $146,000,000.

On page 16, line 17, increase the amount by $386,000,000.

On page 16, line 18, increase the amount by $276,000,000.

On page 16, line 21, increase the amount by $359,000,000.

On page 16, line 22, increase the amount by $358,000,000.

On page 16, line 25, increase the amount by $272,000,000.

On page 17, line 1, increase the amount by $359,000,000.

On page 25, line 8, strike ''−$300,000,000'' and insert ''−$500,000,000''.

On page 25, line 9, strike ''−$1,900,000,000'' and insert ''−$1,910,000,000''.

On page 25, line 12, strike ''−$1,200,000,000'' and insert ''−$1,518,000,000''.

On page 25, line 13, strike ''−$4,600,000,000'' and insert ''−$4,746,000,000''.

On page 25, line 16, strike ''−$2,700,000,000'' and insert ''−$3,086,000,000''.

On page 25, line 17, strike ''−$3,000,000,000'' and insert ''−$3,276,000,000''.

On page 25, line 20, strike ''−$3,800,000,000'' and insert ''−$4,159,000,000''.

On page 25, line 21, strike ''−$7,000,000,000'' and insert ''−$7,358,000,000''.

On page 25, line 24, strike ''−$5,400,000,000'' and insert ''−$5,672,000,000''.

On page 25, line 25, strike ''−$5,000,000,000'' and insert ''−$5,359,000,000''.

KENNEDY (AND ROBB) AMENDMENT NO. 2185

Mr. KENNEDY (for himself and Mr. ROBB) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that the Equal Employment Opportunity Commission should receive $279,000,000 in budget authority for fiscal year 1999.

WELLSTONE AMENDMENT NO. 2186

Mr. WELLSTONE proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert the following:

''It is the sense of the Senate that the assumptions underlying the functional levels in this concurrent budget resolution on the budget assume that corporate tax loopholes and corporate welfare should be reduced in order to produce the funds necessary to increase the maximum Pell Grant award to $4,000.''

WELLSTONE (AND MOYNIHAN) AMENDMENT NO. 2187

Mr. WELLSTONE (for himself and Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AN EVALUATION OF THE OUTCOME OF WELFARE REFORM.

It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Secretary of Health and Human Services will, as part of the annual report to Congress under section 411 of the Social Security Act (42 U.S.C. 611), include data regarding the rate of employment, job retention, and earnings characteristics of former recipients of assistance under the State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 401 et seq.) for each such State program; and

(2) for purposes of the annual report for fiscal year 1997, the information described in paragraph (1) will be transmitted to Congress not later than September 1, 1998.

WELLSTONE AMENDMENT NO. 2188

Mr. WELLSTONE proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 21, strike lines 7 through 10 and insert the following:

Fiscal Year 1999:

(A) New Budget Authority, $42,840,274,000.

(B) Outlays, $43,340,274.000.

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the assumptions underlying the functional levels in this concurrent resolution on the budget assume that any additional amounts made available for the Department of Veterans Affairs in fiscal year 1999 as a result of the declarations of additional budget authority and outlays for fiscal year 1999 for Veterans Benefits and Services (budget function 700) by reason of the adoption by the Senate of this amendment be available for medical care for veterans.

FIRST AMENDMENT NO. 2189

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

BURNS (AND BAUCUS) AMENDMENT NO. 2190

(Ordered to lie on the table.)

Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the concurrent resolution, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

THURMOND AMENDMENTS NOS. 2191–2192

Mr. THURMOND proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2191

On page 26, after line 25, insert the following:

SEC. 104. OUTLAY LEVELS FOR MAJOR FUNCTIONAL CATEGORIES.

(a) DETERMINATIONS FOR FISCAL YEAR 1999.—Notwithstanding the provisions of section 103, outlay levels for the major functional categories for fiscal year 1999 shall be determined in the following manner:

(1) Prior year outlays shall be determined using historical rates as employed by the Office of Management and Budget.

(2) Current and future year outlays shall be determined using rates calculated by the Congressional Budget Office.

(b) DETERMINATIONS FOR FISCAL YEARS 2000 AND THEREAFTER.—Notwithstanding the provisions of section 103, outlay levels for the major functional categories for fiscal years 2000 and thereafter shall be determined in the following manner:

(1) The Office of Management and Budget and the Congressional Budget Office shall annually attempt to reconcile their technical assumptions with respect to preparing estimates for all accounts in those categories, and shall report the outcome of these attempts to the Committees on the Budget not later than December 15 of each year.

(2) If the Office of Management and Budget and the Congressional Budget Office are able to reconcile their technical assumptions by the date of that report, the technical assumptions used to determine outlay levels shall be those agreed to by those agencies.

(3) If the Office of Management and Budget and the Congressional Budget Office are unable in any year to reconcile their technical assumptions, the outlay levels for that fiscal year shall be determined by the Committee on the Budget of each House, prior to the receipt by the committee of the estimate of the Congressional Budget Office.

AMENDMENT NO. 2192

On page 26, after line 25, insert the following:

SEC. 104. OUTLAY LEVELS FOR NATIONAL DEFENSE.

(a) DETERMINATIONS FOR FISCAL YEAR 1999.—Notwithstanding the provisions of section 103, outlay levels for major functional category 050 (national defense) for fiscal year 1999 shall be determined in the following manner:

(1) Prior year outlays shall be determined using historical rates as employed by the Office of Management and Budget.

(2) Current and future year outlays shall be determined using rates calculated by the Congressional Budget Office.

(b) DETERMINATIONS FOR FISCAL YEARS 2000 AND THEREAFTER.—Notwithstanding the provisions of section 103, outlay levels for major functional category 050 (national defense) for fiscal years 2000 and thereafter shall be determined in the following manner:

(1) The Office of Management and Budget and the Congressional Budget Office shall annually attempt to reconcile their technical assumptions with respect to preparing estimates for all accounts in those categories, and shall report the outcome of these attempts in the report required by section 226 of title 10, United States Code.

(2) If the Office of Management and Budget and the Congressional Budget Office are able to reconcile their technical assumptions by the date of that report, the technical assumptions used to determine outlay levels shall be those agreed to by those agencies.

(3) If the Office of Management and Budget and the Congressional Budget Office are unable in any year to reconcile their technical assumptions, the outlay levels for that fiscal year shall be determined by the Committee on the Budget of each House, prior to its receipt of the estimate of the Congressional Budget Office.

HOLLINGS AMENDMENT NO. 2193

Mr. LAUTENBERG (for himself and Mr. HOLLINGS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. ___. PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2194

Mr. LAUTENBERG (for himself, Mr. CONRAD, and Mr. KENNEDY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS OF $1.50 PER PACK.

(a) FINDINGS.—The Senate finds that—

(1) smoking rates among children and teenagers have reached epidemic proportions;

(2) of the 3,000 children and teenagers who begin smoking every day, 1000 will eventually die of smoking-related disease; and

(3) public health experts and economists agree that the most effective and efficient way to achieve major reduction in youth smoking rates is to raise the price of tobacco products by at least $1.50 per pack.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that comprehensive tobacco legislation should increase the price of each pack of cigarettes sold by at least $1.50 through a per-pack free or other mechanism

that will guarantee a price increase of $1.50 per pack within three years not including existing scheduled Federal, State, and local tax increases, with equivalent price increases on other tobacco products, and should index these price increases by an appropriate measure of inflation.

LAUTENBERG (AND DASCHLE) AMENDMENT NO. 2195

Mr. LAUTENBERG (for himself and Mr. DASCHLE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR ENVIRONMENTAL AND NATURAL RESOURCES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the quality of our nation's air, water, land, and natural resources, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed reinstatement or modification of expired excise or environmental taxes) the deficit in this resolution for—

(1) fiscal year 1999;

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

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

(b) REVISED ALLOCATIONS.—

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

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

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

MCCAIN (AND MACK) AMENDMENT NO. 2196

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. MACK) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE ON DEMONSTRATION PROJECTS FUNDED FROM HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362,000,000 were listed for special line-item funding in the Surface Transportation Assistance Act of 1982 (96 Stat. 2097);

(2) 152 demonstration projects totaling $1,400,000,000 were included in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 132);

(3) 538 location-specific projects totaling $6,230,000,000 were included in the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914);

(4) more than $1,600,000,000 of the funds authorized for the 538 location-specific projects remained unobligated as of March 18, 1998;

(5) more than 1,000 location-specific projects totaling an estimated $18,000,000,000 have been added in the House of Representatives to legislation that would reauthorize the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914);

(6) the General Accounting Office determined that 31 States, the District of Columbia, and Puerto Rico would have received more funding if the funds for location-specific projects made available under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914) were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Highway Trust Fund money for new location-specific projects; and

(9) on March 12, 1998, by a vote of 78 yeas to 22 nays, the Senate voted to require that any new location-specific projects be funded within a State's Highway Trust Fund allocation.

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

(1) notwithstanding different views on the Highway Trust Fund distribution formulas, funding for demonstration, high priority, or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States, through their transportation departments and metropolitan planning organizations, are best able to determine the priorities for allocating Highway Trust Fund money within their jurisdiction;

(3) Congress will not divert Highway Trust Fund money away from the transportation priorities of States and metropolitan planning organizations by authorizing new demonstration, high priority, or other similarly titled projects; and

(4) Congress will not authorize any new demonstration, high priority, or other similarly titled projects as part of legislation to reauthorize the Intermodal Surface Transportation and Efficiency Act of 1991 (105 Stat. 1914).

SMITH AMENDMENT NO. 2197

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to amendment No. 2180 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 2 of the amendment, line 2, insert before the period the following: '', except that this section shall not apply to Federally sponsored research''.

MCCAIN AMENDMENT NO. 2198

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF TELEPHONE EXCISE TAX.

(a) IN GENERAL.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1999, subchapter B of chapter 33 of the Internal Revenue Code of 1986 (26 U.S.C. 4251 et seq.) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before December 1, 1998, for which a bill has not been rendered before January 1, 1999, a bill shall be treated as having been first rendered on December 31, 1998.

(b) CONFORMING AMENDMENT.—Effective January 1, 1999, the table of subchapters for such chapter is amended by striking out the item relating to subchapter B.

Mr. MCCAIN. Mr. President, I submit an amendment to repeal the three percent federal excise tax that all Americans pay every time they use a telephone.

Under current law, the federal government taxes you three percent of your monthly phone bill for the so-called ''privilege'' of using your phone lines. This tax was first imposed one hundred years ago. To help finance the Spanish-American War, the federal government taxed telephone service, which in 1898 was a luxury service enjoyed by relatively few. The tax reappeared as a means of raising revenue for World War I, and continued as a revenue-raiser during the Great Depression, World War II, the Korean and Vietnam Wars, and the chronic federal budget deficits of the last twenty years.

Earlier this month, however, we received some long-overdue good news: thanks to the Balanced Budget Act enacted by the Congress in 1997, the Congressional Budget Office projected an $8 billion federal budget surplus for 1998. Mr. President, that announcement should mean the end of the federal phone excise tax.

Here is why. First of all, the telephone is a modern-day necessity, not like alcohol, or furs, or jewelry, or other items of the sort that the government taxes this way. The Congress specifically recognized the need for all Americans to have affordable telephone service when it enacted the 1996 Telecommunications Act. The universal service provisions of the Act are intended to assure that all Americans, regardless of where they live or how much money they make, have access to affordable telephone service. The telephone excise tax, which bears no relationship to any government service received by the consumer, is flatly inconsistent with the goal of universal telephone service.

It is also a highly regressive and unfair tax that hurts low-income and rural Americans even more than other Americans. Low-income families spend a higher percentage of their income

than medium- or high-income families on telephone service, and that means the telephone tax hits low-income families much harder. For that reason the Congressional Budget Office has concluded that increases in the telephone tax would have a greater impact on low-income families than tax increases on alcohol or tobacco products. And a study by the American Agriculture Movement concluded that excise taxes like the telephone tax impose a disproportionately large tax burden on rural customers, too, who rely on telephone service in isolated areas.

But, in addition to being unfair and unnecessary, there is another reason why we should eliminate the telephone excise tax. Implementation of the Telecom Act of 1996 requires all telecommunications carriers—local, long-distance, and wireless—to incur new costs in order to produce a new, more competitive market for telecommunications services of all kinds.

Unfortunately, the cost increases are arriving far more quickly than the new, more competitive market. The Telecom Act created a new subsidy program for wiring schools and libraries to the Internet, and the cost of funding that subsidy has already increased bills for business users of long-distance telephone service and for consumers of wireless services. Because of more universal service subsidy requirements and other new Telecom Act mandates, more rate increases for all users will occur later this year and next year.

Mr. President, the fact that the Telecom Act is imposing new charges on consumers' bills makes it absolutely incumbent upon us to strip away any unnecessary old charges. And that means the telephone excise tax.

Mr. President, the telephone excise tax is not a harmless artifact from bygone days. It collects money for wars that are already over, and for budget deficits that no longer exist, from people who can least afford to spend it now and from people who will have new bills to foot as the 1996 Telecom Act gets implemented. That is unfair, that's wrong, and that must be stopped.

San Juan Hill and Pork Chop Hill have now gone down in history, and so should this tax.

COVERDELL (AND OTHERS) AMENDMENT NO. 2199

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. MCCAIN, Mr. CRAIG, Mr. NICKLES, Mr. HELMS, Mr. KEMPTHORNE, Mr. GRAMM, and Mr. KYL) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 27, strike beginning with line 3 through page 33, line 2, and insert the following:

SEC. 201. DEDICATION OF OFFSETS TO MIDDLE CLASS TAX RELIEF.

(a) IN GENERAL.—In the Senate, for the purposes of section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may reserve not to exceed $101,500,000,000 for fiscal years 1999 through 2003 of the reductions in new budget authority and outlays resulting from reductions in nondefense discretionary spending (as compared to the levels contained in this resolution) affecting the programs in functions specified in subsection (c) for middle class tax relief as specified in subsection (b).

(b) TAX RELIEF.—The savings from reductions in discretionary spending are reserved to offset legislation that reduces revenues by providing middle class tax relief that—

(1) raises the threshold for the 15 per cent individual income tax bracket; and

(2) begins taxing income at 28 per cent in the case of—

(A) individuals who are married filing jointly at a taxable income in excess of $70,000;

(B) individuals who are single heads of households at a taxable income in excess of $52,600;

(C) individuals who are single at a taxable income in excess of $35,000; and

(D) individuals who are married filing separately at taxable incomes in excess of $35,000.

(c) PROGRAMS.— The following reductions in discretionary spending are reserved in function 920, Allowances, for purposes of subsection (a):

NATIONAL DEFENSE

(1) (050): For fiscal year 1999, $0 in budget authority and $0 in outlays; For fiscal years 1999–2003, $0 in budget authority and $0 in outlays.

INTERNATIONAL AFFAIRS

(2) (150): For fiscal year 1999, $1,002,000,000 in budget authority and $986,000,000 in outlays; For fiscal years 1999–2003, $7,061,000,000 in budget authority and $6,445,000,000 in outlays.

GENERAL SCIENCE, SPACE AND TECHNOLOGY

(3) (250): For fiscal year 1999, $965,000,000 in budget authority and $949,000,000 in outlays; For fiscal years 1999–2003, $6,741,000,000 in budget authority and $6,108,000,000 in outlays.

ENERGY

(4) (270): For fiscal year 1999, $149,000,000 in budget authority and $175,000,000 in outlays; For fiscal years 1999–2003, $1,025,000,000 in budget authority and $986,000,000 in outlays.

NATURAL RESOURCES AND ENVIRONMENT

(5) (300): For fiscal year 1999, $1,199,000,000 in budget authority and $1,193,000,000 in outlays; For fiscal years 1999–2003, $8,693,000,000 in budget authority and $7,908,000,000 in outlays.

AGRICULTURE

(6) (350): For fiscal year 1999, $217,000,000 in budget authority and $223,000,000 in outlays; For fiscal years 1999–2003, $1,526,000,000 in budget authority and $1,376,000,000 in outlays.

COMMERCE AND HOUSING CREDIT

(7) (370): For fiscal year 1999, $159,000,000 in budget authority and $154,000,000 in outlays; For fiscal years 1999–2003, $1,145,000,000 in budget authority and $1,045,000,000 in outlays.

TRANSPORTATION

(8) (400): For fiscal year 1999, $737,000,000 in budget authority and $2,100,000,000 in outlays; For fiscal years 1999–2003, $5,183,000,000 in budget authority and $15,170,000,000 in outlays.

COMMUNITY AND REGIONAL DEVELOPMENT

(9) (450): For fiscal year 1999, $435,000,000 in budget authority and $583,000,000 in outlays; For fiscal years 1999–2003, $2,909,000,000 in budget authority and $3,167,000,000 in outlays.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

(10) (500): For fiscal year 1999, $2,493,000,000 in budget authority and $2,445,000,000 in outlays; For fiscal years 1999–2003, $18,680,000,000 in budget authority and $16,810,000,000 in outlays.

HEALTH

(11) (550): For fiscal year 1999, $1,490,000,000 in budget authority and $1,432,000,000 in outlays; For fiscal years 1999–2003, $11,171,000,000 in budget authority and $9,946,000,000 in outlays.

MEDICARE

(12) (570): For fiscal year 1999, $0 in budget authority and $0 in outlays; For fiscal years 1999–2003, $0 in budget authority and $0 in outlays.

INCOME SECURITY

(13) (600): For fiscal year 1999, $1,740,000,000 in budget authority and $2,233,000,000 in outlays; For fiscal years 1999–2003, $14,258,000,000 in budget authority and $13,485,000,000 in outlays.

SOCIAL SECURITY

(14) (650): For fiscal year 1999, $0 in budget authority and $0 in outlays; For fiscal years 1999–2003, $0 in budget authority and $0 in outlays.

VETERANS BENEFITS AND SERVICES

(15) (700): For fiscal year 1999, $1,013,000,000 in budget authority and $1,039,000,000 in outlays; For fiscal years 1999–2003, $7,165,000,000 in budget authority and $6,559,000,000 in outlays.

ADMINISTRATION OF JUSTICE

(16) (750): For fiscal year 1999, $1,336,000,000 in budget authority and $1,289,000,000 in outlays; For fiscal years 1999–2003, $9,423,000,000 in budget authority and $8,513,000,000 in outlays.

GENERAL GOVERNMENT

(17) (800): For fiscal year 1999, $636,000,000 in budget authority and $589,000,000 in outlays; For fiscal years 1999–2003, $4,411,000,000 in budget authority and $3,936,000,000 in outlays.

(d) DISCRETIONARY CAPS.—In the Senate, for purposes of budget enforcement, the nondefense discretionary cap for fiscal year 1999 and the discretionary caps for fiscal years 2000 through 2003 shall be reduced by the amounts of reductions referred to in subsection (a) after the enactment of legislation reducing nondefense discretionary spending as provided in this section.

SEC. 202. TAX CUT RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be reduced and allocations may be reduced for legislation that reduces revenues by providing middle class and family tax relief (including relief from the ''marriage penalty'' and support for child care expenses incurred by all parents), and incentives to stimulate savings, investment, job creation, and economic growth (including community renewal initiatives) if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

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

(3) the period of fiscal years 2004–2008.

(b) REVISED ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section. These revised allocations and aggregates shall be considered for

the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 203. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue aggregates may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medicare Hospital Insurance Trust Fund.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account.

SEC. 204. SEPARATE ENVIRONMENTAL ALLOCATION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased only for legislation that reauthorizes and reforms the Superfund program to facilitate the cleanup of hazardous waste sites if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

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

(3) the period of fiscal years 2004–2008.

(b) REVISED AGGREGATES.—In the Senate, after the Committee on Environment and Public Works reports a bill (or after the submission of a conference report thereon) to reform the Superfund program to facilitate the cleanup of hazardous waste sites that does not exceed—

(1) $200,000,000 in budget authority and outlays for fiscal year 1999; and

(2) $1,000,000,000 in budget authority and outlays for the period of fiscal years 1999 through 2003;

the chairman of the Committee on the Budget of the Senate may increase the appropriate aggregates and the appropriate allocations of budget authority in this resolution by the amounts provided in that bill for that purpose and the outlays flowing in all years from such budget authority. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

SEC. 205. DEDICATION OF OFFSETS TO TRANSPORTATION.

(a) SPENDING RESERVE.—In accordance with section 312(a) of the Congressional Budget Act of 1974 and for the purposes of title III of that Act, the Chairman of the Committee on the Budget may reserve the estimated reductions in new budget authority and outlays resulting from changes in legislation affecting the programs specified in subsection (b), if contained in the Department of Transportation and Related Agencies Appropriations Act, for the purpose of offsetting—

(1) additional outlays not to exceed $1,300,000,000 in fiscal year 1999 and $18,500,000,000 for fiscal years 1999 through 2003 for discretionary highway programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998; and

(2) additional budget authority not to exceed $1,000,000,000 in fiscal year 1999 and $5,000,000,000 for fiscal years 1999 through 2003 for discretionary transit programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998.

(b) OFFSETS.— The following reductions in mandatory spending are reserved in function 920, Allowances, for purposes of subsection (a):

(1) For reductions in programs in function 350, Agriculture: For fiscal year 1999, $107,000,000 in budget authority and $107,000,000 in outlays; For fiscal years 1999–2003, $603,000,000 in budget authority and $598,000,000 in outlays.

(2) For reductions in programs in function 370, Commerce and Housing Credit: For fiscal year 1999, $242,000,000 in budget authority and $242,000,000 in outlays; For fiscal years 1999–2003, $1,195,000,000 in budget authority and $1,195,000,000 in outlays.

(3) For reductions in programs in function 500, Education, Training, Employment, and Social Services: For fiscal year 1999, $471,000,000 in budget authority and $424,000,000 in outlays; For fiscal years 1999–2003, $3,182,000,000 in budget authority and $3,079,000,000 in outlays.

(4) For reductions in programs in function 550, Health: For fiscal year 1999, $250,000,000 in budget authority and $250,000,000 in outlays; For fiscal years 1999–2003, $1,900,000,000 in budget authority and $1,900,000,000 in outlays.

(5) For reductions in programs in function 600, Income Security: For fiscal year 1999, $260,000,000 in budget authority and $260,000,000 in outlays; For fiscal years 1999–2003, $1,700,000,000 in budget authority and $1,700,000,000 in outlays.

(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.

SEC. 206. ADJUSTMENTS FOR LINE ITEM VETO LITIGATION.

If the Supreme Court rules that the Line Item Veto Act is unconstitutional, the Chairman of the Committee on the Budget may make appropriate adjustments to the allocations and aggregates in this resolution to reflect the effects of the President's cancellations becoming null and void.

SEC. 207. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING FEDERAL DOMESTIC DISCRETIONARY SPENDING RESTRAINTS.

(a) FINDINGS.—The Senate finds that—

(1) Social Security and Medicare are deeply rooted contracts, that must be honored, between the Federal Government and the American people; and

(2) Federal spending for fiscal year 1999 is—

(A) more than twice the size of Federal spending for fiscal year 1969, the last budget resulting in a surplus, in real dollars; and

(B) requires revenue equal to 20.1 percent of gross domestic product, the highest since fiscal year 1945.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the first priority of Congress will be to use any unified budget surplus in order to reform Social Security and preserve it for current and future generations;

(2) Congress will ensure that Federal funds will be available to strengthen and further preserve Medicare until such time as legislation is enacted making Medicare actuarially sound;

(3) in making the spending reductions provided in section 201, programs that should be protected are those that—

(A) address the needs of elementary and secondary education;

(B) enhance nutrition, particularly among children;

(C) reduce illegal drug use, particularly among juveniles;

(D) support medical priorities;

(E) are targeted for low-income families; and

(F) reduce illegal immigration; and

(4) Congress will limit itself to only administrative reductions when determining mandatory spending offsets for middle class tax relief as described in section 201.

McCAIN AMENDMENT NO. 2200

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE EXPENDITURE OF $500,000,000 FOR THE CONSTRUCTION OF NEW COURT HOUSES.

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

(1) Illegal drugs cost our society approximately $67,000,000,000 each year.

(2) Drug abuse and trafficking hurt families, businesses, and neighborhoods, impede education, and choke criminal justice, health, and social-service systems.

(3) The war on drugs started in America during the Reagan years and was eagerly joined by most of the western world.

(4) Teenage drug use declined dramatically since the early 1980's, but that trend reversed in 1992, when teenage drug use began to increase.

(5) Statistics indicate that 1996 drug-use rates among youth, were 9 percent, well below the 1979 peak of 16.3 percent, but substantially higher than the 1992 low of 5.3 percent.

(6) The most recent National Drug Strategy figures show a massive 66 percent increase in teenage drug use since the 1980's.

(7) By 1996, 50.8 percent of high school seniors reported having used illicit drugs.

(8) The use of illicit drugs among eighth graders alone has increased 150 percent over the past 5 years.

(9) When juveniles engage in drug abuse, they, their families, and their communities suffer.

(10) Drug abuse is associated with violent crime and income-generating crime by youth, which increases the demand for juvenile and criminal justice services.

(11) One study found that, of the 113 delinquent youth in a State detention facility, 82 percent reported being heavy (i.e., daily) users of alcohol and other drugs just prior to admission.

(12) A direct effect of juvenile drug use is an increasing burden on the juvenile and criminal justice systems.

(13) Reducing juvenile drug use would reduce the drain on the criminal justice system and obviate the need to construct additional courthouses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) $500,000,000 for courthouse construction should not be spent until the United States has reduced drug use among 12- to 17- year olds to not more than 4 percent; and

(2) Congress' first priority should be to use the $500,000,000 allocated for courthouse construction for juvenile drug use prevention programs.

COVERDELL AMENDMENTS NOS. 2201–2202

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the concurrent resolution, supra; as follows:

AMENDMENT NO. 2201

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON FOOD SAFETY RESEARCH, CONSUMER EDUCATION, AND PREVENTION EFFORTS.

It is the sense of the Senate that the provisions of this resolution assume that food safety research, consumer education, and prevention efforts should be a high priority at the Department of Agriculture, the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, and our nation's colleges and universities. The Senate applauds the efforts of institutions whose work on E. coli 0157:H7, Cyclospora, and other food borne pathogens has helped us gain a better understanding of these new and emerging threats. The Senate considers this matter of extreme importance and encourages the Department of Agriculture, in cooperation with other agencies and institutions, to utilize funds for food safety research and consumer education partnerships.

AMENDMENT NO. 2202

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING MILITARY HEALTH CARE FOR VETERANS AND MILITARY RETIREES.

(a) FINDINGS.—The Senate finds that—

(1) In the National Defense Authorization Act for Fiscal Year 1998 the Congress recognized—

(A) the moral obligation the United States has to provide health care to members and former members of the Armed Forces who are entitled to retired or retainer pay (or its equivalent);

(B) the necessity to provide quality, affordable health care to these retirees; and

(C) Congress and the President should take steps to address the problems associated with the availability of health care for such retirees within two years after the date of the enactment of the 1998 National Defense Authorization Act;

(2) several proposals lie before the Congress which address military retiree health care.

(3) the Congress has yet to take significant steps forward on any of these proposals.

(4) a shrinking Department of Defense health care infrastructure and an increasing military retiree pool are putting strains on our country's ability to provide military retirees adequate health care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that it is morally incumbent upon the Senate to take steps to ensure adequate health care for Veterans and military retirees in its FY99 budget and all subsequent budgets, and it should determine ways to provide funding adequate to cover the health care needs of U.S. Veterans and military retirees.

WYDEN AMENDMENT NO. 2203

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution, supra; as follows:

At the end of title II, add the following:

SEC. ___. CALCULATING INFLATION SAVINGS OR SHORTFALLS.

For each fiscal year, the Congressional Budget Office shall calculate the inflation savings or shortfall that occurs when inflation is less or more than anticipated for each function of the Government and report its findings to Congress in March and August of each year. If inflation is less than anticipated the report shall also include a detailed explanation of how surplus funds are allocated.

KOHL (AND REID) AMENDMENT NO. 2204

Mr. KOHL (for himself and Mr. REID) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

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

(1) Over 43 percent of Americans over the age of 65 are likely to spend time in a nursing home.

(2) Home health care is the fastest growing portion of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), with an average annual growth rate of 32 percent since 1989.

(3) A 1997 report from State Long-Term Care Ombudsmen assisted under the Older Americans Act of 1965 indicated that in 29 States surveyed, 7,043 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board and care facilities.

(4) A random sample survey of nursing home staff found that 10 percent of the staff admitted committing at least 1 act of physical abuse in the preceding year.

(5) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect do occur at an unacceptable rate and are not limited to nursing homes alone.

(6) Most long-term care facilities do not conduct both Federal and State criminal background checks on prospective employees.

(7) Most State nurse aide abuse registries are limited to nursing home aides, thereby failing to cover home health and hospice aides.

(8) Current State nurse aide abuse registries are inadequate to screen out abusive long-term care workers because no national system is in place to track abusers from State to State and facility to facility.

(9) Currently, 29 States have enacted varying forms of criminal background check requirements for prospective long-term care employees. However current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers.

(10) Many facilities would choose to conduct background checks on prospective employees if an efficient, accurate, and cost-effective national system existed.

(11) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care.

(12) It is incumbent on Congress and the President to ensure that patients receiving care under the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) are protected from abuse, neglect, and mistreatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) funds should be directed toward the establishment of a national background check system for long-term care workers who participate in the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.);

(2) such a system would include both a national registry of abusive long-term care workers and a requirement for a Federal criminal background check before such workers are employed to provide long-term care; and

(3) such a system would be created with ample input and comment from representatives of the Department of Health and Human Services, State government, law enforcement, the nursing home and home health industries, patient and consumer advocates, and advocates for long-term care workers.

DURBIN (AND CHAFEE) AMENDMENT NO. 2205

Mr. DURBIN (for himself and Mr. CHAFEE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(8) Allowing private contracting on a claim-by-claim basis under the medicare program would impose significant out-of-pocket costs on beneficiaries under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care and that they have the right to choose their doctors, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

REID (AND BRYAN) AMENDMENT NO. 2206

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON OBJECTION TO THE USE OF THE SALE OF PUBLIC LANDS TO FUND CERTAIN PROGRAMS.

(a) FINDINGS.—The Senate finds that the Budget Committee Report accompanying this resolution assumes that the landowner incentive program of the Endangered Species Recovery Act would be funded ''from the gross receipts realized in the sales of excess BLM land, provided that BLM has sufficient administrative funds to conduct such sales.''

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals underlying this resolution assume that:

(1) the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding; and

(2) public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

FAIRCLOTH (AND HUTCHISON) AMENDMENT NO. 2207

(Ordered to lie on the table.)

Mr. FAIRCLOTH (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 86, supra; as follows:

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

SEC. . SENSE OF THE SENATE REGARDING ELIMINATION OF THE MARRIAGE PENALTY TAX.

(a) FINDINGS.—The Senate finds that—

(1) Twenty-one million American couples in 1996 paid an average of $1,400 more income tax, simply because they were married, resulting in a marriage penalty tax.

(2) The tax code discriminates against many married couples in a way that undermines the institution of marriage, and erodes our society's strength and stability.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the elimination of the marriage penalty tax should be one of congress's highest priorities when enacting any tax relief pursuant to the Budget Resolution for Fiscal Years 1999, 2000, 2001, 2002 and 2003.

HUTCHISON AMENDMENT NO. 2208

(Ordered to lie on the table.)

Mrs. HUTCHINSON submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

ROTH (AND OTHERS) AMENDMENT NO. 2209

Mr. DOMENICI (for Mr. ROTH for himself, Mr. BREAUX, Mr. GREGG, Mr. ROBB, Mr. HATCH, Mr. NICKLES, Mr. GRAMM, Mr. SMITH of Oregon, and Mr. SANTORUM) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS AND THE BUDGET SURPLUS.

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

(1) The social security program is the foundation of retirement income for most Americans, and solving the financial problems of the social security program is a vital national priority and essential for the retirement security of today's working Americans and their families.

(2) There is a growing bipartisan consensus that personal retirement accounts should be an important feature of social security reform.

(3) Personal retirement accounts can provide a substantial retirement nest egg and real personal wealth. For an individual 28 years old on the date of the adoption of this resolution, earning an average wage, and retiring at age 65 in 2035, just 1 percent of that individual's wages deposited each year in a personal retirement account and invested in securities consisting of the Standard & Poors 500 would grow to $132,000, and be worth approximately 20 percent of the benefits that would be provided to the individual under the current provisions of the social security program.

(4) Personal retirement accounts would give the majority of Americans who do not own any investment assets a new stake in the economic growth of America.

(5) Personal retirement accounts would demonstrate the value of savings and the magic of compound interest to all Americans. Today, Americans save less than people in almost every other country.

(6) Personal retirement accounts would help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement plan other than social security, although social security was never intended to be the sole source of retirement income.

(7) Personal retirement accounts would allow partial prefunding of retirement benefits, thereby providing for social security's future financial stability.

(8) The Federal budget will register a surplus of $671,000,000,000 over the next 10 years, offering a unique opportunity to begin a permanent solution to social security's financing.

(9) Using the Federal budget surplus to fund personal retirement accounts would be an important first step in comprehensive social security reform and ensuring the delivery of promised retirement benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans and reduce the unfunded liabilities of the social security program.

JOHNSON (AND OTHERS) AMENDMENT NO. 2210

Mr. LAUTENBERG (for Mr. JOHNSON, for himself, Mr. DOMENICI, Mr. DORGAN, Mr. DASCHLE, Mr. BINGAMAN, Mr. WELLSTONE, and Mr. MCCAIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our Nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal Government;

(3) 63 percent of the BIA schools are over 30 years old, 26 percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these ''portables'' have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western States for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20–30 million annually, meeting only 4 percent of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the Federal Government. Unfortunately, the failure of the Federal Government to live up to this responsibility has come at the expense of quality education for some of this Nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999.

CRAIG (AND OTHERS) AMENDMENT NO. 2211

Mr. CRAIG (for himself, Mr. ALLARD, Mr. GRAMS, Mr. HELMS, Mr. INHOFE, Mrs. HUTCHISON, Mr. THOMAS, Mr. SESSIONS, and Mr. COVERDELL) proposed an

amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. ___. REQUIREMENT TO OFFSET DIRECT SPENDING INCREASES BY DIRECT SPENDING DECREASES.

(a) SHORT TITLE.—This section may be cited as the ''Surplus Protection Amendment''.

(b) IN GENERAL.—In the Senate, for purposes of section 202 of House Concurrent Resolution 67 (104th Congress), it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that provides an increase in direct spending unless the increase is offset by a decrease in direct spending.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of direct spending for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 31, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1100, a bill to amend the Covenant to Establish a Commonwealth of the Northern Marina Islands in Political Union with the United States of America, the legislation approving such covenant and for other purposes; and S. 1275, a bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Marina Islands in Political Union with the United States of America, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, March 31, 1998 beginning at 2:00 p.m. in room SH–215, to conduct a markup. Note this markup was originally scheduled to begin at 10:00 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Charter Schools during the session of the Senate on Tuesday, March 31, 1998, at 10:00 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. The Committee on Veterans' Affairs requests unanimous consent to hold a hearing on tobacco-related compensation and associated issues. The hearing will take place on Tuesday, March 31, 1998, at 10:00 a.m., in room 106 of the Dirksen Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 31, 1998 at 10:00 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 31, 1998 at 9:30 am to receive testimony on strategic nuclear policy and related matters in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION/MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/Merchant Marine of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 31, 1998, at 2:30 pm on reauthorization of the surface transportation board.

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

ADDITIONAL STATEMENTS

PEDIATRIC EMERGENCY MEDICAL SERVICES PROGRAM

● Mr. INOUYE. Mr. President, the Pediatric Emergency Medical Services Program was enacted into public law on a truly bipartisan basis on October 30, 1984. Children are not ''merely little adults.'' They have their own unique health care needs, respond to illness and trauma in their own individualized manner, and although children constitute between 20 to 35 percent of hospital emergency department services, too often their families are not really considered an integral component of their treatment and eventual rehabilitation. When President Reagan signed Public Law 98–555, a new era of hope and opportunity had arrived.

Over the years, I have been very pleased with the steady growth this program has experienced. The landmark 1993 Institute of Medicine report reminded us, however, that much more still needs to be done. ''Each year, injury alone claims more lives of children between the ages of 1 and 19 than do all forms of illness. . .. Overall, some 21,000 children and young people under the age of 20 died from injuries in 1988. . .. Clearly, preventing emergencies is the best 'cure' and must be a high priority, but as yet, prevention is far from foolproof. When prevention fails, families should have access to timely care by trained personnel within a well-organized emergency medical services (EMS) system. Services should encompass prevention, prehospital care and transport, ED and inpatient care at local hospitals and specialty centers, and assistance in gaining access to appropriate follow-up care including rehabilitation services. For too many children and their families, however, these resources have not been available when they were needed. . ..'' I would suggest that the Institute of Medicine has raised a very critical issue for all of us in our nation, and particularly for the well-being of our families.

This year, the Administration in its Fiscal Year 1999 budget requested $11 million to continue the Pediatric Emergency Medical Services Program. This figure represents a decrease of $2 million from last year and we might be somewhat distressed by the recommendation. However, I am very pleased that in this time of significant budgetary constraints, Secretary Shalala requested funding. And, I am confident that again this year our colleagues serving on the Appropriations Committees, on both sides of the aisle and in the House and Senate, will enthusiastically respond to the truly pressing needs of our nation's children. I am also confident that we will continue to have the vocal support of the American Academy of Pediatrics and the National Association of Children's Hospitals. But for their active support in the past, it is fair to say that Congressman BILL YOUNG and I would not have been able to be as effective as we have wished.

The Department's budget justification continues to point out all too graphically the real need for this program. They point out that: ''Each year over 20,000 children die from injuries. Another 31,447,000 children and adolescents are seen in emergency departments, accounting for $8.6 billion per year in medical costs. Government sources pay all or part of 40 percent of the pediatric emergency department visits, or about $3.4 billion. . ..'' Without question, having appropriate and high quality care available in a timely fashion is an investment in our nation's future.

Every one of us should be aware that there is still much to be accomplished in our efforts to protect the lives and future of our loved ones. Even today, only two states require that Basic Life Support vehicles carry all the equipment needed to stabilize a child and