

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS SEPTEMBER 21, 1998

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,197,381
Permanents and other spending legislation	912,040	868,025	
Appropriation legislation	752,279	781,902	
Offsetting receipts	-283,340	-283,340	
Total previously enacted	1,380,979	1,366,587	1,197,381
ENACTED SECOND SESSION			
1998 Emergency Supplemental Appropriations and Rescissions (P.L. 105-174)	-2,039	310	
Transportation Equity Act for the 21st Century (P.L. 105-178) ¹	-923	-440	
Care for Police Survivors Act of 1998 (P.L. 105-180)	1	1	
Agriculture Export Relief Act of 1998 (P.L. 105-194)	7	7	
Internal Revenue Service Restructuring and Reform Act of 1998 (P.L. 105-206) ²	-15	440	608
Homeowners' Protection Act (P.L. 105-216)	2	2	
Credit Union Membership Access Act (P.L. 105-219)			(?)
Act to establish the United States Capitol Police Memorial Fund (P.L. 105-223)			(?)
Total, enacted second session	-2,967	320	608
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	8,280	7,461	
TOTALS			
Total Current Level	1,386,292	1,374,368	1,197,989
Total Budget Resolution	1,403,402	1,372,512	1,199,000
Amount remaining:			
Under Budget Resolution	17,110		1,011
Over Budget Resolution		1,856	
ADDENDUM			
Emergencies	5,691	3,357	-8
Contingent Emergencies	329	53	
Total	6,020	3,410	-8
Total Current Level Including Emergencies	1,392,312	1,377,778	1,197,981

¹ Section 8102 of this Act directed that direct spending and revenues associated with Title VIII be excluded from the PAYGO scorecard. At the request of committee staff, this scoring has also been excluded from current level. The estimates in 1998 are \$365 million in budget authority and \$165 million in outlays for student loans.

² Title IX of this Act includes a technical correction to P.L. 105-178 that extends the PAYGO exclusion of section 8102 of that Act to also cover section 1102. At the request of committee staff, the scoring shown reflects removing from current level the effects of this section on spending for Federal-aid to highways.

³ The revenue effect of this act begins in fiscal year 1999.

Notes.—Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.

AUTHORIZING TESTIMONY AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 281, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 281) to authorize testimony and representation of employees of the Senate in *United States v. Alphonso Michael Espy*.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a criminal prosecution brought against former Secretary of Agriculture Mike Espy, alleging acceptance of illegal gratuities and related charges. The Independent Counsel, who is bringing this prosecution, seeks testimony at trial from two present and one former employee of the Senate about communications with meat and poultry processing industry representatives and Executive Branch officials about a labeling rule promulgated by the Agriculture Department in 1993. The trial is scheduled to begin on October 1.

In keeping with the Senate's practice regarding similar matters, this resolution would authorize testimony by em-

ployees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel.

Mr. MCCAIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 281

Resolved,
Whereas, in the case of *United States v. Alphonso Michael Espy*, Criminal Case No. 97-0335, pending in the United States District Court for the District of Columbia, a trial subpoena has been served upon Galen Fountain and Jo Nobles, employees of the Senate, and Leslie Chalmers Tagg, formerly an employee of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Galen Fountain, Jo Nobles, Leslie Chalmers Tagg, and any other employee from whom testimony may be required, are authorized to testify in the case of *United States v. Alphonso Michael Espy*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Galen Fountain, Jo Nobles, Leslie Chalmers Tagg, and any other employee of the Senate, in connection with testimony in *United States v. Alphonso Michael Espy*.

ORDERS FOR THURSDAY, SEPTEMBER 24, 1998

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, September 24. I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

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