

The PRESIDING OFFICER. All time is expired.

Mr. LAUTENBERG. I am delighted to yield 1 minute to our colleague from North Dakota.

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

Mr. DORGAN. I will be brief.

The Senator from Iowa raise a concern of some urgency for the United States Senate. What he is describing is a bipartisan agreement on legislation that is critical to our part of the country. It deals not only with research, but also with crop insurance. It deals with critically needed investment for research in crop diseases such as fusarium head blight or scab which produces vomitoxin in wheat and barley.

We have an awful problem out in our part of the country with these crop diseases and crop losses. We need a viable crop insurance program. We were delighted when the Senator from Iowa and the Senator from Indiana and others reached this bipartisan agreement and moved it through the conference with the House of Representatives. I know how hard that was. That was a tough thing to do because the sides were quite far apart. When they reached this agreement, we were delighted with that. It is an important agreement.

Now, as usual, in the case of politics, timing is everything. It is very important for this bipartisan conference agreement to be considered by the Senate and moved along. Time is of the essence here.

I commend the Senator from Iowa.

Mr. HARKIN. I thank both Senators from North Dakota for their strong voices and strong support for the crop insurance program.

To sum it up, our farmers, our refugees, our asylees, should not be penalized because of the delay on the part of the House last year—not going to conference—and they should not be penalized because of this odd parliamentary situation we have.

I hope the majority leader and his staff who are listening to this will hopefully bring up this bill today, and let's get it passed. I don't think it will take more than 10 or 15 minutes to get the job done and we can say to our farmers that their crop insurance policies are, indeed, going to be renewed for next year.

I thank both of the managers of the bill for yielding us this time to talk about this very important subject.

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

The Senate continued with consideration of the concurrent resolution.

VOTE ON AMENDMENT NO. 2209

The PRESIDING OFFICER. The question is on agreeing to the Roth amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

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

[Rollcall Vote No. 56 Leg.]

YEAS—51

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

NAYS—49

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

The amendment (No. 2209) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, once again, I don't think we are going to hear any profound speeches in the next few minutes, but at least we ought to know what it is that is going on, because if those amendments are not up there by the witching hour of 6 o'clock, they will not have a chance to get an amendment considered, whether it is a "vote-a-thon," "vote-a-rama," "rapid fire," or whatever you want to call it, or whether there will be a chance for debate. Six o'clock is it. We all turn into pumpkins at that time.

AMENDMENT NO. 2204, AS MODIFIED, AND AMENDMENT NOS. 2226 THROUGH 2247, EN BLOC

Mr. LAUTENBERG. Mr. President, I have amendments to send to the desk on behalf of the following Senators: Senator KOHL from Wisconsin has a modification to amendment No. 2204, Senator ROCKEFELLER, Senator CONRAD, Senator BUMPERS, Senator FEINSTEIN, Senator JOHN KERRY, Senator WELLSTONE, Senator CHARLES ROBB, Senator BIDEN, Senator BOXER, Senator BINGAMAN, Senator BINGAMAN again, Senator ROBERT KERREY, Sen-

ator MOSELEY-BRAUN, Senator MOSELEY-BRAUN again, Senator MOSELEY-BRAUN again, Senator DURBIN, Senator DORGAN, Senator LAUTENBERG, Senator LAUTENBERG again, Senator TORRICELLI, Senator TORRICELLI again, and Senator MOYNIHAN.

I offer those amendments and ask for their consideration. I ask unanimous consent that we suspend the reading of the amendments.

Mr. President, I offer them en bloc. I also ask unanimous consent that they be put aside after being laid at the desk.

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

The amendment numbered 2204, as modified, and amendments numbered 2226 through 2247, en bloc, are as follows:

AMENDMENT NO. 2204, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

At the end of title III add the following:

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

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

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

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

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) to conduct background checks on prospective employees.

AMENDMENT NO. 2226

On page 14, line 7, strike "\$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"\$51,000,000,000.

(B) Outlays, \$42,300,000,000.

Fiscal year 2000:

(A) New budget authority, \$50,800,000,000.

(B) Outlays, \$43,700,000,000.

Fiscal year 2001:

(A) New budget authority, \$50,100,000,000.

(B) Outlays, \$43,700,000,000.

Fiscal year 2002:

(A) New budget authority, \$48,400,000,000.

(B) Outlays, \$42,800,000,000.

Fiscal year 2003:

(A) New budget authority, \$48,000,000,000.

(B) Outlays, \$42,900,000,000."

On page 25, line 8, strike "—\$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

“\$200,000,000.

(B) Outlays, —\$1,400,000,000.

Fiscal year 2000:

(A) New budget authority, —\$200,000,000.

(B) Outlays, —\$3,600,000,000.

Fiscal year 2001:

(A) New budget authority, —\$700,000,000.

(B) Outlays, —\$1,000,000,000.

Fiscal year 2002:

(A) New budget authority, —\$800,000,000.

(B) Outlays, —\$4,000,000,000.

Fiscal year 2003:

(A) New budget authority, —\$1,400,000,000.

(B) Outlays, —\$1,000,000,000.

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2227

(Purpose: To ensure that the tobacco reserve fund in the resolution may be used to strengthen Social Security)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

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

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

AMENDMENT NO. 2228

(Purpose: To provide for funding to help the states comply with the Individuals with Disabilities Education Act by eliminating an unjustified tax loophole)

On page 3, line 10, increase the amount by \$39,000,000.

On page 3, line 11, increase the amount by \$66,000,000.

On page 3, line 12, increase the amount by \$67,000,000.

On page 3, line 13, increase the amount by \$69,000,000.

On page 3, line 14, increase the amount by \$71,000,000.

On page 3, line 19, increase the amount by \$39,000,000.

On page 4, line 1, increase the amount by \$66,000,000.

On page 4, line 2, increase the amount by \$67,000,000.

On page 4, line 3, increase the amount by \$69,000,000.

On page 4, line 4, increase the amount by \$71,000,000.

On page 4, line 19, increase the amount by \$39,000,000.

On page 4, line 20, increase the amount by \$66,000,000.

On page 4, line 21, increase the amount by \$67,000,000.

On page 4, line 22, increase the amount by \$69,000,000.

On page 4, line 23, increase the amount by \$71,000,000.

On page 5, line 5, increase the amount by \$39,000,000.

On page 5, line 6, increase the amount by \$66,000,000.

On page 5, line 7, increase the amount by \$67,000,000.

On page 5, line 8, increase the amount by \$69,000,000.

On page 5, line 9, increase the amount by \$71,000,000.

On page 16, line 9, increase the amount by \$39,000,000.

On page 16, line 10, increase the amount by \$39,000,000.

On page 16, line 13, increase the amount by \$66,000,000.

On page 16, line 14, increase the amount by \$66,000,000.

On page 16, line 17, increase the amount by \$67,000,000.

On page 16, line 18, increase the amount by \$67,000,000.

On page 16, line 21, increase the amount by \$69,000,000.

On page 16, line 22, increase the amount by \$69,000,000.

On page 16, line 25, increase the amount by \$71,000,000.

On page 17, line 1, increase the amount by \$71,000,000.

AMENDMENT NO. 2229

(Purpose: To express the sense of the Senate on education goals)

At the end of title III, insert the following:
SEC. ____ SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

AMENDMENT NO. 2230

(Purpose: To ensure that the tobacco reserve fund in the resolution protects public health)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legisla-

tion that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

“(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

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

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

AMENDMENT NO. 2231

(Purpose: To express the sense of the Senate supporting additional funding for fiscal year 1999 for medical care for veterans)

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

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

It is the sense of the Senate that the functional totals underlying this resolution assume that \$159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

AMENDMENT NO. 2232

(Purpose: To ensure that the tobacco reserve fund in the resolution protects tobacco farmers)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

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

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

AMENDMENT NO. 2233

At the appropriate place, insert:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that:—

(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) Through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) Recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) The Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

AMENDMENT NO. 2234

(Purpose: To expand the uses of the tobacco reserve fund to include funding for health research, including the National Institutes of Health)

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

" , or for health research, including funding for the National Institutes of Health (NIH)."

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

AMENDMENT NO. 2235

(Purpose: To express the sense of the Senate regarding the analysis of civilian science and technology expenditures in the budget

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

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

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregated and sent to the appropriations committees and subcommittees.'"

"(2) Civilian federal agencies are supporting more than \$35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250."

AMENDMENT NO. 2236

(Purpose: To express the sense of the Senate regarding long-term civilian science and technology budget trends)

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008."

AMENDMENT NO. 2237

(Purpose: To express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt)

At the end of title III, add the following:

SEC. ____ SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to \$158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

AMENDMENT NO. 2238

(Purpose: To express the sense of the Senate regarding tax legislation that increases the complexity of any tax return)

At the end of title III, insert the following:
SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

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

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spend between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends \$72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

(Purpose: To express the sense of the Senate that the President should submit a generational study with the budget request)

At the end of title III, insert the following:
SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

(Purpose: To express the sense of the Senate regarding the value of the social security system for future retirees)

At the end of title III, insert the following:
SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

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

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay \$250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

AMENDMENT NO. 2241

(Purpose: To express the sense of Congress regarding the right to affordable, high-quality health care for seniors)

At the end of title III, insert the following:
SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they

have the right to choose their physicians, and that no change should be made to the medicare program that could—

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

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

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

AMENDMENT NO. 2242

(Purpose: To express the sense of the Senate on ensuring Social Security solvency)

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

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

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled;

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year thereafter. . . until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

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

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

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

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

AMENDMENT NO. 2243

(Purpose: To express the sense of the Senate that the Congress and the Administration should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan, while preserving the integrity of the \$2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment)

At the appropriate place, insert the following:

SEC. .> SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105-134, authorizing appropriations of \$1,058,000,000 for FY99; \$1,023,000,000 for FY00, \$989,000,000 for FY01; and \$955,000,000 for FY02, totaling \$4.025 billion FY99-02;

(2) in P.L. 105-134 the Congress declared that “intercity rail passenger service is an essential component of a national intermodal passenger transportation system”;

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak’s long-term financial health;

(7) the \$2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, no supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998-FY 2003 Strategic Business Plan, while preserving the integrity of the \$2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

AMENDMENT NO. 2244

The text of Amendment No. 2244 is printed in today’s RECORD under “Amendments Submitted.”

AMENDMENT NO. 2245

(Purpose: To express the sense of the Senate on battlefield preservation)

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

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

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation’s history;

(2) the Secretary of the Interior should give special priority to the preservation of

Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

(Purpose: To express the sense of the Senate on the Land and Water Conservation Fund)

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

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

AMENDMENT NO. 2247

(Purpose: To express the Sense of the Senate that the Committee on Finance should consider legislation to preserve Social Security and ensure its long-run solvency; and that no policy options, affecting either outlays, revenues, or the manner of investment of funds, should be excluded from consideration)

At the appropriate place, insert:

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

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

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options affecting either revenues, outlays or the manner of investment of funds, should be excluded from consideration.

AMENDMENTS NOS. 2203, 2212, AND 2193, EN BLOC

Mr. LAUTENBERG. Mr. President, I have three more amendments that are currently at the desk, and I ask unanimous consent that they be called up and then put aside: Senator WYDEN’s amendment No. 2203, Senator TORRICELLI’s amendment No. 2212, and Senator HOLLINGS’ amendment No. 2193.

Again, I ask unanimous consent that they be brought up and then put aside. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent that we forgo the reading of the amendments.

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

The amendments numbered 2203, 2212, and 2193, en bloc, are as follows:

AMENDMENT NO. 2203

(Purpose: To direct the Congressional Budget Office to calculate inflation swings or shortfalls in each function of the Government)

At the end of title II, add the following:

SEC. . CALCULATING INFLATION SAVINGS OR SHORTFALLS.

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

AMENDMENT NO. 2212

(Purpose: To express the sense of the Senate on battlefield preservation)

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

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

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

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation’s history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2193

(Purpose: To provide a supermajority point of order against any change in the off-budget status of Social Security)

At the end of title II, add the following:

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

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

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

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

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

calling off of the names of the amendment, I have an amendment there, and I did not hear my name called. Is it at the desk?

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Mr. President, if my colleague will yield for a question on one of the amendments, I did not hear my name mentioned. I have two amendments. I am hopeful that you received both amendments.

Mr. LAUTENBERG. In response to the Senator, both amendments were received that she offered and were sent to the desk.

Mrs. BOXER. Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 2266, 2222, AND 2208, EN BLOC

Mr. DOMENICI. Mr. President, pursuant to the unanimous consent request, it is now my privilege to introduce the amendments that we have on this side.

Let me start it this way. There is pending at the desk an amendment numbered 2266, Senator GRAMS numbered 2222, and an amendment numbered 2208 by Senator HUTCHISON.

I would like to call them up and set them aside. I ask unanimous consent to do that.

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

The amendments numbered 2266, 2222, and 2208, en bloc, are as follows:

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: \$271,570,000,000 in new budget authority and \$266,635,000,000 in outlays;

"(B) for the nondefense category: \$255,450,000,000 in new budget authority and \$289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: \$5,800,000,000 in new budget authority and \$4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: \$532,693,000,000 in new budget authority and \$558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: \$4,500,000,000 in new budget authority and \$4,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: \$537,632,000,000 in new budget authority and \$558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: \$4,400,000,000 in new budget authority and \$5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: \$546,574,000,000 in new budget authority and \$556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: \$4,500,000,000 in new budget authority and \$4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced

Budget and Emergency Deficit Control Act of 1985; and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

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

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

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate."

AMENDMENT NO. 2222

(Purpose: To use any budget surplus to reduce payroll tax and establish personal retirement accounts for hard-working Americans)

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

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

AMENDMENT NO. 2208

(Purpose: To express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families)

At the end of title III, add the following:

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

It is the sense of the Senate that this resolution assumes that any budget surplus

should be dedicated to debt reduction or direct tax relief for hard-working American families.

AMENDMENTS NOS. 2248 THROUGH 2272 EN BLOC

Mr. DOMENICI. Mr. President, I send to the desk the following amendments: Senator BOND amendment, Senator ABRAHAM, Senator THURMOND, Senator SESSIONS, Senator DOMENICI in behalf of Senator FAIRCLOTH, Senator SPECTER, a second amendment in behalf of Senator SPECTER, and a third amendment in behalf of Senator SPECTER, Senator NICKLES, Senator FRIST, Senator MCCONNELL, Senator SESSIONS, Senators CRAIG and DOMENICI, Senators COVERDELL and SHELBY, Senator SANTORUM, second Santorum amendment, Senator KEMPTHORNE, Senator GRAMM, Senator COVERDELL, second Senator COVERDELL, a third, fourth, fifth, and Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes amendments numbered 2248 through 2272, en bloc.

The amendments are as follows:

AMENDMENT NO. 2248

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is \$2 million for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

AMENDMENT NO. 2249

(Purpose: To express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families)

In the pending resolution, insert the following section at the appropriate place:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

AMENDMENT NO. 2250

(Purpose: To express the Sense of the Senate regarding long-term care needs)

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by

Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

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

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

AMENDMENT NO. 2251

Purpose: To express the sense of the Senate that the Congress should begin to phase out the marriage penalty this year

At the end of title III, add the following:

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

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to \$1380 a year;

(5) This penalty is one of the factors behind the decline of marriage.

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

AMENDMENT NO. 2252

(Purpose: To express the sense of the Senate regarding the display of the Ten Commandments by a judge on the circuit court of the State of Alabama)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which

is acknowledged to promote respect for our system of laws and the good of society.

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

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

AMENDMENT NO. 2253

(Purpose: Setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year—)

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

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

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop

a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

AMENDMENT NO. 2254

(Purpose: To modify the use of the tobacco reserve fund)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than \$2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

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

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

AMENDMENT NO. 2255

(Purpose: To modify the tobacco reserve fund to allow up to \$10.5 billion to be spent on post-service smoking related Veterans compensation benefits)

On page 28, line 17, after the material that appears on line 17, insert the following:

“(d) VETERANS.—

“(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

“(2) The adjustments made pursuant to this subsection shall not exceed \$500,000,000 for fiscal year 1999 and \$10,500,000,000 for fiscal years 1999 through 2003.

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, \$500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and \$10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999-2003, and additional outlays for fiscal years 1999-2003.

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2257

(Purpose: Prohibiting precatory language on budget resolutions)

At the appropriate place, insert the following:

"SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

AMENDMENT NO. 2258

(Purpose: To express the sense of the Senate regarding funding for the Airport Improvement Program)

At the end of title III, add the following:

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

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

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

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

AMENDMENT NO. 2259

(Purpose: Expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of \$285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds)

At the end of title III, add the following:

SEC. ____ SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay \$285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of \$285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

AMENDMENT NO. 2260

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

At the end of title III add the following:

SEC. ____ SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related Medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed \$500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

AMENDMENT NO. 2261

(Purpose: To express the sense of the Senate on the eligibility of individuals suffering from post-service smoking-related illnesses for VA compensation)

At the end of title III, add the following:

SEC. ____ SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least \$10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study and report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

AMENDMENT NO. 2262

(Purpose: To express the sense of the Senate on the procurement of Blackhawk utility helicopters for Colombia to reduce illicit drug trafficking)

At the end of title III, add the following:

SEC. ____ SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and

they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those

Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

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

(1) the President should, with funds made available under Public Law 105-118, expeditiously procure and provide to the Colombian National Police three UH-60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH-60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH-60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

AMENDMENT NO. 2263

(Purpose: expressing the Sense of the Senate regarding reauthorization of the Farmland Protection Program)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

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

(1) Eighteen states and dozens of localities have spent nearly \$1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 2264

(Purpose: To express the sense of the Senate concerning health care quality for participants in the Federal Employees Health Benefits Program)

At the end of title III, add the following:

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

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

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

AMENDMENT NO. 2265

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

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

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to \$57.3 billion, resulting in a positive agricultural trade surplus of approximately \$22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agricultural, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artificial trade barriers and other unfair foreign trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted \$7.2 billion for export subsidies aimed at capturing a larger

share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly \$500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan—historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

AMENDMENT NO. 2266

Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

“SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

“(a) **DISCRETIONARY LIMITS.**—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term ‘discretionary spending limit’ means—

“(1) with respect to fiscal year 1999—

“(A) for the defense category: \$271,570,000,000 in new budget authority and \$266,635,000,000 in outlays;

“(B) for the nondefense category: \$255,450,000,000 in new budget authority and 289,547,000,000 in outlays; and

“(C) for the violent crime reduction category: \$5,800,000,000 in new budget authority and \$4,953,000,000 in outlays;

“(2) with respect to fiscal year 2000—

“(A) for the discretionary category: \$532,693,000,000 in new budget authority and \$558,711,000,000 in outlays; and

“(B) for the violent crime reduction category: \$4,500,000,000 in budget authority and \$5,554,000,000 in outlays;

“(3) with respect to fiscal year 2001—

“(A) for the discretionary category: \$537,632,000,000 in new budget authority and \$558,415,000,000 in outlays; and

“(B) for the violent crime reduction category: \$4,400,000,000 in new budget authority and \$5,981,000,000 in outlays; and

“(4) with respect to fiscal year 2002—

“(A) for the discretionary category: \$546,574,000,000 in new budget authority and \$556,269,000,000 in outlays; and

“(B) for the violent crime reduction category: \$4,500,000,000 in new budget authority and \$4,530,000,000 in outlays;

“as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and section 314 of the Congressional Budget Act.

“(b) **POINT OF ORDER IN THE SENATE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

“(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

“(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

“(2) **EXCEPTION.**—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

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

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

“(e) **DETERMINATION OF BUDGET LEVELS.**—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.”.

AMENDMENT NO. 2267

(Purpose: To express the sense of the Senate regarding the Department of Justice's pursuit of Medicare fraud and abuse)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts;

4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

AMENDMENT NO. 2269

(Purpose: To express the sense of the Senate on Wasteful Spending in Defense Department Acquisition Practices)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING IN DEFENSE DEPARTMENT ACQUISITION PRACTICES.

a) **FINDINGS.**—the Senate finds that—

1) According to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than “fair value” for many items;

2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

b) **SENSE OF THE SENATE.**—it is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

AMENDMENT NO. 2270

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES RESPONSE TO THE CHANGING NATURE OF TERRORISM

(a) **FINDINGS.**—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997;

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploiting technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors to terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a threat to essential public and private information systems in the United States;

(10) The infrastructures deemed critical to the United States are the telecommunications networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States economic well-being, public welfare, or national security;

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

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

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to raise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

AMENDMENT NO. 2271

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—the Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and le-

gitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere;

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nations of the region.

SENSE OF THE SENATE—it is the sense of Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

AMENDMENT NO. 2272

(Purpose: To express the sense of the Senate that, at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) **FINDINGS.**—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

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

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by \$2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

Mr. DOMENICI. Mr. President, I would like to explore with the Senate how we might proceed.

Mr. President, what I have discussed with the leader and with the ranking member is that we try to have three amendments ready to vote pursuant to the order at 7 o'clock. I think we can do that.

First, we will attempt to have the amendment of Senator MOSELEY-BRAUN. It would be on or in relation thereto. Then I understand Senator HOLLINGS has an amendment. Could he quickly tell us what it is?

Mr. HOLLINGS. Just requiring a 60-vote margin relating to the Social Security trust fund.

Mr. DOMENICI. Then we have a sense of the Senate; Senator FAIRCLOTH, or I in behalf of, on the marital deduction disparity and efforts that we want the Senate to make in terms of clearing that deficiency with reference to the marital deduction. The first vote will be 15 minutes, and 10 minutes thereafter, as we have already agreed to.

Would Senator LAUTENBERG like to let Senator HOLLINGS proceed?

Mr. LAUTENBERG. Yes. I ask unanimous consent that the next amendment that is brought up be that offered by the Senator from South Carolina.

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

Mr. LAUTENBERG. I ask the Senator from New Mexico. As part of the structure that we have arranged, which is a half hour for those amendments that can be heard that are equally divided, and then there is a provision for 20 minutes for any second-degree amendment.

AMENDMENT NO. 2273

(Purpose: To assure that use of the tobacco reserve fund is consistent with comprehensive tobacco legislation approved by the Senate)

Mr. DOMENICI. Mr. President, before the clock strikes 6, I have one additional amendment which would not be in order after that.

In behalf of Senator HATCH, I send this amendment to the desk. It is the last one.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. HATCH, proposes an amendment numbered 2273.

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by Senate-passed comprehensive tobacco legislation.

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

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

Mr. LAUTENBERG. I wanted to just explore publicly a question that arose, and that is we have not yet had an opportunity to examine these amendments and there may be an interest on either side to have a second degree. So we are not precluded, I assume, by that. I just wanted to confirm that with the chairman of the Budget Committee as to the process, assuming that there is no obstruction to that, and I know of none now, but I do have an inquiry that says what happens in a particular case if we have a second degree? There is no prohibition to that?

Mr. DOMENICI. I understand when we entered into the unanimous consent request we very particularly and specifically did not mention the issue of second-degree amendments, other than the amount of time that would be allotted to debate them. That means when an amendment comes up or as it is getting prepared, Senators who are interested in a second degree would obviously have time before the amendment and have time during the amendment, which is 30 minutes, to prepare and send to the desk the second-degree amendment.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee. I ask one more question, or at least seek to get a clarification among those who hear us. That is, it is my understanding we are going to be very strict.

The PRESIDING OFFICER (Ms. COLLINS). The Senator will suspend. The Senate will be in order.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I understand, with the approval of the leadership, which I am asking indirectly, that we will be very strict about the time on these amendments. The traditional 15- or 20-minutes will be as it is and thereafter 10 minutes. But I ask all of our colleagues—because as I did a mental count here, we probably have 60 or 65 amendments sitting there—that we ought to not have any-

body saying just give me a minute more. We made those decisions as of this moment and we are going to try to move the agenda along as expeditiously as we can.

Last, everyone should understand that this is done at the request of Senators on both sides, lots of Senators who say let's get our business done, let's complete our agenda and let's be prepared to conclude the week, hopefully, by tomorrow evening. I do not mean to put words in the mouth of the Senator from New Mexico, but as I remember our discussion, that's where we want to be.

Mr. DOMENICI. That is correct.

Mr. KYL addressed the Chair.

Mr. DOMENICI. Madam President, I ask consent that it be in order to file an amendment in behalf of Senator SESSIONS. It was not part of my package. I ask it be in order nonetheless at this time.

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

AMENDMENT NO. 2274

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SESSIONS, proposes an amendment numbered 2274.

The amendment follows:

At the end of title III add the following:

SEC. ____ SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than \$5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related Medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

- (A) court order;
- (B) settlement agreement;
- (C) Contingency fee arrangement;
- (D) arbitration procedure;
- (E) alternative dispute resolution procedure (including mediation); or
- (F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in rela-

tion to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

Mr. DOMENICI. Madam President, I ask that Senator GRASSLEY be added as a cosponsor on amendment No. 2213 on behalf of Senator BOND.

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

Mr. DOMENICI. I want to follow up on the remarks of my distinguished ranking member. The leader has indicated to me that we are supposed to proceed as the floor managers see best tonight. We are going to try to have three votes at 7 p.m.. They will be expeditious in terms of time allotted to both, and then we intend to continue on for the evening, perhaps an hour, hour and a half. After that we will have another group of amendments, and we will do this until we see some daylight, in terms of the entire time running out on this bill.

With that I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2193

Mr. HOLLINGS. Madam President, I call up my amendment No. 2193 on behalf of Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN and Senator REID of Nevada.

The PRESIDING OFFICER. The amendment is pending.

Mr. HOLLINGS. Madam President, this goes right to the point of the requirement of a 60-vote supermajority in order to spend the Social Security funds or report a budget with respect to Social Security funds. It conforms to the sense of the Senate that the Members will find on page 37 and 38 of the concurrent resolution itself. We passed in the Budget Committee the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume that Congress and the President should continue to rid our country of debt and work to balance the budget without counting Social Security trust fund surpluses.

There was, of course, a unanimous vote in the Budget Committee. Incidentally, it was partly a response to the clarion call of the President of the United States, in his State of the Union address to the joint session of Congress, that we "save Social Security first." And, incidentally, some 8 years ago, 98 Senators voted for the very same thing.

The reason for the 98-Senator vote back in 1990 was to comply with the suggestions of the Greenspan Commission on Social Security. The Greenspan Commission in 1983 suggested a very high payroll tax, not just to balance Social Security's budget, but also to build up a surplus for the baby boomers in the next generation. For example,

the Commission's report included projections to the year 2056.

We have constantly heard on the floor of the Congress, in both Houses, "Oh, the baby boomers are going to cause a problem, the baby boomers are going to cause a problem in the next generation." Not at all, not at all, Madam President. The fact is, if we quit looting the Social Security trust fund, we could get along well with just minor adjustments to the Social Security program. The problem is being caused not by the baby boomers, but by the adults on the floor of the Congress itself—in that we have this euphemism called the unified budget.

Let me tell you about that unified budget. The unified budget is a device of the financial community, of corporate America, of the Federal Reserve Board, to keep interest rates low. They could care less about the burden of having to pay the bill. They are not Congressmen. They are not Senators. They don't have to face up to the present deficit of \$631 billion we owe Social Security now, or the \$1.2 trillion this government will owe Social Security by the end of the budget under consideration.

We are going right up against the wall. We will owe this money and then someone will say, "Well, we can't raise taxes." Someone is going to say, "Well, we have to raise the age." Then someone will say, "We have to limit the benefits." These are the remarks we can expect to hear in this Congress at the turn of the century.

The President, to his credit, grabbed ahold of this particular issue, which we have been working on for years. He said, "Save Social Security first." We passed, already, one sense of the Senate by a vote of 100 to nothing. We passed the one I now propose by 20 to nothing in the Budget Committee. I would like to remark on a comment made in the Commerce Committee's markup of the tobacco bill just a few moments ago, when the distinguished chairman turned to another Senator and said, "Now, wait a minute, is this a sense of the Senate?"

And the Senator responded, "No, this is real. This counts."

I want, and I am sure every Senator here wants, the desire to save Social Security to count. One of the best ways to make sure it counts here is to require—for the first time on the parliamentary treatment of issues here, in the reading of bills and concurrent resolutions—at least a 60-vote supermajority margin in order to spend Social Security surpluses, or list them, or waive the requirement they not be expended.

To return to the Greenspan Commission report for a moment, I believe that report was very judicious in its vision with respect to the baby boomers. The report said we know we have this high tax and we are going to have surpluses. But we want to make sure these surpluses are not expended by some tricky device called a unified budget,

or a unified deficit. Section 21 of the Greenspan Commission report required just that, that Social Security be put off-budget. After the Commission made its report, we struggled within the Budget Committee for years to implement its suggestions. It wasn't until 1990 that we finally were able to require, by a vote of 20 to 1, that trust funds be taken off-budget. And then, on the floor of the Senate, by a vote of 98 to 2, we passed section 13301 of the statutory law of the Budget Act—which was then passed by the House and signed into law by President Bush on November 5, 1990. Section 13301, which I have a copy of now, prohibited Congress from including Social Security trust funds in the budget.

I ask unanimous consent it be printed in the RECORD at this particular point.

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

SUBTITLE C SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in . . .

Mr. HOLLINGS. As you can see, we passed the law. But it has been ignored. And we are ignoring it again, Madam President, because if you look on page 67 of the committee's report, you will find at the bottom line: "on budget for 1998, minus \$95.6 billion." Then: "off budget, \$103.4 billion." The report then states a total surplus of "\$7.8 billion."

That is not the actual deficit, Madam President—not at all. That is the so-called unified deficit, which its adherents arrive at by looting trust funds. But if you look on page 5 of the resolution itself, you will see the deficit is listed for fiscal year 1999 as \$108.2 billion. This is a far cry from a surplus. That is in response to section 13301. That is the actual deficit. Just go down one step further to the section, on that same page 5, labeled "Public debt." You will find that from 1998 to 1999, in the present budget under consideration, all you need to do to compute the actual deficit is to subtract the increase in the national debt. That is the actual spending that occurs that we do

not pay for. That is the actual outlay that is not taken care of by revenues themselves. You only have to do simple arithmetic to find that for the year 1999, according to this present budget under consideration, the deficit will be \$186.3 billion.

Madam President, it is interesting, in this time of headlines that tout surpluses as far as the eye can see, to just look at the deficits for the next 5 years—the additions to the national debt. You will see that they add up each year to a total of \$905 billion. In other words, under the budget currently being considered, the government will spend almost \$1 trillion more than it receives in revenue. Yet, we have people claiming on the floor of the Congress, and in newspapers and editorials, "Look at what a wonderful job we have done."

The fact is, instead of balancing the budget, instead of continuing to lower deficits as we have done 6 years in a row—and I give the current administration credit for having done so—we are going to turn and change course and, for the first time now with this 1999 concurrent resolution for this particular budget for 1999, we will increase rather than lower the deficit. We will increase the deficit some \$32 billion. We will go from \$153 to \$186 billion—\$31 billion, not counting decimals here. That is \$31 billion that we are increasing the deficit.

Madam Chairman, I would like to return to the original point: some kind of parliamentary restriction to bring sobriety to this body, to prevent politicians from claiming, "I voted for a sense of the Senate; I voted not to spend Social Security." That was just not real. That was just a sense of the Senate. This resolution would be binding at least for a 60-vote majority. It ought to really have 100 votes, because that is what we voted time and time again when actually voted on.

I yield the floor to my distinguished colleague from Wisconsin.

THE PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. How much time is remaining on the time of the Senator from South Carolina?

THE PRESIDING OFFICER. The Senator has 4 minutes 15 seconds.

Mr. FEINGOLD. Madam President, I thank the Senator from South Carolina for yielding and, more importantly, for taking the lead on this amendment. There is no more important amendment in this whole budget resolution than the Hollings amendment. This goes to the heart of the matter.

Madam President, I am pleased to join my good friend, the Senator from South Carolina (Mr. HOLLINGS), in offering this amendment to close a loophole in the rules protecting the Social Security Trust Fund balances.

Let me note it gives me particular pleasure in cosponsoring this amendment with Senator HOLLINGS; both in this body and in the Budget Committee, he has been a consistent voice for fiscal prudence.

There is a fundamental difference between the way many in Congress approach the budget, and the way I approach it.

That difference is Social Security.

Since the time Lyndon Johnson lived in the White House, Presidents of both parties and Congresses controlled by both parties have included the Social Security Trust Fund balances in their budget calculations.

The result is a false picture of our country's fiscal health, and, just like a false medical report that covers up a serious illness, it can lead to major problems in the future.

This false budget picture has been used so often it has become almost a matter of "budget convention," and it has so impressed itself into the vocabulary of the budget that we now hear the word "surplus" when there is no surplus.

We hear people talking about a budget "surplus" in Congress, in news stories, and in the letters we receive from constituents.

But there is no surplus; there is a deficit that is still being hidden, and Social Security is the curtain used to hide it.

We need look no further than the budget resolution itself.

On page 5 of S. Con. Res. 86, the deficit levels are listed for Fiscal Years 1998 through 2003.

For Fiscal Year 1998, the deficit is \$95 billion.

The deficit rises to over \$120 billion in Fiscal Years 2000 and 2001 before returning to levels below \$100 billion, reaching \$92 billion in Fiscal Year 2003.

With surpluses like these, who needs deficits?

Despite these continuing deficits, many in this body want to act as if we have a surplus—free money to hand out in the form of new spending or new tax cuts.

The notion of a so-called unified budget, which began as a political convenience to mask the deficit almost 30 years ago, has now become the budget reality for many.

This must stop.

"Surplus" is supposed to mean something extra, like a bonus.

It means, all the bills are paid and there is money left over.

One dictionary defines "surplus" as: "something more than or in excess of what is needed or required."

The so-called unified budget surplus is not "more than or in excess of what is needed or required."

Those funds are needed; they are needed to pay future Social Security benefits.

They were raised by the Social Security system, specifically in anticipation of commitments to future Social Security beneficiaries.

When Congress makes budget obligations today based on those Social Security funds—whether in the form of tax cuts or spending increases—we are committing to a path of fiscal policy that jeopardizes future Social Security benefits.

The amendment Senator HOLLINGS and I are offering is designed to shore up protections surrounding Social Security, and end talk of budget surpluses that are not really there.

Our amendment does so by closing a loophole in the supermajority protections we give to Social Security.

It establishes a point of order against any measure that would allow Congress to change the off-budget status of Social Security, directly or indirectly, without a supermajority vote.

Under most circumstances, our rules require a supermajority vote to change the budget treatment of Social Security.

But while supermajority points of order usually protect the Social Security Trust Fund balances, in certain circumstances those points of order are subject to amendment or repeal by only a simple majority vote.

While legislation to amend budget rules and laws generally is subject to a supermajority point of order, under Section 306 of the Congressional Budget Act of 1974, this point of order does not apply to legislation or a budget resolution that has been reported or discharged from the Senate Budget Committee, or to any amendments to such legislation.

Our amendment eliminates this loophole in the supermajority protections we have established for Social Security.

We must play it straight with the American people, and we must give them an honest balanced budget.

This means Congress must stop pretending there is a surplus, and start acknowledging we still have a way to go before our budget is truly in balance.

I very much hope our colleagues will support this sensible protection for Social Security, and will join us in making it harder to change our budget rules in a way which would allow Social Security Trust Fund balances to be used to pay for spending increases or tax cuts.

Madam President, let me reiterate, the fact is, we do not have a surplus. All this talk about a surplus is not accurate, and the American people know it. We have made tremendous progress. I am glad that much of it was done in 1993. Some of it was done last year. But the fact is, we have a long way to go.

What the Senator from South Carolina is doing is just trying to make this body face up to the reality by creating a little higher standard, a 60-vote rule rather than a majority-vote rule to continue this practice. This practice should not be continued at all. There should not be any 60 votes or 70 votes or 80 votes to use Social Security to try to pretend there is a real balanced budget. At least under the Hollings amendment, the standard would be tougher. It would require 60 votes. You couldn't sanitize the process by running it through the Budget Committee.

This is to me the most fundamental issue here, because we are, in effect, telling the American people something

that just is not true. We have done well. The economy has stayed very solid throughout this, but to pretend that there is extra money, to pretend that we can do spending or big tax cuts at this time is not straightforward. This, of course, is not just with regard to our senior citizens.

The Social Security fund is in good shape for a number of years to come but it has more to do with the baby boomers and the young people in their twenties and thirties and those in high school and even younger.

I have had the experience of having high school kids ask me at high school forums not just about the issues one expects high school students to ask about, but whether or not Social Security will be there when they get to that age. That is an unusual question for a high school student, but they know they are potentially being taken for a ride.

Many of them are working. They are getting a check from, let's say, McDonald's, and they notice something is being taken out of their checks. "What is it being taken out for?"

"Well, for Social Security."

Then they find out it might not be there for them.

What the Senator from South Carolina is saying is the Congress should stop borrowing from Social Security to try to make this look better. This is a very, very important amendment for truth in budgeting.

I thank the Senator from South Carolina and yield back any time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Wisconsin. He has been a Trojan in the trenches working on the same side.

I ask unanimous consent to add the distinguished Senator from California, Mrs. BOXER, as a cosponsor.

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

Mr. LAUTENBERG. Madam President, I rise in support of this amendment, which would establish a new point of order to protect the Social Security surplus. It's designed to enforce the principle that President Clinton emphasized in his State of the Union address: "save Social Security first."

The Social Security program is the most important social insurance program in the United States. It's dramatically reduced poverty among older Americans. And it provides a critical safety net for those who suffer from disabilities, or the death of a family member.

Unfortunately, Social Security's long-term viability is now threatened by the impending retirement of the baby boom generation, and the significant new pressures that will place on the system. Congress needs to act promptly to address this problem.

Congress already has made a clear commitment to Social Security, and we've created various procedural protections to enforce that commitment.

For example, Section 301(i) of the Budget Act prohibits the Senate from considering a budget resolution that would reduce a Social Security surplus. And Section 311(a)(3) prohibits us from considering any measure that would decrease a Social Security surplus below the level set in the budget resolution.

The point of order proposed today is consistent with these precedents. But rather than directly protecting Social Security, this point of order would protect the rules that protect Social Security.

These budget rules, in effect, require 60 votes to reduce a Social Security surplus. The problem, though, is that there's a loophole. And the loophole is that these rules themselves can be amended under certain circumstances with only 50 votes.

In general, legislation to amend budget laws is subject to a supermajority point of order, under Section 306 of the Budget Act. But this point of order doesn't apply to legislation that's been reported from the Budget Committee, or to any amendments to such legislation.

So, for example, if the Budget Committee reports a minor bill to make technical corrections to the Budget Act, an amendment to gut the Social Security rules could be adopted by a simple majority vote.

In my view, that's a loophole that we need to close.

Let's not just proclaim our commitment to saving Social Security first. Let's put it in writing. And let's make it enforceable.

I hope my colleagues on both sides of the aisle will support the amendment.

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

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. How much time has Senator HOLLINGS used?

The PRESIDING OFFICER. The Senator from South Carolina has used 13 minutes 44 seconds.

Mr. DOMENICI. So he has 1 minute-plus left.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Madam President, unless my friend from New Jersey desires to speak, I will not use my entire 15 minutes. I will make a point of order that the Senator's amendment violates the Budget Act and requires 60 votes.

Frankly, I do not understand what the distinguished Senator is talking about. He has been a longtime friend, and he has been on the Budget Committee. He has served on it. Actually, the Budget Committee is the source of the firewall that protects Social Security now. This amendment says he is taking away our jurisdiction, that we can't do anything with reference to Social Security, and we are the committee to make the recommendations.

If, indeed, the recommendations in some other provision of law requires 60 votes to pass, that is a different thing.

To say to a committee of jurisdiction that you cannot pass on anything because there is a supermajority requirement just seems to me that we could take every committee of jurisdiction, we could take away their jurisdiction all under the rubric that we are trying to keep them from spending money. Maybe we don't like Commerce. They have been putting out too many bills. So we adopt a process that says whatever your jurisdiction is, you can't report out any bills without a supermajority in these different areas.

That is not right. The Senator apparently has some great goal in mind. I remind the U.S. Senate and my friend Senator HOLLINGS, he does not like us to use the word "balance," that we are in balance. So every time we use it, we better say the "unified budget is in balance."

Let's acknowledge that only 6 years ago, 5 years ago, if he is worried about Social Security, the unified budget was \$300 billion in the red. Have we made any headway in keeping the Social Security trust fund from getting spent? Of course. For starters, we have made \$300 billion worth, and right now we have a \$10 billion surplus. That does not mean we have a surplus without the Social Security trust fund, but it means that we are borrowing \$10 billion less from the Social Security fund because of the balance in the unified budget of the United States. Is that bad? That seems to me to be good.

If some think that they can wipe out the nonunified deficit quicker, then there are only two ways to wipe it out quicker: One is to cut more expenditures or to raise taxes.

That is what somebody has to be talking about if they want to make us stop the \$90 billion worth of borrowing, which used to be more, and it is down from \$100 billion to \$90 billion this very year because of the surplus. Instead of talking about the Budget Committee doesn't have any jurisdiction without supermajorities to move anything with reference to Social Security—all we are doing is making recommendations to the Senate.

To act as if this will in some way make the Social Security trust fund more solvent, frankly, in all honesty, I just don't understand how this is going to do any good, and I have not heard anything from the Senator yet that indicates that it will do anything good.

In all respect, I just do not believe it is going to accomplish what the Senator wants. Social Security is not going to be any more protected, and we are just going to say that there is a 60-vote point of order against anything the Budget Committee would do with reference to recommending Social Security changes or reforms, which just seems to me doesn't have anything to do with the problems that he describes because we are still borrowing from the Social Security trust fund.

I repeat, we are doing a lot better than we were 5 years ago, 6 years ago, and a lot better than we expected to

do. That means Social Security is getting closer and closer to a stable state because the unified budget is getting more and more surplus, which the surplus is for now being applied to that debt, and we are borrowing less, which is now easy to understand. There is all kind of confusion. There are trust funds, IOUs. But the truth is, on paper, we are borrowing \$10 billion less when we have a surplus than otherwise. If it gets up to \$100 billion, we won't be borrowing anything. That is pretty good, and that is reality.

The Budget Committee had something to do with that. There is a firewall that does not permit us to spend any Social Security money that would, in any way, affect the actuarial soundness of the Social Security system. That is a firewall of 60 votes. That was recommended by the Budget Committee. If we put that in before and came to the floor, it would require 60 votes to become law. It doesn't seem to me that is right.

When the time has expired, I will make a point of order and then we will have a vote and try to stack it as early as possible so we can dispose of the amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from New Mexico doesn't have to remind the Senator from South Carolina that we are doing better than we were 6 years ago, because this Senator voted for that particular plan, which included spending cuts and which included tax increases to get this economy turned around. It included a tax increase on Social Security, as well. And we didn't get a single Republican vote for that Budget Act—not one vote from that side of the aisle.

Now the Senator from New Mexico says we are borrowing \$10 billion. Turn, if you please, to the analysis of the President's budget proposal by the Congressional Budget Office put out the day before yesterday. On page 36, you will find the actual debt increases to \$184 billion. So we are not borrowing \$10 billion less. The actual facts, according to the Congressional Budget Office, are that we are borrowing \$31 billion more.

Tell me about the budgets and requirements of the Budget Committee supermajority. You have to get a supermajority to get the tobacco money. Why not a supermajority to protect Social Security? We have section 13301 of the Budget Act itself that is a firewall anyone disobeys when he spends that money.

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

Mr. HOLLINGS. If I need more time, I can get some, I guess, off the resolution. But let me hear it. My time has expired.

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

The PRESIDING OFFICER. The Senator from New Mexico has 8 minutes 54 seconds.

Mr. DOMENICI. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DOMENICI. Madam President, I make the point of order that the amendment of the distinguished Senator, Senator HOLLINGS, is out of order under the Budget Act. It is not germane.

Mr. HOLLINGS. Madam President, pursuant to Section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment.

Mr. DOMENICI. We will stack the vote as soon as we can for three votes.

Mr. HOLLINGS. Can we get the yeas and nays?

Mr. DOMENICI. Surely.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Madam President, I am going to call up the Faircloth amendment with reference to the marriage penalty, and then we are going to stack four votes which will include two Democrat votes and two Republican votes. In order to get the second Republican vote, I would have to have Senator CRAIG offer a second one so we would have two. And that would make the votes be on two Democrat and two Republican amendments. Is that acceptable? All right.

If you have another one that is ready—Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2251

Mr. DOMENICI. I call up amendment No. 2251.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Amendment numbered 2251 previously proposed by the Senator from New Mexico [Mr. DOMENICI] for Mr. FAIRCLOTH.

Mr. DOMENICI. I yield 5 minutes of the opening remarks to Senator SESSIONS with reference to this amendment.

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

Mr. SESSIONS. Madam President, I would like to offer some comments in support of this sense-of-the-Senate resolution regarding the elimination of the marriage penalty. Marriage is an institution to be venerated, and our public policy should affirm marriage and we should have laws that treat married couples on an equal basis with those that are not married. That is the fundamental principle of fairness.

The fact is that under our current laws, married couples suffer a financial penalty when it comes to taxation. In fact, married couples pay often substantially more tax than they would pay if they were not married.

For example, the U.S. Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system. The Congressional Budget Office also found that the average tax penalty amounts to \$1,380 per year. That is a \$100-a-month tax penalty on people who choose to be married rather than those who choose not to marry. As a result of that, we are taking more of their money to in fact subsidize people who are not married who receive those benefits.

I think some people have suggested this is in fact a realistic cause of people not to marry. For example, in 1970, just .5 percent of the couples in the United States were not married. By 1996, that number had risen to 7.2 percent.

So, Madam President, I would say that this is a very important debate. And I will not belabor the subject. This is a matter that has been the subject of much debate, with much intellectual and financial study, and the conclusion of these numbers is plain and obvious. Under our current tax system, married couples are being subjected to an unfair financial penalty. This is a matter that this Senate must address.

It may be a bit late this year to make those changes. I wish it could have been done this year, but it is a change we are going to have to make. We are going to have to eliminate the circumstance in which a married couple is penalized for being married. It is not just, it is not fair, not appropriate, and it is unbecoming of the laws of the United States.

So, Madam President, I support this resolution and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I compliment the Senator on his remarks. They are right on point. As a matter of fact, the resolution as drafted says to the U.S. Congress to begin to cure this marital tax inequity this year. In essence what we are saying is, if we are going to have a tax bill, we have no authority to dictate its content, but we are saying it is the sense of the Senate that we shall start down the road of eliminating that this year.

Now, I might add—

Mr. SESSIONS. If the Senator will yield, I would like to say how much I appreciate the Chairman's support for this concept, and for this resolution. I think we can begin now to take the kind of steps necessary to improve the tax laws in this regard.

Mr. DOMENICI. I say to the Senator, I just want to ask a question. You used the figure of \$1,380 a year or \$1,340?

Mr. SESSIONS. The number I have is \$1,380.

Mr. DOMENICI. Is this what you mean? If you have two single people earning a combined income, that are single and filing separate returns, and you have a married couple with exactly the same amount of income, the married couple, everything else being equal, will pay \$1,380 more in taxes per year?

Mr. SESSIONS. The Senator is exactly correct. That is the average for those who suffer a penalty. That is the average amount of penalty that is suffered, according to the Congressional Budget Office.

Mr. DOMENICI. So it could be a very large amount of money for people above the average?

Mr. SESSIONS. That is correct.

Mr. DOMENICI. I assume it could be \$2,000, \$3,000, \$5,000, \$10,000?

Mr. SESSIONS. The Senator is correct.

Mr. DOMENICI. Of course, for those under the average it would be less. But is it not true that you have heard, as I have, that some people do not get married who are living together saying they are doing better on taxes without being married, and that this is frequently used in conversation if not in reality?

Mr. SESSIONS. The Senator from New Mexico is exactly correct. Certainly we have more people, more men and women living together without being married today than ever before.

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

Mr. LAUTENBERG. Madam President, I tell you what, I am going to support this amendment. So I ask if I can talk as one of the proponents for a minute to raise a question.

Mr. DOMENICI. Sure. How much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes 16 seconds.

Mr. DOMENICI. How much of that would you like?

Mr. LAUTENBERG. No. I would like a short period of time. I think if we can agree—and I do not see anybody here that wants to talk in opposition—we ought to yield back the time.

Mr. DOMENICI. We do have Senator FAIRCLOTH en route. If he is not here shortly, then we will be able to do what you suggest. But I am trying to hold a little bit of time for him.

Mr. LAUTENBERG. I see. My only question relates, frankly, to the schedule that is proposed here. The one thing I have to remind my friend and colleague, the Senator from New Mexico, about is the volume of the sense-

of-the-Senate resolutions. We are building—we may have a record year this year, I say to the chairman.

Mr. DOMENICI. We might.

Mr. LAUTENBERG. So we just let it flow, go with the flow, as they say. None of us want to do anything to impose a penalty on marriage. The statistics are not as good as we would like to see in the first place, so we do not want to make it any more difficult. But when the schedule says “shall begin to phase out the marriage penalty this year,” I think that is somewhat precipitous. But hearing the Senator from Alabama confirm I think what we all know, all we can do is kind of make this abstract recommendation and hope that it gets picked up along the way. So with that, with that caution, I am ready to go to a vote. I hope, I say to the chairman, in the interest of time, that we might be able to move it along.

Is Senator FAIRCLOTH still on his way?

Mr. DOMENICI. Yes, he is. And Senator HUTCHISON is one of the original cosponsors. She would like some of the time. I yield the Senator 4 minutes.

Mrs. HUTCHISON. Four minutes. I thank the Senator. I appreciate that.

This is the Faircloth-Hutchison amendment and it is also the Faircloth-Hutchison bill that would eliminate the marriage penalty tax.

All this amendment says is, it is a priority of Congress to eliminate the marriage penalty tax. We don't think Americans should have to choose between love and money. Yet 21 million American couples today have to make that exact choice, because they go into a higher tax bracket when they get married.

Let me give an example. A rookie policeman in Houston, TX, makes \$33,500. His wife is a schoolteacher in the Pasadena independent school district making \$28,200 a year. When this young couple got married, they owed Uncle Sam \$1,000 more a year. This is at a time when they would like to buy their first home, when they have to buy a second car. They are having to pay Uncle Sam \$1,000 because they got married. That could be two house payments, three or four car payments, and we are taking it away from them by an unfair Tax Code.

Our Tax Code does not meet the fairness test. I think this sense of the Senate says it best—that it will be the highest priority of Congress to correct this inequity in the law. I don't think Congress intended it, but that is the way it happened, and Congress does have the power to correct it.

I hope we will take this opportunity to speak with a loud, firm, clear voice, that Americans should not have to pay more money because they get married than they would have to pay if they stay single. That is the issue, a very simple amendment. I hope we will have a unanimous vote when this amendment comes forward to show that we intend to do something about this if we

possibly can within the constraints of the surplus, and that if we are not able to do something, it will be the highest priority when we do have that budget surplus that I have seen spent in so many ways already in the last year. We haven't seen that budget surplus, so I think spending it is a little premature.

I do appreciate the fact that this committee set aside \$10 billion for the first year for tax cuts, and I think if we can build on that, we can do some good for the hard-working American. We should continue to give money back to the people who earned it. You can always tell who cares about the people who earn the money, and that is by how they refer to tax dollars. We refer to tax dollars as belonging to the people who worked for them, and we are going to try to let people keep more of the money they earned. They deserve it. That is what setting this priority will do for 21 million American couples.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I concur with most of what has been said here. I read this resolution, and it is hard to argue with a resolution that is praising marriage and the married. I think we are all for that. Anything in the law of this land, whether tax law or otherwise, which detracts from that institution, should be examined and seriously considered.

But I keep wondering—I am not an expert on tax law, but there are some situations where marriage actually reduces the tax burden; where, in fact, if you have one of the spouses who has a high income and marries someone with a much lower income, it could reduce the tax rate. I certainly hope there is nothing in this sense-of-the-Senate resolution which suggests we should change that. I think we want to try to encourage people, and when the Tax Code rewards those who are married, we should continue doing that.

What I am told is there are two sides to the story. As there are those who are losers and are penalized by the Tax Code by marriage, there are those who are benefited by the Tax Code.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. HUTCHISON. I would love to address that issue. It is a valid point.

We will not take away the break that a couple has in the one-income-earner family; that is, where people are ahead if they have one income in the family, they get a break on taxes. The people who get hit are the low-income people with two wage-earners in the family. They are the ones that often have to work to make ends meet, and yet they are penalized because they get married. It is a couple that makes \$28,000 a year and \$33,000 a year, and together they move into the higher bracket, but separately they would not be in the higher bracket, they would stay at the 15 percent bracket.

What we are trying to do is create an equity for those lower- and middle-income two-earner couples that right now are paying a hefty penalty.

Mr. DURBIN. I thank the Senator from Texas for that clarification. I hope we can do everything in our power to make the Tax Code not only friendly to those who are married but more progressive so that those in the lower- and middle-income categories get a helping hand from the Federal Government instead of the backhand.

Mrs. HUTCHISON. I thank the Senator from Illinois for allowing me to clarify that. It is certainly important for us to keep the advantage for the one-income-earner couple, but that we give that added advantage to that two-income-earner couple that really does need it.

Mr. DOMENICI. Madam President, I am prepared to yield back the time.

Mr. LAUTENBERG. I am prepared to yield back.

Mrs. HUTCHISON. Will the Senator yield?

If Senator FAIRCLOTH is not going to be able to give remarks, I would like to be able to say on his behalf what a leader he has been.

Mr. DOMENICI. I will try to arrange this right now, if you listen to my consent. If it doesn't work, we will use some time here.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. I ask unanimous consent that after the time is yielded back and we proceed to the next amendment, that nonetheless, prior to the vote at 9 o'clock or thereafter on the Faircloth amendment, that he be permitted to speak for 3 minutes.

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

Mr. LAUTENBERG. May I reserve the right to ask a question? That is, this depends on the time, because we agreed we were going to control the time carefully. I ask how much time is left for the proponents of the amendment.

The PRESIDING OFFICER. There are 6 minutes 36 seconds.

Mr. DOMENICI. What I was trying to do is give back the 6 minutes.

Mr. LAUTENBERG. And trade for 3.

Mr. DOMENICI. And trade for 3.

Mr. LAUTENBERG. I consent to that.

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

Mr. LAUTENBERG. Would this be included in this batch of votes?

Mr. DOMENICI. When we take up Senator Moseley-Braun, Senator Hollings, this would be the third one in that sequence.

Mr. LAUTENBERG. That would be at 7 o'clock—you said 9 o'clock.

Mr. DOMENICI. Nine o'clock.

Mr. LAUTENBERG. I thought we talked about a series of votes at 7 o'clock.

Mr. DOMENICI. I think people heard 9 o'clock or 9ish, so we ought to get on with more amendments.

I thought the 7 o'clock was precluded when the Chair went right ahead and made us vote on previous amendments.

Mr. LAUTENBERG. Is there a unanimous consent request at the desk calling for a specific time?

Mr. DOMENICI. Let me correct that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me correct that. I believe that only I was thinking that that previous vote did that and nobody else was, so I must not have told anybody. Everybody on the staff agrees. They must be right. We can't do anything without them.

Perhaps what we can do—Senator CRAIG, would you be willing to spend 15 minutes on your amendment?

Mr. CRAIG. I can.

Mr. DOMENICI. I would like to get one more stacked.

Mr. LAUTENBERG. Just to clear the air and be sure we are both hearing what each other is saying, that is that if that is the case, then we are going to ask for another unanimous consent that would enable Senator CRAIG to offer his amendment, give us a chance to take a look at it, but Senator CRAIG, I thought, debated his amendment last night.

Mr. CRAIG. I did.

Mr. DOMENICI. Yes, he did.

Mr. LAUTENBERG. So what time would be available for Senator CRAIG now if the debate was conducted last night? What system are we operating under?

Mr. DOMENICI. I assume we are operating on the half hour.

Mr. LAUTENBERG. But how much time did Senator CRAIG use last night to debate his amendment?

Mr. DOMENICI. That was before we had an agreement. I don't want to argue over it. That is what we did with anybody who argued an amendment two nights ago. If he could have 15 minutes, you 15 minutes, we will get 4 votes in here in 15 or 20 or 30 minutes—assuming you won't use all the time.

Mr. LAUTENBERG. That is all right with us. I agree, certainly.

Mr. DOMENICI. All time is yielded back then on the Faircloth amendment, and we will proceed to Senator CRAIG at this point.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 2211

Mr. CRAIG. Madam President, last night I offered an amendment called the Surplus Protection Amendment for myself and several other colleagues here in the Senate: Senator ALLARD, Senator COVERDELL, Senator GRAMS, Senator HELMS, Senator HUTCHINSON, Senator INHOFE, Senator SESSIONS, and Senator THOMAS. My amendment is a fundamentally simple amendment which sets forth very clearly a new approach toward how we handle mandatory spending. Pay-as-you-go budget enforcement rules were established to help put Washington's fiscal house in order.

Since fiscal year 1994, the Senate has had a point of order requiring 60 votes to waive against any legislation that would increase the deficit. However,

mandatory spending in Washington is Washington's version of a fiscal autopilot. Once enacted, it requires no further congressional action to operate. Rather than a perpetual motion machine, what we have found out with mandatory spending, of course, is that it is a perpetual spending machine. It is, if you will, the Energizer Bunny of budgeting and has kept growing and growing and growing.

What all this means—and I think it concerns us all greatly—is an increase in mandatory spending must be paid for with a tax increase. Any tax cut must be paid for by a mandatory spending cut. As anyone can tell, pay-go, in its present form, is very insufficient to control mandatory spending.

Mandatory spending has increased dramatically and will continue to increase dramatically over the next few years. According to the Congressional Budget Office, in 1987 mandatory spending accounted for 47 percent of the Federal budget; in 1997, it accounted for approximately 56 percent; in the year 2008, it will account for 70 percent. Many of us have struggled mightily, as has the chairman of the full committee, to control this.

What is happening is that mandatory spending is crowding out, rapidly crowding out, Federal Government spending for schools, for roads, for law enforcement, and for those infrastructure maintenance kinds of programs that most citizens in our country feel are legitimate spending areas for our Government.

I have sensed, as many of my colleagues have, that it is time to make a modest adjustment to try to change the process by which we deal with this issue. Current estimates are that the budget will be balanced this year, and the chairman of the full committee and many colleagues on this floor deserve credit for that because it will be, and we are pleased about it, excited about it, and I think the country is also. It is true that we are nearly 4 years ahead of schedule in balancing the budget, and there is a lot to be credited for that—certainly our ability to begin to control spending here, but also our ability to help free this economy and to see it move as successfully as it has, has been another major contributing factor.

However, we must look not just to the horizon of spending, as this budget resolution does, but look well beyond it. If we fail to look beyond it, we fail to recognize what is out there in the very, very near future of additional spending as a result of the drive of mandatory entitlement-style spending. To avoid what will happen in the future, I think we have to change the way we work now, because if we don't gradually move into controlling these kinds of spending areas, the step that we would want to take or have to take out there or be forced to take would be uncontrollable—tax increases, major budget cuts of the kind many might find intolerable. What I am proposing

is a modest step. I guess I am a bit like a doctor tonight. I am going to suggest that we first pledge to do no harm. What I am offering tonight does no harm to this budget.

My amendment establishes a point of order that requires new mandatory spending programs to be paid for by mandatory spending savings. In other words, it would require 60 votes in the Senate to create a new mandatory spending program that was not funded by an equivalent mandatory spending savings. Tough choices? Not necessarily. But it forces the Congress to do the work that it probably hasn't liked to do over the years, and that is to do oversight to see whether these programs are working or they ought to be adjusted or changed, and if they are changed, is there something better that we might adjust to? If all of the new mandatory spending programs had been paid for, as we had claimed, we would not be facing a fiscal future of exploding spending and exploding deficits.

I think anybody who might be listening to what I am saying tonight would be scratching their heads and saying: But, Senator, the budget you are proposing this night is balanced. The budget that the senior Senator from New Mexico, chairman of the Budget Committee, is offering is at balance, and we are talking about the potential of surplus revenues.

My point is—and it is a point that nobody disputes—that the current budget path that we are on, which is the right path, is unsustainable. As good as a balanced budget is today, it will not remain a balanced budget for long. The path that we are traveling is no secret that it is unsustainable. It is not. We all know because so many have told us so, including some of our own colleagues here on the floor. Senator KERREY of Nebraska, who chaired the bipartisan commission on entitlement and tax reforms, has said so. The General Accounting Office has said so. Interestingly enough, the President's budget has said so. And in the most recent report, the Congressional Budget Office said:

Currently, more than half of the nearly \$1.7 trillion in Federal spending goes for entitlements and other mandatory spending programs. As a share of the total outlay, mandatory spending has jumped from 32 percent in 1962 to 56 percent in 1997. If current policies remain unchanged, such spending will continue to grow faster than other spending, reaching 63 percent of total outlays by the year 2002, or twice the size of discretionary outlays.

Under baseline assumptions, continued growth in mandatory outlays would raise their share of the budget to 70 percent by the year 2008. Last year, the Congressional Budget Office wrote that this year's budgetary news should not lull people into complacency and, most assuredly, this budget, the budget resolution we have before us, should not. It is an excellent work and it controls spending. It gets us to a balanced budget.

But let me suggest that the retirement of a large baby boomer generation is just over the horizon. If the budgetary pressure from both demographic and health care spending is not relieved by reducing the growth of expenditures or increasing taxes, deficits will mount and seriously erode future economic growth. That report concluded:

Current budget policy is unsustainable and attempting to preserve it would severely damage the economy.

How serious are the future projections? The Congressional Budget Office concluded that even if the budget were balanced in the year 2002—and that is our goal and we are going to get there—we would have a deficit equal to 34 percent of the gross domestic product by the year 2050 and the public debt would be 283 percent of the gross domestic product. Those are the outward projections of the current path of expenditure.

There will be a demographic shift to older populations. This Senator standing before you tonight is part of that group. I am part of that baby boomer crowd. I am going to be one who will be collecting my Social Security and my Medicare. And there is no question that, in 1995, there were 34 million 65-year-old and older citizens. But by the year 2030, there will be twice that number, or 68 million. There will be more elderly. They will live longer and they will be using Federal services more intensively. There will be relatively fewer workers around to put foot all of these bills. If we don't sense that now—and several sense-of-the-Senate resolutions have talked about it today, but my amendment changes the process, forces the issue, causes us to work our way through these kinds of tough decisions.

In 1950, there were 7.3 workers for every senior. In 1990, there were 4.8 workers for every one senior. In 2030, there will be 2.8. We all know the reality of that. What I am talking about are the taxpayers paying into the programs that will fund that one individual. It will take all 2.8 of those workers working together at a very large chunk—a 60-plus percent tax rate on their income to fund that one individual, along with all the other Government services and necessary programs that we think are appropriate.

So what the demographic shift means is that spending rises very rapidly relative to revenue. Quoting the Congressional Budget Office:

Revenues will be squeezed as the number of people working and the economy grows slower. At the same time, outlays for Government programs that aid the elderly will burgeon as the number of people eligible to receive benefits from these programs will shoot up.

What the fiscal squeeze means is major new revenues in the form of taxes or enormous deficits. The deficit, last year, was less than 1 percent of GDP. It would be 29.8 percent by the year 2030. The Federal debt was 50 per-

cent of GDP last year; it would be 250 percent by the year 2035. Those are not my numbers; that is the Congressional Budget Office speaking. Those are valid numbers, and anybody who studies the budget curves understands that. This is unprecedented. We have never had a period of time in our country's history where these numbers became reality, because we never have spent that much of the gross domestic product of our country. The deficit has been higher than 10 percent of GDP only briefly, during major wars. And we understand those reasons—when our Nation is at risk and our freedoms are to be secured. The debt exceeded 100 percent only once and that was during World War II. The result would be based on the figures by the year 2035 of economic catastrophes. I don't know of any other way to explain it, any other way to compare it. Those would be the realities. Even to make the burden sustainable, the Congressional Budget Office terminology allowing debt to rise, but keeping constant in relation to the gross domestic product, would have dire consequences. The tax burden would have to increase 20 percent just to continue running deficits and adding debt.

Of course, someone will say that the budget agreement solves the problem. No, the budget agreement doesn't solve the problem. It addresses the immediate, it addresses the desire to maintain current spending while mandatory spending within this continues to grow at the rates offered in these projections that brings us to the year 2035. It is certainly an improvement, and I am very laudatory of the chairman of the Budget Committee, and others. It delays the scenario I have just outlined. But according to the CBO, if the budget is balanced through the year 2010—and that is what I believe this Congress strives to do—it will take less than 15 years to reach the same scenario that I have just described—a huge deficit and a debt of 230 percent of gross domestic product by that time. Quoting the Congressional Budget Office:

Regardless of how the budget is balanced in the near term, congressional budget action would still be needed to put the budget on a sustainable path.

So what I am proposing is a modest first step. The years 2030 to the year 2050 are not real to us on this floor. We cannot even begin to appreciate the kinds of budget numbers those years will produce. But they are very real to our children or any child that might be in the galleries tonight, because they are the ones who will be paying that huge tax rate out there to fund these kinds of programs that we have already put in progress today. So those are the realities of what we are dealing with. My amendment is a first step in that direction.

The PRESIDING OFFICER (Mr. GREGG). The time of the Senator has expired.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from New Jersey has 14 minutes 43 seconds.

Mr. LAUTENBERG. I thank the Chair. Has the proponent side used all of its time at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I rise in opposition to Senator CRAIG's amendment. This amendment would prohibit using revenues to offset new mandatory spending and, instead, require all new mandatory spending to be offset with other mandatory cuts. The amendment would prohibit using revenues to offset new mandatory spending. Alternatively, instead, it would require all new mandatory spending to be offset with mandatory cuts.

The amendment would represent a significant departure from current pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare. It would further undermine the prospects for comprehensive tobacco legislation.

There is nothing new about using revenues to offset mandatory spending. The pay-as-you-go rule has been in place for many years and it has worked well. That rule says that new mandatory spending must be fully offset either by revenue increases or mandatory savings. In other words, new mandatory spending must be deficit neutral.

Under Senator CRAIG's proposal, however, deficit neutrality is not enough. Under this amendment, legislation to provide a new mandatory benefit, like Medicare coverage for a new medical procedure, would have to be offset with other mandatory spending cuts. No new revenue could be used.

If you think about that for a minute, it really doesn't make sense. If we are looking to pay for a new benefit, why would we say that cutting Social Security is fine, but closing a wasteful tax loophole is not? Why would we say that cutting Medicare is OK, but eliminating a corporate tax subsidy is not? Well, Mr. President, maybe some people think that the Tax Code is just fine the way it is and that it doesn't contain any loopholes or special breaks for the special interests. I happen not to be one of them. I don't think many Senators on either side of the aisle would make that claim. After all, we are now hearing calls to scrap the entire Tax Code even without a replacement. Can these same Senators now also be claiming that there is not one special tax break or loophole that deserves closing, even if the savings could be used to provide for new health benefits for people stricken with newly discovered deadly diseases? I hope that not many of my colleagues really believe that. In my view, we ought to be intensifying our efforts to eliminate wasteful tax loopholes. The last thing we should do is give any special protections to them

at the expense of Social Security or Medicare. So it is a little out of balance.

This amendment would compound the obstacles already created in this budget resolution for comprehensive tobacco legislation. Under this amendment, tobacco legislation could not use tobacco revenues to pay to finance antitobacco activities. It doesn't make sense, and it would undercut what could be the most important piece of legislation in this session of the 105th Congress.

I urge my colleagues to oppose this amendment. It would change a fundamental rule that has worked well for many years. It would give special protection to wasteful tax loopholes at the expense of programs like Social Security and Medicare and could seriously impair the ability to get us to a comprehensive tobacco program.

The pending amendment is not germane. I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

I don't see anyone else in opposition. I yield the time.

Mr. CRAIG. Mr. President, I move to waive the Congressional Budget Act.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, parliamentary inquiry: Are we scheduled to start voting now?

Mr. LAUTENBERG. That is the condition, as I understand it. I ask the manager of the bill.

Mr. DOMENICI. We are going to vote on four amendments very shortly. Senator MOSELEY-BRAUN is going to be first with her amendment, then we are going to follow that with Senator HOLLINGS' amendment, which is subject to a point of order, and then we are going to follow that and Senator FAIRCLOTH's marriage penalty, to be followed in fourth place by Senator CRAIG.

I have a parliamentary inquiry with reference to Senator MOSELEY-BRAUN's amendment. What is the unanimous consent? Does the Senator have some time, and do we have some time at this point?

The PRESIDING OFFICER. The Senator from Illinois has used all of her time. The Senator from New Mexico rises in opposition.

Ms. MOSELEY-BRAUN. Mr. President, it was my understanding that the unanimous consent agreement had 1 minute before for each side in addition to the time budgeted for the amendment. There was supposed to be 1 minute for each side before the vote.

The PRESIDING OFFICER. That unanimous consent has not been entered into relative to this amendment. But that is the standard agreement. That is the usual practice.

Mr. DOMENICI. We would like to make sure that occurs. So I ask unani-

mous consent that be the case with reference to this amendment.

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

Mr. DOMENICI. It will be the case with the subsequent ones, will it not?

You said it is not a part of the unanimous consent already. I thought it was.

The PRESIDING OFFICER. Is the Senator making that request?

Mr. DOMENICI. I make that request.

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

Mr. DOMENICI. I had my entire time left on Senator MOSELEY-BRAUN's. I yield that back and will use 1 minute before I move to table.

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

Mr. LAUTENBERG. Mr. President, I ask the manager whether this now precludes second degrees. Are we going to go ahead? Are we just going to vote?

Mr. DOMENICI. My understanding is there will be no second degrees. I ask unanimous consent that no second-degree amendments be in order to the four amendments that are pending.

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

AMENDMENT NO. 2175

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

Ms. MOSELEY-BRAUN. Thank you very much.

Mr. President, our amendment is a sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between the State, local, and national governments to rebuild and modernize our schools and the classrooms for the 21st century.

Winston Churchill once said, "We shape our buildings, thereafter they shape us." Nowhere is that more true than with schools.

The poor condition of America's schools has a direct effect on the ability of our students to learn the kinds of skills they will need to compete in the 21st century global economy. America cannot compete if our students cannot learn, and our students cannot learn if their schools are crumbling down around them.

Our amendment would ensure that school districts around the Nation have the resources they need to address school improvement priorities so we can give our children an environment suitable for learning.

I encourage support for this amendment. It is, after all, a sense-of-the-Senate amendment. It will give everyone an opportunity to express without the particularity of the actual legislation. I express the support of doing the right thing by our kids.

Mr. LAUTENBERG. Mr. President, I have a question I would like to resolve that I think is agreed upon. The first vote would be the traditional 15, plus 5, and thereafter 10-minute votes. All of them are strictly controlled so we can move the program along.

The PRESIDING OFFICER. Is there a unanimous consent?

Without objection, it is so ordered. That will be the order.

Mr. DOMENICI. I would like to ask. I thought when we entered into the unanimous consent agreement earlier in the day about stacking votes that we said we were going to have them 15, 10 and 10.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

I have 1 minute on this amendment. Let me just say there is a statement behind me that was made in the budget by the President of the United States. It is very simple. It says:

The construction and renovation of school facilities has traditionally been the responsibility of State and local government, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction.

I acknowledge that is a grant program. But I believe that we should change that word and say, "We are opposed to tax credits for school construction," because I don't believe the U.S. Government ought to change its tax laws to allow a total tax deduction, which is what a credit is for the interest that a bond will yield if it is for construction of schools in the United States.

There is no formula. We don't know how we will do this. We don't know whether poor districts will get it. I think we ought not start down this path. I know for some any education program is difficult. I understand this may be one of those. But I truly don't believe we ought to do this.

I remind everyone, in any event, this is a sense-of-the-Senate resolution. It is not binding. That will give you latitude to vote differently than I recommend, since it is not binding. But I don't believe we ought to tell the Finance Committee we want them to start down this path in a big way with reference to school construction.

Having said that, I move to table, and I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—54

| | | |
|----------|-----------|-----------|
| Abraham | Brownback | Coats |
| Allard | Burns | Cochran |
| Ashcroft | Byrd | Collins |
| Bennett | Campbell | Coverdell |
| Bond | Chafee | Craig |

DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grassley
Gregg
Hagel
Hatch
Helms

Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles

Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold

Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin

Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 2175) was agreed to.

Ms. MOSELEY-BRAUN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. We have three votes to go. We can move them along promptly if we can have order in the Chamber.

Mr. DOMENICI. Mr. President, I announce that when we finish this series of votes tonight, there will be no more votes tonight, but we will stay and debate five additional amendments—three from the Democratic side, two from the Republican side. Those will be stacked in the morning under the previous order, a 15-minute vote followed by 10-minute votes.

I will tell everyone, we now have in excess of 75 first-degree amendments filed. We will take care of five of them tonight, and that will probably leave us with about 70. Obviously, we could not dispose of 70 amendments at 10 or 15 minutes each in a very short period of time. So tomorrow morning, we will have, and my friend Senator LAUTENBERG says his staff will have some charts to show you your amendments while we are voting in the morning.

We would like you to be honest; we don't ask you tonight in the full light of everybody which ones you really want to vote on and which ones you would like for us to consider and which ones you might withdraw. We are going to work on accepting as many as we can, with the idea that there is still a conference to go to, during which time those accepted amendments will be given due consideration.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. Does the Senator intend to stack the votes on these five amendments for in the morning?

Mr. DOMENICI. Yes.

ADJOURNMENT OF THE TWO HOUSES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 257, the adjournment resolution, which was received from the House.

I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 1, 1998, it stand adjourned until 12:30 p.m. on Tuesday, April 21, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 2, 1998, Friday, April 3, 1998, Saturday, April 4, 1998, or Sunday, April 5, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 20, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

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

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2193

The PRESIDING OFFICER. The pending amendment is the Hollings amendment No. 2193. A point of order has been raised against the amendment on the basis that it is not germane. The pending question is the motion to waive the Budget Act to allow for the consideration of the amendment on which a rollcall vote has been ordered.

There is 1 minute on each side for debate. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, on behalf of myself, Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN, and Senator REID of Nevada, we put this in to do just exactly what was called for by the President. We want to save Social Security first.

As we all know, we have used the euphemism of a unified budget, a unified deficit, and we have been spending, looting, the Social Security trust fund.

Some say that actuarially there is a surplus in there. That is on a sheet of paper. Actually, the money is gone.

The PRESIDING OFFICER. Will the Senator from South Carolina suspend until we can get order in the Chamber? The Senator from South Carolina has a right to be heard.

Mr. HOLLINGS. Mr. President, this more or less puts into parliamentary procedure what we voted for time and again, what the distinguished Senator from New Mexico has voted for. It is in the law, section 13301, that we save Social Security and quit looting the fund.

If you really want to put your money where your mouth is, as the expression goes, rather than just a sense of the Senate, then support this particular resolution now under consideration and put on some parliamentary controls, which is what this amendment does. If you want to save Social Security, vote for the amendment; waive the Budget Act, because that is what the Budget Act says to do in section 13301. If you don't want to, vote against the waiver.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, if I thought this amendment would do anything to save or preserve Social Security, I would be for it. In my humble opinion, it does absolutely nothing to save Social Security. What it does is attempt to change the process and procedures so that if the Budget Committee reports out for Senate consideration anything on Social Security, it is subject to a 60-vote point of order.

We could get to the point where we will take every committee of jurisdiction and pass a process rule because there was something in their jurisdiction we didn't want them to do business on. We could say anything you report out has to have 60 votes. Then we would take that to the floor, and the chairman of the committee of jurisdiction would stand up and say, "What have we come to?"

This seems like some kind of exuberance that is not calculated to do anything except have some words suggesting we are trying to save Social Security. I raised a point of order. There is a motion to waive it. I hope we do not waive it. I urge Senators to vote "no" on the motion to waive. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Hollings amendment No. 2193. The yeas and nays have been ordered. The clerk will call the roll. This will be a 10-minute vote.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 42, nays 58, as follows: