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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Ultimate Sovereign of this Nation and of our lives, we commit this week to seeking and doing Your will. We all desire to do what is best for our Nation. Help us to wait on You and listen patiently for Your voice whispering in our souls solutions for the complexities we face. Guide us to express our convictions with courage but also with openness to others. We have in common our trust in You and our dedication to serve our Nation. We relinquish our desire simply to win in a contest of wills or party loyalties. If we all seek You and Your righteousness, we know You will show us the answer. For Your name's sake and the good of America. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. Thank you, Mr. President.

SCHEDULE

Mr. HAGEL. Today the Senate will be in a period of morning business until 1 p.m., at which time the Senate will resume consideration of the budget resolution. As previously announced, there will be no rollcall votes conducted during today's session. However, the managers do expect amendments to be offered, and the next rollcall vote will occur on Tuesday morning at a time to be determined by the majority leader. As always, Members will be notified as to the time of those votes.

In addition, today the Senate may consider any executive or legislative

business cleared for Senate action. In regard to the balance of the week, the Senate is expected to complete action on the budget resolution and the supplemental appropriations conference report, if available, prior to recessing for the Easter holidays. Therefore, Members can anticipate a very busy week of floor action.

As a reminder to Members, the next rollcall vote will occur on Tuesday at a time yet to be determined. It will be announced later.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

SPENDING AND TAXES

Mr. THOMAS. I will take some time, and I think I will be joined by at least one Member, to talk just a little bit about spending and taxes in general.

We are coming into a time, of course, this week, and I suspect now for a number of weeks, when the focus of this Congress will be budgets, on appropriations, on spending, as it should be. I want to talk a little bit about at least my perception of some of the broader objectives that go into debate that extends beyond mathematics, that extends beyond the dollars—actually measures these dollars, about how spending really impacts on the philosophy of government, how spending impacts upon the priorities that we have here in the Congress, how spending im-

pacts upon our whole philosophy of whether or not we want to increasingly have a larger Federal Government delving into all activities of our lives, or whether, in fact, there is a limited role for the Federal Government as opposed to State and local governments, and if so, then what does our decision reflecting spending have to do with that.

It does seem to me that one of the real issues that we have is the extent and the role of the Federal Government's involvement in all the activities in our country. Many would argue, and I argue, that the Constitution clearly defines that there is a limited role for the Federal Government. As a matter of fact, I think it says in the 10th amendment that those things not precisely and clearly described in the Constitution are left to the States and to the people. I take that part of the Constitution very seriously.

As we talk about problems that arise throughout the country, some of them are appropriate to take care of in the Federal Government, some are not. We find on almost everything we talk about, not always recognized, not always defined, but I think if you look through the things we talk about, it is the basic first decision that probably should be talked about.

We talk a lot about balancing the budget. We balanced the budget last year for the first time in, what, 25 years. That was when income reached expenditures for the first time in 25 years. That is an excellent start. I think it is something this Congress ought to be particularly proud of. It is an excellent start.

But you can balance the budget at almost any level if you continue to increase revenues, increase taxes, increase the burden of taxes on the American people. You can increase revenues and spending can go on and still be balanced, and it gets away from the

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



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philosophy of having a smaller Federal Government. So the choices that we make and the choices that we take are very often directed by spending.

I think we find ourselves in an interesting situation, talking about surpluses. First of all, there is no surplus at this point even though there is an expectation of one. So we find ourselves in great debates over spending a surplus that has not yet appeared. Further, almost an indication that if there is a surplus, by gosh, we have to find some way to spend it. Now, that really doesn't necessarily need to be the case. We could apply it to the debt. We have a little debt, remember—\$5.7 trillion I believe it is—a debt that we could be paying. When we don't, pages like those sitting here before the Senate will be paying for it. We put it on the credit card and the credit card is maxed out. There are places to do something with surpluses besides spending them.

The Senator from Massachusetts last Friday arose with four or five problems he talked about: We need school repair. Of course we need school repair. We need more teachers. I suspect we need more teachers. Nobody would argue with the idea there ought to be improvements in education. There ought to be more money spent in education, but there is a philosophy and there is a question as to where that money should come from. Schools have basically been under the control of the States and local school districts and local governments. As a matter of fact, out of all the billions of dollars we spend in education, only about 7 percent is contributed by the Federal Government. That is almost all in special education. Each time there is a problem defined, it doesn't automatically mean that the best solution is to take Federal money and spend it, and spend it along with the Federal regulations that inevitably go with it.

Mr. President, I think as we go through this next several weeks of debates and discussions about budgets and about appropriations some of the first decisions we make ought to be philosophical decisions as to what is the role of the Federal Government, what is the role of the Federal Government with regard to the taxes?

I don't know about the rest of you, but I spent at least part of this lovely weekend doing some things that weren't that much fun, and that was doing my income taxes. I didn't complete it, by the way. I got to that page with 59 questions on capital gains, and I gave up for the weekend. There is some philosophy as to what we do about that, what the level of taxation ought to be, and we ought to be dealing with that. There are lots of things that we are talking about. We are talking about highway funding. A great debate is going on in the House. We have generally completed our debate here.

We intend to spend more money on highways. Why? Because there is a need, but because there are the Federal

taxes where we raise the money for highways. There was quite a large TV story the other night—on ABC, I think—about pork-barrel highway spending. They failed to mention during the whole 10 minutes that the dollars that came from there all came from the taxes you and I pay on a gallon of gas—the Federal tax that is raised for highways. There was no mention of that. I was a little distressed.

So I would like to think, Mr. President, that as we go forward here, we give some thought to the appropriateness of programs, whether they should be at the Federal level, whether they should be at the State level, and how much government we want at the Federal level and centralized government and the things that ought to be there that are more properly done at the local level, more properly done at the State level. I have a bill that I think is very important which carries out the idea of contracting in the private sector. We have had, almost for 50 years, a policy of taking those activities within Government that are commercial in nature and giving the private sector an opportunity to bid and to contract those. We have not done it. There has been a policy, but it has not been implemented. In doing that, we would keep more activities in the private sector, we would have a smaller centralized Government, and, indeed, save money.

These are the kinds of philosophical issues that seem to me to be important as we move forward to try to determine what size of Government we think we ought to have and is necessary at the central level—to talk about the level of taxation and the variants of taxation among the American people. These are very important issues. Also, we talk about being responsible, in terms of the \$5 trillion debt, and being responsible in terms of balancing the budget, being responsible in terms of having Medicare and Social Security that will continue, which is essentially and fundamentally based on sound economics. These are the things we talk about. I know the politics of it is different. Increasingly, our politics and our governance are driven by the media, by polling. It has almost become a sideshow of political activities rather than really talking about governance, which is what politics is all about.

Mr. President, I have been joined on the floor by my friend, the Senator from Montana, and I would like to yield to him as much time as he might use to talk some about taxation and some of the areas of taxation that are of concern to him.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank my friend from Wyoming.

Mr. President, the 45th parallel up there is the only thing that keeps us apart, and we get arguments over that. Nonetheless, we get along pretty well as neighbors. A lot of what I am going to talk about today is what we have in

common. Our agriculture is similar, and a few other things that one might not recognize at first. Montana and Wyoming are watershed states, Wyoming is the only State in the country where the water runs from it from all four directions. There may be a reason for that, maybe not.

My colleague talked about dealing with a \$5 trillion national debt. I would take that another step forward and remind the American people and my colleagues who make decisions based on history that we have almost double that number in a little fund, an unfunded liability, when we talk about Social Security. So in our dealings with doing something about the national debt, we are in essence dealing with the problem that we have in Social Security.

I thank my friend from Wyoming for allowing me to edge in on his time here.

Mr. President, I have another subject on which I want to speak.

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1879 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, let me close by saying I hope that, as we go into this all-important time of budgets and spending, we really take a long look at how it impacts where we are going in the future and how it impacts the size and composition of Government. I hope it is not just driven by polls. I hope we don't find ourselves trying to get some political advantage by standing up when there is a problem somewhere and declaring that it is the Federal Government's obligation to fix everything by spending Federal money. I hope we don't live by sound bites indicating that these are the political things that people want, but, rather, talk really about how it impacts our future and our kids' future and our debt. I hope we don't contribute to the cynicism of Government by making it show business and sales promotion.

Politics is the way we govern ourselves. Politics is how we take to our precincts the decisions of what kind of government we are going to have, what our spending matters will be, what our taxes will be, and what our debts will be. I think this administration has perfected the idea of using sales promotion and sound bites. I think polling has become sort of the direction for the White House and for this administration.

Taking all the issues that people care about—of course they care. Who doesn't care about child care? Who doesn't care about education? Who doesn't care about school buildings? Who doesn't care about insurance for everyone? Social Security? Those are issues that everyone embraces. The question is how do you best deal with it?

The White House tends to talk about the issue and declare their interest in

the issue with no plans to resolve it. It is sort of triangulation. If somebody in the Congress finds some sort of a resolution to it, then the White House claims success. If it fails to happen, then the White House criticizes Congress but never has a plan of its own. I hope we move away from that. I hope we really address the legitimate question.

There are those who support more government, more Federal Government, a larger Government, and more taxes. It is a belief—and an honest belief, I think sometimes—that that is the best way to govern, that the best way is to take the money from people, bring it here, and then spread it out as they see fit. They believe that. I happen not to share that notion. I happen to share the notion that the better government and the stronger government is closer to the people who are governed; that in fact a smaller central government and a more efficient central government is better and leaves the ability to govern closer to the people.

Mr. President, I hope those are some of the issues and some of the really basic fundamental things that we include as we talk about budgets and as we talk about spending.

I thank you for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the current resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Murray amendment No. 2165, to establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ABRAHAM. Mr. President, thank you very much.

For the information of the Senate, we will now, as indicated, begin consideration of the budget resolution. Although there are not any votes scheduled for today, it is certainly the hope of the majority leader and of the Budget Committee that we can begin the process of hearing from those who wish to bring amendments so they can be fully debated and discussed. I urge any colleagues who might be thinking about offering amendments to join us today. We have heard that a couple may be coming in a little bit. We will welcome them and begin this process of trying to sort through them in the hours ahead.

At this time, it is my understanding that the Senator from North Dakota has opening comments to make. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

Mr. President, today is a historic day. For the first time in 30 years, the Budget Committee is able to present a budget that is balanced on a unified basis. I think all of us have looked forward to the day when we would be able to say to our colleagues, "The deficit has been erased." That is what we are able to come to the floor and say today.

We all understand that there is more to do, because we all understand we are continuing to use the Social Security trust fund surpluses. So that is the next challenge that faces us. But on that front, we are making progress as well, because in this budget resolution, we are saving the surpluses until Social Security can be strengthened, and we are doing it on both sides. The Republican budget resolution and the alternative Democratic resolution will both be balanced on a unified basis and also preserve all of the surpluses generated by the 5-year spending plan until Social Security is strengthened.

I thought it might be useful to recount for our colleagues and those who might be watching how we got to the position we are in today, what it took to get here, what is the history, how did it happen, because I think it is an important story.

In 1993, President Clinton was inaugurated, came into office and laid down an economic plan to reduce the deficit. It was a controversial plan, one that cut spending and also raised income taxes on the wealthiest 1.5 percent of the people in this country. Many said that plan would not work. In fact, our friends on the other side of the aisle said it would crater the economy.

How well I remember the debate we had on the floor of the Senate. How well I remember the description that came from our colleagues on the other side who told us, "If you pass this plan, it will not reduce the deficit, it will increase the deficit." They said it would increase unemployment; that it would increase inflation; that it would in-

crease the debt; that it would stifle economic growth. Mr. President, the record is now clear. Our friends on the other side of the aisle were simply wrong. They were wrong on every single count. The plan that we passed in 1993 not only reduced the deficit, it has done it each and every year since the 1993 plan was passed.

It has also led to a remarkable economic resurgence. It has led to the lowest unemployment in 24 years, the lowest rate of inflation in 31 years, the strongest business expansion in any of our memories, and put this country on a sound financial footing.

But, again, I think we must all recognize the challenge is not over, because the next step is to stop using the Social Security trust fund surpluses. Again, the budget resolution offered by our friends on the other side of the aisle this year and the alternative that will be offered by our side recognize the Social Security surpluses should no longer be used in the calculation of the budget deficit and that we will preserve all budget surpluses until the time Social Security is strengthened.

Mr. President, this first chart shows that the unified budget is balanced for the first time in 30 years. Here is the record since 1969. Thirty years ago is the last time we were able to achieve unified balance—30 long years ago. And in between, we saw deficits rising inexorably, until in 1992 they reached \$290 billion. Then, as I indicated, President Clinton came into office and proposed the 1993 budget plan, a 5-year economic blueprint that has made dramatic progress. You can see what has happened since: The deficit has been in steep decline, until this year when we anticipate we also may run a small unified surplus, but clearly we are on the right track.

I thought I might also help to put in perspective what has happened in the last three Presidencies, what the record has been on the question of budget deficits, because those budget deficits weighed down on this economy and prevented the kind of economic growth that we have now enjoyed since progress has finally been made.

This chart shows from 1981 through 1999 the budget deficit record. We can see during the Reagan administration, he came in and inherited a deficit of \$79 billion. That promptly skyrocketed so that we were running on almost a consistent basis deficits of \$200 billion a year, absolutely unheard of before that time.

In the last years of the Reagan administration, some improvement was made. We were still running budget deficits of \$150 billion a year.

Then we had the 4 years of the Bush administration, and the deficits took off like a scalded cat. Deficits went up, as I indicated before, so that at the end of the Bush administration, the deficits were running \$290 billion a year. And with the election of President Clinton, a Democratic Congress passed a budget plan in 1993 that has succeeded in reducing the deficits every year of that 5-

year plan. The deficit went down in 1993 to \$255 billion; the next year was down to \$203 billion; then \$164 billion; then \$107 billion; then down to \$22 billion and, as you can see, additional progress is being made so that in 1999, we are now anticipating a unified budget surplus.

As I indicated, the 1993 plan was controversial: Cut spending, raise taxes, income taxes on the wealthiest 1.5 percent in this country. Some told the American people that all of their income taxes were going up. It was not true. But they were able to confuse an awful lot of people, make an awful lot of people believe that was what was happening.

The fact is income taxes went up on the top 1.5 percent, but others actually had their taxes cut because of the expansion of the earned income tax credit. In fact, many more people had their taxes cut as a result of the 1993 plan than had their income taxes increased. The news media never told that story. But that is a fact. Yes, we increased the income taxes on the wealthiest 1.5 percent, but we also reduced taxes by expanding the earned income tax credit for more modest wage earners in this country, and millions of them received a tax reduction.

But this shows what has happened to both the spending and the revenue of the Federal Government since 1980. The blue line represents the spending of the Federal Government. The red line represents the receipts, and these are all stated as a percentage of our national income or, as sometimes said by the economists, our gross domestic product, because that is probably the most realistic way to look at the trends in spending and revenue.

What you can see is that the spending, as a percent of our national income, has come down; the revenue has come up. And it is that combination—reduced spending, increased revenues—that has allowed us to achieve unified balance. And it is that unified balance that has taken the pressure off interest rates, that has improved the economic climate in this country, so that we now enjoy very healthy economic growth, low inflation, low unemployment, and all of the other benefits that flow from a strong national economy.

This chart shows how we achieve a balanced unified budget. Looking back to 1992, looking at the savings from the 1993 deficit-reduction package that I have previously referenced, and looking at the additional savings that will be achieved as a result of the 1997 bipartisan budget deal—I think it is very important that we be direct with everybody.

In 1993, the Democrats did the heavy lifting. In 1993, there was not a single Republican vote for the budget plan that year—a 5-year economic plan to get us back on track. And we understood it was controversial. We did cut spending. We did raise income taxes on the wealthiest 1 percent. And the Republicans all voted no. Again, I think

they were simply wrong. They were wrong in their anticipation of what it would mean to this economy. But in 1997, we had a bipartisan budget deal. That made further progress at getting our fiscal house in order.

Now, I prepared this chart to show the relative size of the two plans. The 1993 budget package had \$2.5 trillion of savings between 1992 and 2002, that 10-year timeframe. The 1993 budget package will account for \$2.5 trillion of the savings.

The 1997 bipartisan budget deal, between 1997 and 2002, will account for \$600 billion of budget savings. So there is no question in terms of the 10-year period, part of that is attributed to the bipartisan budget deal of 1997, \$600 billion. But most of it can be attributed to the 1993 package—\$2.5 trillion of savings.

As I have indicated, Federal spending has been declining under the budget agreement of 1993 and the follow-on bipartisan budget agreement in 1997. And if we look at Federal spending as a percentage of gross domestic product for national income, we can see in 1992 the Federal Government was spending 22.5 percent of our national income. In each and every year under the budget plan that was passed by Democrats in 1993 and the follow-on plan that was a bipartisan plan in 1997, Federal spending has been coming down as a percentage of our national income.

In 1993, it was down to 21.8 percent; in 1994, 21.4 percent; in 1995, 21.1 percent; in 1996, down under 21 percent to 20.7 percent; in 1997, 20.1 percent. In 1998 we are now anticipating Federal spending will be down to 20 percent of our national income—a dramatic improvement under the budget plan first passed in 1993, the 5-year plan passed by the Democrats, and the follow-on bipartisan budget plan passed last year.

The result has been a dramatic improvement in the economic health of this country. Economic performance has been sustained, it has been strong, and it has produced the third largest postwar expansion in our history. You can see from 1961 to 1969, we had 106 months of economic expansion. From 1982 to 1990, we had 92 months of economic expansion. From 1991 to now, 84 months of economic expansion.

The economy has grown at a very healthy rate. This chart shows the real growth of our gross domestic product, and the growth in 1997 was the best in a decade. The central, underlying reason is the budget plan passed in 1993 that led to the deficit reduction, that allowed interest rates to come down, that made this economy much more competitive, much stronger, put us in a position to be the most competitive nation in the world.

Mr. President, I think this record is now becoming very clear. Deficit reduction, fueled by the 1993 budget plan, has led to reduced interest rates, stronger economic growth, and that has meant many positive things for the U.S. economy.

The first, perhaps most important, is job growth. We have now seen 15 million jobs created since the Clinton administration came into office. That is the first 61 months. We compare that to the first 61 months of the Reagan administration. We can see during that period about half as many jobs were created—about 7.7 million. And that is why we see such strong economic performance across the country.

Well, it is not just job growth where we have seen dramatic results of getting our fiscal house in order. In other areas of the economy, we have also seen a dramatic improvement. This chart shows what has happened to investment in business equipment.

One of the real strengths of the national economy, one of the reasons the United States is performing so well in competition with others around the world is because our economy is improving its productivity. One of the reasons we are improving our productivity is because of the computerization of our businesses. One of the key investments they make is in business equipment. That has been growing at an 11 percent annual rate for 4 years.

You can see, going back to 1985, we were going along at between \$300 and \$400 billion, in 1992 dollars, of business equipment investment. Once we got that 1993 budget plan in place, business investment took off, and we are now approaching \$700 billion a year in business investment in this economy. It is one of the key reasons this economy is performing so well.

Again, it is not just business investment that shows the power of the economic plan that was put in place in 1993 and the follow-on bipartisan plan of last year. We can see in unemployment—here is what has happened with unemployment, looking back to 1991. Our unemployment rate is now the lowest since 1973. In over 24 years, we have the lowest level of unemployment in this country.

In my home State of North Dakota, we now see an unemployment rate of under 2 percent. The economists said that was not possible. The economists said full employment was an unemployment rate of 3 percent because of people changing jobs in the economy and other structural factors. But in my State of North Dakota, we have now an unemployment rate of less than 2 percent, and, of course, nationally, the lowest level since 1973.

There is not only good news on the unemployment front, there is also good news on the inflation front. And generally those two do not go together. Generally, if you have good news on unemployment, you have bad news on inflation. That is not the case with this economy. The inflation rate is showing its best sustained performance since 1967—the best rate in over 31 years—and that inflation performance is anticipated to continue.

So inflation is under control, with low levels of unemployment, high levels of business investment, and the

budget deficit eliminated on a unified basis, and moving towards preserving the Social Security surpluses by preserving the budget surpluses.

We have heard a lot of talk from some: "Well, but you raised taxes in 1993. You raised income taxes on the wealthiest 1.5 percent." Yes, that is true, because that was important to balancing the budget, to getting these deficits behind us, to putting this country on a firmer economic footing. We also cut spending. And it is that combination that has made possible the deficit reduction we enjoy today.

But it has also translated into tax relief for many of the people in this country because, as I indicated before, while we have raised income taxes on the top 1.5 percent, we also cut income taxes for millions of Americans through expansion of the earned income tax credits. In fact, as this chart shows, the tax burden is declining for a family of four. When you look at the payroll taxes they pay and the income taxes they pay, if you take those with a family income of \$27,450 or less, you see they have had their tax burden reduced.

In 1984, they were paying over 13 percent of their income in income taxes and payroll taxes. That has been reduced for 1999, under the budget plan we are offering, to 6.5 percent—a 50 percent reduction in the effective tax rate on payroll taxes and income taxes for a family of four earning \$27,000, in 1999 dollars.

Now, some of our friends on the Republican side say, "Well, the Democrats just want to spend money." And there are places that Democrats believe we ought to spend some more money. We have the agreement from Republicans that we ought to spend more money on highways in this country. We also think more money ought to be spent on education.

We think we ought to do something about the crumbling schools. We think we ought to do something to reduce class sizes, to add 100,000 teachers in this country just as we added 100,000 police in the crime bill in 1993 that has had such a remarkable effect in reducing the crime rate in the Nation over the last 5 years. Each and every year, the crime rate has come down once we put 100,000—the authorization, at least, for 100,000 additional police on the streets and took tough measures to strengthen the crime laws of this country. We also believe we ought to provide 100,000 additional teachers across America to improve the educational performance of our kids.

So there are places that where think additional funds should be spent. The truth is, if you look at the next year or next 5 years in terms of spending, there is very little difference between the Republican plan and the Democratic plan—very little difference.

This shows, in the 1999 budget, the red is the Republican spending plan, the blue is the Democratic spending plan. You will notice there is very little difference, indeed, hardly any.

There is about a \$12 billion difference between the Republican plan and the Democratic plan, out of a \$1.7 trillion budget. In fact, the Republicans' spending plan is for \$1.73 trillion for 1999; the Democratic plan is for \$1.74 trillion.

The difference is, Democrats believe we ought to put some more money into education. We believe we ought to put some more money into child care, because the vast majority of parents are both working and they tell us, we need some help; we are under enormous pressure.

I just had a neighbor of mine come and tell me he is spending \$17,000, he and his wife, this year—\$17,000—for child care. Now, he is probably relatively highly paid, a hard-working guy. Both he and his wife work, have two kids. They are paying \$17,000 for child care.

All across the country, parents are coming to us and saying, "Look, this is a part of our expenses that we really need some assistance on. Can't there be some tax relief for child care expenses that is above what we currently are provided?"

The Democratic response has been, yes, we have made dramatic progress on getting our fiscal house in order. We are preserving the budget surpluses until we get Social Security secured for the long term. But we have some additional revenue because of the proposed tobacco settlement, and we could use some of that money for smoking-related matters, health research, smoking prevention, smoking cessation, but we could also use some of it to strengthen child care in this country. We could use some of it to improve education in this country.

So the Democrats say, yes, we will take a little bit of that money and use it for those purposes. For the 5-year spending plan, from 1999 to 2003, the Republican spending plan is in red—that is \$9.16 trillion; the Democratic plan is in blue, \$9.24 trillion. A little bit more money, \$80 million more over 5 years in the Democratic plan as contrasted with the Republican plan.

Again, why the difference? Because we believe we ought to invest a little more money in education. Yes, we believe we ought to invest a little more money in child care because working parents all across America tell us that is a priority for them. And yes, we ought to use a little of that money for increasing the investment in highway funds, a priority that our Republican friends on an overwhelming basis have agreed with us on.

There are other areas of disagreement and perhaps the big area of disagreement is on the question of providing for the use of the tobacco funds. In the budget resolution, the Republicans say all of the money that comes from a possible settlement of tobacco, all of that ought to go to Medicare. Democrats disagree. Democrats say some of the money ought to go to Medicare, absolutely, that is appropriate. Some of the money, we believe, ought to be

used to strengthen Social Security. The Republicans say no, not a dime should be used to strengthen Social Security. We disagree with that. We also believe some of the money ought to be used to fund smoking cessation and smoking prevention and counter to tobacco advertising, and have health research, and improve the funding for the National Institutes of Health. The Republicans say no, none of the money, none of it, not a dime, from the tobacco settlement should go for those purposes; all of it, every penny, should go for Medicare. We just disagree. We don't think that is the appropriate set of priorities.

Obviously, Medicare is important. No question about that. Democrats are the ones who helped pass it, the ones who helped preserve it, the ones who helped protect it. But we also recognize there are other critically important priorities from a windfall that might come from a tobacco settlement—shouldn't spend it all; some of it should be saved. That is why we say some of it should be used to strengthen Social Security. Yes, some of it should be for Medicare. We also recognize that if we are really going to be protecting Medicare, then we have to take steps to keep young kids from getting hooked and addicted to tobacco, because 90 percent of those who are smokers started before age 19; nearly half started before they were age 14. And the addiction of kids puts a later burden on Medicare and Medicaid and veterans' programs because of that addiction.

We think an ounce of prevention is worth a pound of cure. The Republicans just want to deal with it at the final result stage. They just want to deal with it once the people are addicted and diseased. We say let's prevent addiction and disease. Let's spend some of that money on smoking prevention, smoking cessation, counter tobacco advertising, so that we really prevent people from getting in those situations.

The fact is the Republican plan in terms of revenue that might come from the tobacco settlement puts all the money into Medicare, none to these other purposes. They say to us, "We are funding some of those tobacco control efforts other places in the budget." That is their answer. The problem with that answer, if you look at numbers what, is that what they have put elsewhere in the budget is nowhere adequate to meeting the need; it doesn't take care of the problem.

We have had all the health experts come in and they have told us you need to be spending about \$2 billion a year on tobacco control, smoking cessation, smoking prevention, counter tobacco advertising. Interestingly enough, every comprehensive bill introduced on this floor by Republicans or Democrats adopts a spending pattern on tobacco control efforts of about that magnitude, about \$2 billion a year—some much more, some are as much as \$4 billion a year. The proposed settlement itself contains \$11.3 billion for these

purposes. The Republican budget over this next 5-year period provides \$600 million, about 1/20th of what the experts say is necessary in order to really accomplish the goals of reducing teen smoking and of protecting the public health.

The budget resolution that Republicans have offered also ignores FDA funding for tobacco. In all of the bills that are out there—Republicans and Democrats—every comprehensive tobacco bill that has been offered says we ought to expand FDA authority to control this drug like they were given authority and responsibility to control every other drug in our society. Obviously, there is a cost to that. The proposed settlement says that cost is \$1.5 billion over 5 years. The Republicans haven't given a dime for that purpose. It really makes you wonder if our friends on the other side of the aisle are at all serious about accomplishing the goals for the reduction of teen smoking and protecting our citizens from addiction, disease, and death caused by this industry.

These are the matters that will be central to this debate as we go forward. It is important to define differences between us because those differences are real and we have seen the difference they have made over the last 5 years. We believe the record has proved the Democrats were right when they cast a courageous vote in 1993 to really get our fiscal house in order. The results are undeniable. They are just as clear as they can be: deficit reduction, strong economic growth, the best performance on inflation and unemployment in nearly a quarter of a century. That is the record. It is a powerful one. It is one of which we are proud.

Now the question is, what do we do going forward? The Democratic answer is we have to maintain fiscal discipline. Yes, we have to achieve that unified balance in our budget, but we have to go further and preserve budget surpluses until we have secured the future of Social Security. As the President said to us, "Save Social Security first." The Democrats agree to that position.

In addition, we believe with the windfall that may be anticipated as a result of any tobacco agreement, we ought to use some of that funding to accomplish the goals of protecting the public health, reducing teen smoking, and also we ought to put some of it toward strengthening Social Security, we ought to use some of it for preserving Medicare, and yes, we ought to improve health research in this country and children's health care. Those are things that the American people think are important, and we agree. No higher priority can be attached to anything than improving the education of the children of our country. That is something we simply must do.

If we are going to preserve the competitive position of the United States, we must have the best educated work force in the world. That is one reason

we are doing well. If we are going to continue to do well, we must make certain that educational excellence is at the top of our priority list.

I yield the floor.

Mr. ABRAHAM. Mr. President, it is my understanding that the Senator from Alabama, Senator SESSIONS, will be here momentarily for the purpose of offering the first substantive amendment to be considered. In light of that, perhaps we could enter into a unanimous consent agreement. I ask unanimous consent that after the Senator from Alabama offers and discusses his amendment, we then allow the other Senator from North Dakota, Senator DORGAN, to seek recognition and be recognized following the Senator from Alabama.

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

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

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

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. I ask unanimous consent Philippe Ardanaz, an American Association of Political Science fellow with the Budget Committee, be granted floor privileges during consideration of the budget resolution.

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

Mr. ABRAHAM. I yield 20 minutes to the Senator from Alabama for the purpose of introducing an amendment and speaking to the amendment.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

AMENDMENT NO. 2166

(Purpose: Expressing the sense of Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. ENZI, proposes an amendment numbered 2166.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. __. FINDINGS; SENSE OF CONGRESS.

(a) Congress finds that—

(1) studies have found that quality child care, particularly for infants and young chil-

dren, requires a sensitive, interactive, loving, and consistent caregiver;

(2) as most parents meet and exceed the criteria described in paragraph (1), circumstances allowing, parental care is the best form of child care;

(3) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";

(4) as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

(5) nearly 1/2 of preschool children have at-home mothers and only 1/3 of preschool children have mothers who are employed full time;

(6) a large number of low- and middle-income families sacrifice a second full-time income so that a mother may be at home with her child;

(7) the average income of 2-parent families with a single income is \$20,000 less than the average income of 2-parent families with 2 incomes;

(8) only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

(9) child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

(10) any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for a young child.

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

(1) many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

(5) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

Mr. SESSIONS. Mr. President, I think the issue before the Senate as we debate the budget resolution is how to set our priorities as a nation. Where do we want to spend our resources? Are we expending our resources in ways that strengthen our American Republic and the people who make it up? Are we using resources in a way that will strengthen families? And are we using resources in a way that undermine families or at least undermine the freedom of families to make choices they believe are important in their lives?

I have just introduced an amendment which expresses the sense of Congress

that the Federal Government should acknowledge the importance of stay-at-home parents and should not discriminate against families who decide to forego a second income in order for a mother or father to be at home with their children. The resolution is nearly identical to the House resolution sponsored by Representative BILL GOODLING, chairman of the Education and Work Force Committee, which passed the House of Representatives on February 11 by a vote of 409-0.

President Clinton has proposed spending \$21.7 billion over the next 5 years in new Federal child care programs. Although the money the President is proposing to spend will benefit parents who use business and institutional day-care providers, it will not assist the single largest provider of child care in this country, at-home parents. The President's plan does provide us with an opportunity to think seriously about this subject and see if we can provide a better way to help parents raise their children.

I believe this resolution is critically important. It provides this body with an opportunity to discuss and debate our Nation's focus on the issue of child care: Should our Government continue to promote and fund child care programs designed to give middle-class parents who hire others to care for their children tax cuts or other benefits while at the same time denying relief to parents who make sacrifices so that one parent can remain at home to care for their young children?

It seems unfair to me that we tax families who sacrifice outside earnings to ensure that one parent is home with their children while subsidizing families in which both parents work. In fact, the statistics show that when both parents work, they have a higher income. So in fact we are taxing those with a lower income to subsidize decisions of those with a higher income.

Studies show that most parents would prefer to work less and spend more time with their children if they could afford to do so. By subsidizing only nonparental care for our children, our Government is pushing many families in a direction they do not wish to go. More parents are staying home. They are choosing to forgo extra income. These private, personal, and family decisions are being reached on long-term moral, religious, and educational considerations. Good decisions by parents in these matters benefit our Nation, and they should be affirmed by governmental policy, not undermined by governmental policy.

As I traveled my State over the last recess and talked with people raising this issue, people would come up to me after meetings, and they would say: "JEFF, we agree with you. We both used to work. Now only one of us works. We prayed about it and we know we are going to have to get by with less money. But we decided this is the best for our family."

I don't denigrate in any way families who choose for both parents to work. I

don't ask that we diminish support for the single parent who works. I just say, Mr. President, it is time for this body to join the House and to send a message to America and a statement to the President and to the rest of this Government that we believe that those parents who stay at home to raise their children ought to be affirmed also. They also should receive benefits, and they ought not to be the chumps in this process. Because they are giving of themselves with great sacrifice to raise the next generation of Americans who will lead this country.

Make no mistake our economy is in great shape. This Nation is strong and vibrant economically. The one threat I see that could undermine that strength is for us to undermine the values that we pass on to our children. That our work ethic is reduced, that our moral discipline and integrity as a people is undermined. These qualities are strengthened when families can spend those formative years with their children in a close relationship. Psychiatrists and psychologists refer to it as "bonding." During those first years, it is important for a parent and a child to bond in order for that child to develop confidence and a sense of self-worth that can only be gained in many instances from that relationship with their parents. We have many difficult societal problems, and none are more important than developing properly the next generation of leaders.

I just say this, Mr. President: Our Nation can never rise higher than the individual quality of the citizens who make it up. And what are those qualities that make us a great people? It goes beyond mere education. It goes beyond how much money we make or how smart we are. It really depends on a willingness to cooperate, to work together, on whether or not we have high ideals, whether or not our children are raised with hope and a vision for progress, whether or not they have integrity, good discipline, a work ethic that will allow us to be competitive in the world. We need to strengthen our families as they endeavor to raise the next generation of leaders.

Now, Mr. President, last year, we passed a budget that wonderfully provided a \$500 per child tax credit to families in this country—one of the finest steps we have taken in many years to actually help families. This allows them to keep money that they could spend as they wish. A family of three could, in effect, have \$120 extra each month, tax free, not taxable, a tax credit that they could use for their children. This extra money may mean buying shoes, textbooks, or the extra money it takes to go to a movie or on a school trip. These families are able to make their own decisions about spending. That was a wonderful step in the right direction. It did not discriminate against those families who work or those who choose not to have both parents work. It was an equal, across-the-board benefit, something that was

good. I think now we need to make this additional statement by this body: That we expect in the future to treat all parents equally. The amendment makes a number of points, Mr. President, and I will share those briefly. I don't know what my time is, but I don't want to go over.

The PRESIDING OFFICER. The Senator has 11 minutes remaining on the time requested.

Mr. SESSIONS. All right. Mr. President, the resolution notes a number of things. It notes that, whereas "a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is 'what is happening at home and in families.'"

That is something all of us have known instinctively, and we believe that our public policy has not affirmed that effectively. Our resolution would move us in the right direction.

It goes on to note: Whereas,

as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

nearly 1/2 of preschool children have at-home mothers and only 1/3 of preschool children have mothers who are employed full time;

a large number of low- and middle-income families sacrifice a second full-time income [by their own decision] so that a mother may be at home with her child;

the average income of 2-parent families with a single income is \$20,000 less than the average income of 2-parent families with 2 incomes;

only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent;

any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home with a young child.

Therefore, it be resolved that the Congress of this United States recognizes that:

many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

there should be no bias against at-home parents;

parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, parent, neighbor, nanny, preschool, or child care center;

any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

mothers and fathers who have chosen and continue to choose to be at home [with their children] should be applauded for their efforts.

Mr. President, the purpose of this resolution is not to suggest that we do

not need more relief for families. We need relief for families where both parents work or where the only parent works. They need relief. But we ought not to discriminate and be biased against those parents who sacrificially choose to spend the time they believe is necessary for their child to develop emotionally, morally, religiously, and ethically.

That is a good thing for America. It is a good thing when parents can and are willing to spend their time with their children. Public policy should affirm that choice, just as it affirms other choices that parents make or feel compelled to make. I would suggest that this is a matter we ought to support aggressively. I believe it is a matter that will help set the tone for our budget process as we go forward. It will send a signal to those on the committees who will be considering legislation to see what we can do to strengthen our ability to care for children, and I believe this resolution to be quite significant and representative of a marked change in the direction that we have followed before.

Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to this amendment. He called our office before I had a chance to add his name to the sponsors of this resolution, among whom are Senators LOTT, SHELBY, ENZI, FAIRCLOTH, HELMS, NICKLES, GRAMS, MCCONNELL, LIEBERMAN, BROWNBACK, INHOFE, CRAIG, HUTCHISON, FRIST, COVERDELL, ASHCROFT, ABRAHAM, MACK, DEWINE, and COATS, and others are being added as we go along.

Mr. DORGAN. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator wish to add those names as cosponsors?

Mr. SESSIONS. The names I read, except for Senator DODD, have already been listed as sponsors on the legislation.

I ask that Senator DODD and Senator DOMENICI be added as cosponsors.

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

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. SESSIONS. Yes.

Mr. DORGAN. I ask the Senator if he would allow my name to be added also as a cosponsor.

Mr. SESSIONS. I would be honored to have that.

Mr. DORGAN. I ask unanimous consent that my name be added as a cosponsor.

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

Mr. SESSIONS. I thank the Chair. Mr. President, I also ask unanimous consent that the occupant of the Chair, Senator ROBERTS, be added as a cosponsor.

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

Mr. SESSIONS. Thank you. Mr. President, I think, indeed, we are dealing with an important issue. I know

the Chair himself, along with other Senators, has introduced legislation that would, in effect, accomplish many of the things that are called for in this amendment. I salute you for your concern for children and your work in that regard. I think it is time for us to make sure that we establish a policy in this body that treats parents equally who sacrifice for their children. I think this amendment makes that point, and I am proud to offer it.

Mr. President, I believe we do have, by consent, 2 hours set aside for debate on this amendment. At this time, I ask unanimous consent that the remainder of that time be reserved. I would like to speak on it some more, and other Senators have advised me that they would be speaking on this.

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

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, under the previously agreed-to unanimous consent agreement, I believe that the Senator from North Dakota will be recognized for up to 20 minutes, and I would like to seek unanimous consent that following the statement of the Senator from North Dakota we would then recognize the Senator from New Hampshire, Mr. GREGG, for up to 20 minutes.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator is correct. Without objection, it is so ordered.

The Senator is recognized.

BUDGET PRIORITIES

Mr. DORGAN. Mr. President, I may not take the entire 20 minutes. But I thank the Senator.

Mr. President, we are talking about the budget. This is a ritual that occurs here every year in the U.S. Senate. And the budget reflects our priorities. What do we think is important? What do we hold dear? What do we think are the most important issues in this country?

I have said before that 100 years from now we will all be dead. None of us will be here. Historians will look at what this Congress felt was important, and find that out by evaluating what kind of a budget this Congress enacted. That will tell historians what Congress felt was important about the lives of the people who live in this country and what matters. What is the priority? That is what this budget debate is all about.

The Senator from North Dakota, Senator CONRAD, spoke a bit ago about where we have been. I recall a few years ago, during a particularly aggressive debate about the economy and fiscal policy, a colleague of mine standing on the floor of the Senate talking about how awful things are in America and how we really ought to be ashamed about what has happened in the last 35 years in this country. I sat over here. I listened to that. I thought, gosh, we must be living in different places.

I think this is a remarkable country. Yes; we have significant challenges.

But I look at the last 50 years as 50 years of significant advancement in this country in a dozen different ways. Yet some see it differently.

We find ourselves in this country today living in a country with an economy that is growing, more people working and fewer people unemployed. The inflation rate is down; the unemployment rate is down; economic growth is up; the crime rate is down; and the welfare rolls are down. Things are moving in the right direction in this country. It doesn't mean we don't have some challenges. But the fact is things are moving in the right direction.

I suppose some have their own ideas about why this has happened, why is it that we have reached this intersection and why this country is doing quite well.

Senator CONRAD indicated that in 1993—at a time when our budget deficits were growing year after year and a swollen budget deficit that was getting worse, not better—that Congress was called upon by a new President to do something serious about fiscal policy and to send a message to the people of this country that times in the future will be different, that Congress and a President would no longer sit around and accept increasing budget deficits. He proposed a plan that was enormously controversial. It passed by one vote here in the Senate and one vote in the House of Representatives.

For anybody who asks if one vote matters, it does. In 1993, a plan that was very controversial passed by one vote in both bodies. The result was the American people finally understood that we were going to put this country on the right track on reducing the Federal budget deficit and getting this country's fiscal policy under some kind of control. Yes, that bill made the right investments in the future, but it cut a good deal of spending, and yes, it did increase certain taxes, in most cases only for the wealthiest Americans. But it did. And that is what made it so controversial. It was hard to vote for. Some of my colleagues who voted for it are not here any longer. But it was the right thing to do, and it put this country on the right track. We find ourselves in a country where things are better.

Now the question is, What should this budget provide? What is important now for the future—education, health care, safe food, a clean environment, safe workplaces, jobs? What represents the priority of those of us serving now today? Are we trying to move forward, or are we holding back?

Let me just again remind people that we have always had in the Congress folks who have their dander up, saying, "Don't go there. Don't do that. It won't work." We had that with Social Security. We had it with Medicare. We had it with virtually everything that was intended to be done to make this a better country. When we decided to stop employing children in this country—let

us stop having 12-years-olds work 12 hours a day in the mines—we will have child labor laws, we had people who said, "Don't do that. It will ruin the economy." When we decided we were going to have a minimum wage law, we had people saying, "Don't do that. It will ruin the American economy." When we decided to have Social Security, we had people who said, "Don't do that. It is socialism." When we said let us have a Medicare program because half the senior citizens in the country can't afford health care, people said, "Don't do that. It will ruin this country."

This country has been strengthened by a lot of good ideas that have made this a better place. Yes. Social Security. Yes. Medicare. Yes. Food safety standards, clean air requirements, child labor law, minimum wages—a whole series of things that have made a better country. This country has a wonderful, wonderful history, and I think a better future.

We survived a civil war. We survived a depression. We won two world wars. We defeated Hitler. We cured polio. We put people on the Moon. We invented the television, the computer, and the jet airplane. This is quite a remarkable country. There is nothing quite like it on Earth.

If you look at other developed nations around the world, their economies have slowed down and are not doing well. Yet this country—the biggest, most successful democracy in the world, truly a country with significant economic might—is on the move again, on the march again, and doing much, much better.

So what do we have to do now, in order to keep our country moving forward? We need to face several big challenges: Medicare and Social Security. Before I talk about the priorities in the budget, let me talk about Medicare and Social Security. Those are the two big entitlements that we have to deal with. Even though we have dealt with most of the fiscal policy problems, we have a demographic problem in the future with Medicare and Social Security. I want to make one point about that.

The problems in Medicare and Social Security are born of success. We could solve Medicare and Social Security instantly if we simply go back to the same life expectancy that we had 30 or 60 years ago. Those who created the Social Security program created a program that said, by the way, you are expected to live, on average, to be 63 years of age and we will pay a retirement benefit after 65. I went to a small school. But I understand that adds up pretty well. If you are paying benefits at 65 years and people are living on average 63 years, that works out pretty well.

But from the turn of the century, when we were expected to live to age 48 in this country, to now, when you are expected to live to age 77, nearly 78 years of age, we have increased life expectancy in this country by nearly

three decades. Does that put some strain on Social Security and Medicare? Yes; it does. But, again, it is born of success. Just ratchet back life expectancy 30 years and you will solve the financing problem for Social Security and Medicare.

So we ought not shirk from these challenges. These are not difficult challenges. We can solve the demographic problems confronting Social Security and Medicare. But let us remember that the reason these problems exist is because we have had significant success in this country. People are living longer, better, and healthier lives. That is what is causing the problems in these areas.

Let me just for a moment talk about the priorities in the budget. Senator CONRAD talked about several of them. I want to focus on a couple.

Tobacco: Senator CONRAD has done a lot of work on the tobacco issue as the chairman of the task force here in our caucus. This budget resolution indicates that all of the revenue that will come from a tobacco settlement must be used exclusively to adjust the balances of the Medicare trust fund. In other words, it explicitly says no money from any tobacco settlement can be used for the central goal of the tobacco legislation, and that is, preventing people from starting to smoke in the first place, protecting young people in this country from the dangers of smoking.

Almost no one reaches 25 or 30 years of age and wonders what they can do to further enrich their lives and come up with the idea they ought to start smoking. Nobody does that because at that age they understand smoking can kill you. Cancer, heart diseases, and other illnesses persuade people who know the facts not to start smoking. The only future customers who exist for tobacco are kids. The targeted capability to try to addict our kids is something we are trying to attack in tobacco legislation.

The use of the funds from the tobacco settlement must be, it seems to me, used for anti-smoking education initiatives all across this country, for smoking cessation programs, for those who are addicted, for FDA tobacco-control activities, to counter tobacco advertising, and a range of other ways. But none of them are capable of being funded in this budget. None of them.

It doesn't make any sense at all to write handcuffs into this budget resolution that stop us from using the proceeds of the tobacco settlement to do the very things that we are having the tobacco settlement for in the first place, and that is to try to address the issue of teen smoking and to stop cigarette companies from addicting teens. Yet none of it is possible in this budget agreement. That cannot stand. We must have amendments and will have amendments on that issue.

Second, education: We have had a number of people here in the U.S. Congress who forever have said, "Let's just

say no on education" when it comes to the U.S. Congress. I understand and respect the fact that most of elementary and secondary education funding comes from State and local governments. It is that way and ever should be that way. Yet we in the Congress have developed some niche financing and some assistance in certain areas that help invest in education and make our schools better.

President Clinton has made some proposals dealing with education that are very, very important proposals that will not be funded in this budget. The proposal dealing with repairing America's schools is a very important proposal.

We have thousands of schools in this country that are 50 years old, or 60 years old, or 80 years old. They are coming apart at the seams. We send our children there. In the morning we tell our children good-bye. We kiss them good-bye and send them to school. We in this country don't want our kids to go to unsafe schools or go to schools that are in disrepair. None of us want, as parents, to do that.

I have two young children in public school. The taxes I pay to support their education are something that I am enormously proud of. I want those children, and all American children, to be the best educated children that they can possibly be. I want them to be able to say, "I went to the best schools in the world." That is what I want our public education system to be in this country. Yet, this budget says no to those education initiatives. It says we can't do anything about trying to stimulate the repair of crumbling schools by providing just a basic incentive from the Federal level to State and local school districts and others who would be able to put up the money at reduced interest charges to repair crumbling schools. This budget says we can't do that. It just says no to fixing crumbling schools.

Or, the question of class size. My daughter last year was in public school in a class of 30 students. Does anybody believe that it doesn't matter if your kid is in a class with 35 students or 30 students versus 15 students or 18 students? We know better than that. All of us know better than that. We all know that smaller class sizes mean better education, particularly more teacher time for each student. President Clinton talks about funding 100,000 new teachers, to try to reduce class sizes in this country. He is proposing after-school programs for school-age children who don't have any place to go after school because both parents are working. For all of these initiatives, the response is the response that we have had for 50 years from some of the same voices. "Just say no to these issues. It is not the Federal Government's job." Gosh, if we had relied on that advice we wouldn't have done much of anything that has made this a better country. A fair amount of what we have done in terms of public

investment has made this country a much, much better place in which to work and to live.

When President Clinton proposes smaller class sizes with qualified teachers, he is talking about an initiative of over 7 years to help local schools provide small classes by hiring more teachers in the early grades. When he talks about modern school buildings, he is talking about Federal tax credits to pay interest on \$22 billion in bonds to build and renovate public schools in this country.

But this budget that came out of the Budget Committee falls far short on these issues. The suggestion is, Well, this isn't a priority. This doesn't rank with other priorities. I disagree with that. And we have room, obviously, to disagree on these issues.

But if one doesn't believe that education is the first priority in this country—that our future is our children and the education of our children will determine what kind of country we have in the future, how we compete in the global economy, whether this country grows—if we don't believe that, we are not going to do well in the future. We must do as those who came before us have done and say that education is a priority. It represents the first priority for this country.

There is another little part of this budget we are considering that I find highly troubling, and I know at first blush it will be very, very interesting to some people. It is a piece that says let us sunset the Tax Code. In other words, it is saying that the Congress should sunset and get rid of the existing income tax system we have in this country. It includes a sense of the Senate provision providing for repealing the entire Internal Revenue Code at the end of 2001. Notice that it doesn't say what they would replace it with. It just says repeal the Tax Code.

Well, what that says to somebody who just bought a home yesterday or is considering buying a home tomorrow or next month or did 6 months ago, it says, "By the way, don't count on your interest deduction on your mortgage being deductible, because there may not be a tax system that allows you to deduct interest on your mortgage." Can you imagine that coming from this Congress?—this Congress saying, "Don't count on that?"

By the way, are you contributing to an IRA? This budget says, "Don't count on that being treated as it is now for tax purposes." Are you making a charitable contribution? "Don't count on that being deductible." Are you a business person about to make an investment, or a business about to make an acquisition of another company, and it hinges on the question of, How will this be handled from the Tax Code standpoint? What this says is, "Don't count on it. Don't count on this Tax Code, because we have other ideas."

We have billionaires walking around saying, "We want a flat tax." Only in Washington, DC, would it be a new idea

to hear a billionaire talking about a flat tax plan that cuts his own taxes. Only here could someone call that a stroke of genius. Flat tax, VAT tax, sales tax—these are the alternatives that are being proposed to the current system. What is behind this proposal to abolish the current Tax Code at 2001 without providing for an alternative? The stimulus behind this is that some people want to create a national sales tax, a national VAT tax, or some sort of national flat tax, all of which will cut taxes for the wealthiest Americans and increase taxes for working Americans.

Let me say that again, because it is important. This budget bill does not tell us what people have in mind as a replacement for the current system, because the majority can't agree on that. But all the plans that are being discussed to replace the current IRS Code—all of them would essentially say we are going to tax work and we are going to exempt investment.

I ask people this: Why is the income from work any less worthy than the income from investment? Why this romance with a plan that says, if you are a worker, we tax you; if you are an investor, we don't? If you get your money by working all day and you are bone tired at night after 10 hours going out working for a wage, trying to provide for your family, you pay a tax. But if you sit in a chair and clip your coupons and make your \$10 million a year from interest and dividends, this Congress likes you so much that you don't have to pay any tax. It is just the work that is taxed, the investment is not. We will have an amendment to strike this provision.

Get rid of the Tax Code? I don't particularly like the Tax Code. I think we could substantially improve it, dramatically simplify it. But get rid of it and replace it with a plan that says the upper-income people pay less taxes and lower- and middle-income people pay more taxes? I don't know who came up with this approach, but I hope they are prepared to defend it on the floor in discussing this amendment that I will offer at some point during the debate.

Mr. President, those are some of the difference I have with this budget. But I don't want people to believe that there is nothing in common among Senators. There are things in the budget resolution to which we will all agree.

I just stood and asked the Senator who was introducing the child care amendment to add my name as a co-sponsor. He is a Republican; I am a Democrat. I happen to think what he has said on the floor and what he has written on that amendment make good sense. It is right to say to those who need to find good child care, when both parents have to go off to work because they must make ends meet, and they have child care problems—can we and should we help them? Yes, I think we could and we should. Does it also imply that those who make sacrifices to have

one spouse stay at home to take care of those children, should they have some opportunity to see us reach out to try to provide some help to them? Absolutely.

There are a number of things—this being just one example—where we agree on public policy issues. I have mentioned a few where we don't agree. Where we don't agree, from time to time we have significant debate about that, and then we vote, and when the vote is over, we count the votes. The winner is the one with the most votes. We understand that. My party here in this Chamber has fewer votes than the other party. Hopefully, a number of these amendments will not be party line votes. The child care issue, which I just mentioned, is a good example of that.

I hope the first issue I mentioned will be another example. On tobacco, there is a big difference. I mean a huge difference. There are billions of dollars coming from a tobacco settlement that the majority says cannot be used under any circumstance to deal with teenage addiction. But the whole purpose of this settlement is to say to tobacco companies, "We won't allow you to addict our kids anymore. It is wrong." And we want to use some of the money from a tobacco settlement to fund smoking prevention, smoking cessation, addiction treatment and other public health work to deal with smoking. But the majority's budget says "No, you can't do it." Well, this budget has to be changed, and we are going to have a big debate about that.

The last item I mentioned, the Tax Code, do we want a budget to go through the Congress that says: "By the way, American people, we are going to sunset the Tax Code; we are going to get rid of the Tax Code at the end of 2001. So now, if you have your house, and you sit out there and wonder whether you are going to be able to deduct the interest on your mortgage? Just go ahead and wonder, because we are going to get rid of the Tax Code that allows to you do that and we are not going to tell you what we are going to put in its place. We may put a national sales tax in its place," they would say. "We will not tell you that yet, because we know that is controversial and we know how you will react when you find out what a national sales tax would do."

Well, we know what a national sales tax does because all the studies show it. There is no dispute about it. We know it will cut taxes for upper-income folks and raise taxes on working people. But the majority says, "We are not going to tell you what we are going to replace it with, but all we are going to do is serve notice on you today that your home mortgage interest may not be deductible tomorrow or in 2001." So we are going to have an amendment on that. We need to change that provision in this budget resolution.

Mr. President, I have used my time. There are several other items that I

will talk about later in this debate. I have mentioned a couple of amendments I intend to offer. I thank Senator CONRAD for giving me the time on this side.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 20 minutes.

Mr. GREGG. Mr. President, a number of points have been made by the Senator from North Dakota. He always makes them well. Even when I disagree with him, I enjoy listening to him.

Let me point out a few things that I want to talk about initially relative to this budget that, if you were to listen to the other side, you might not fully understand, because there appears to be an incomplete explanation.

For example, on the issue of education, the Senator from North Dakota used the term: "The Federal Government has niches which it is responsible for in the area of funding education." I think that is a good term, "niches." The Federal Government does not have responsibility for the overall funding of elementary and secondary school education. In fact, that has always been reserved to the local community, and should be reserved to the local community. It should be parents and teachers who are empowered, controlling their schools by controlling their local dollars.

But yes, we do have some niches that we are interested in as the Federal Government. Probably the primary niche we are interested in is taking care of the special-needs child. In fact, we have a law called 94-142, otherwise known as IDEA, the purpose of which is to make sure the special-needs children get adequate funding as they try to get decent schooling. When this law was passed, the Federal Government said it would pay 40 percent of the cost. Regrettably, the Federal Government, as of 2 years ago, was only paying about 6 percent of the cost. But as a result of the leadership of people on our side of the aisle, myself included, and Senator LOTT and a number of other people—Senator COLLINS from Maine—we have aggressively pursued trying to increase the funding for special education, and we have gotten it up to about 9.5 percent of the local cost. But it still remains the single largest unfunded mandate the Federal Government puts on local school districts and basically has the effect of saying to the local school district: You must educate these children. The Federal Government said it will pay 40 percent. We are not going to pay our 40 percent. Therefore, you must use your local tax dollars to pay the Federal share, and therefore you have very little flexibility in how you use your local tax dollars, because the Federal Government is requiring you to use them to educate children to pay for costs which the Federal Government was supposed to pay for in the first place.

Well, the administration has been grotesquely lax in its fulfillment of this obligation also. When the Senator

from North Dakota says the administration has all these wonderful new education initiatives—they are going to go out and build schools and reduce class sizes, they are going to add proposals and programs for after-school education—what they do not mention—what they do not mention—is the administration, the White House, the President, and the Democratic Members of this Congress, in their own budget as proposed, failed to increase at all, for all intents and purposes, funding for special-ed kids. They failed to even make a minor attempt to try to fulfill the obligation of the special-ed child, something that we are by law required to do.

So, yes, the Federal Government has niches in education. One of those primary niches, which we have cited, by law, is that we will pay 40 percent of the cost of the special-needs child. We don't do it. The Democratic Membership is unwilling to do it. The White House is unwilling to do it. Why? They want to take all kinds of new programs to take care of new constituencies to generate new press releases. It is about time they lived up to the obligation on the books. Our budget, the Republican budget, does that. It moves one more time aggressively—in fact, outlines \$2.5 billion of new spending for special education over the next 5 years—with a strong, firm commitment to try to get to that 40 percent, something that is totally ignored on the other side.

So, when you wanted to talk education, the Republican budget lives up to the obligation of the Congress, the Federal Government, in the area of education. The Democratic proposals just put out press releases and try to buy new constituencies and do nothing for the special-needs child. Basically, they failed in that arena.

Now we go to the issue of the tobacco settlement, and that is what I want to talk about primarily here today. The tobacco settlement is obviously a very complex and intricate piece of process. But there should be some black-letter rules that guide us in this settlement. The Senator in the chair has been a leader on identifying one of these black-letter rules, which is that attorneys should not get an outrageous amount of income out of these settlements. The billions of dollars in attorney's fees that are being awarded in Texas and Florida are just obscene, obscene. They are going out of the pockets of the taxpayer into the attorneys' pockets, and they are not doing anything for anybody. Clearly, there should be some action taken in that arena. That should be a black-letter law addressing this issue, and I congratulate the Senator in the chair for his leadership on that count.

Equally, we ought to recognize what the problems are that are created for the Federal Government as a result of tobacco smoking. The single biggest problem we have as a Federal Government as a result of tobacco smoking from a health standpoint is that senior

citizens are disproportionately impacted by the health impacts of smoking all their life, and that impact on senior citizens flows directly back to the cost being on the Federal Treasury in the Medicare system. So it is perfectly reasonable and appropriate and right, to the extent that the Federal Government receives revenues as a result of this tobacco settlement, that those revenues should go to support the primary cost which the Federal Government incurs as a result of tobacco smoking in this country, which is the cost to take care of our senior citizens.

I point out, the other side of the aisle suddenly has decided to spend this tobacco settlement money on all sorts of new initiatives for a panoply of new constituencies and programs, the purpose of which appears to be once again to create press releases rather than create substantive progress. I point out to the other side, it was just a year ago we saw from the other side such crocodile tears, it now appears—because they wouldn't be genuine tears or they would be supporting us in this matter—crocodile tears about their concern for the trust fund, Medicare trust fund, and how it was being raided, they alleged, by the Republican side of the aisle.

We made a firm, unalterable commitment to Medicare. We recognize on our side that Medicare remains probably the single most difficult entitlement program, from the standpoint of fiscal solvency, that we have on the books. Social Security is a tough one, but Medicare is even tougher. If we are going to address it effectively, we do need those revenues from the tobacco settlement in order to make sure that our seniors have a legitimate health insurance program.

So this proposal that we have in this budget to put the money into Medicare is the most logical place that it should go. It should not go to some new program that the President announces. Every day, he seems to announce a new program on the basis of the tobacco settlement. There was a week where I think literally every day of the week he announced a new program.

Let's support the programs we have on the books, both in education and in health care.

The tobacco settlement raises other issues, issues that I am concerned about. I read in the papers about the movement toward an agreement on the tobacco settlement. From my standpoint, I find the issue of immunity to be really the core issue of how this settlement comes down. Of course, it is the issue of immunity which the tobacco companies are trying to buy as they try to settle this lawsuit—this situation; it is not a lawsuit. It is a lawsuit in some areas but not a lawsuit at the Federal level. They are trying to buy immunity, and I have a lot of problems with that, and I should think any thinking Americans would have a lot of problems with that.

Basically, what we would be doing if we give the tobacco companies immunity—remember that we as a Congress have been unwilling to give product liability protection, not immunity, just plain little old protection to company after company that functions across this country producing legitimate products that make sense for the American people, that they use regularly and that they need, whether it happens to be your toaster oven, or whether it happens to be some gadget in your car, or whether it happens to be some other item—your computer screen. Company after company which has sought product liability reform in this Congress has met with a stone wall. The only product liability we have given in this Congress over the last 10 years has been for the small plane producer, which was a very good decision, and it has worked great for them.

For every other industry in this country, legitimate industries producing legitimate products that are used daily by Americans and that benefit Americans—benefit Americans—we have said no, absolutely no product liability protection.

Yet, the tobacco companies come to us—the producers of a product which, by its very nature, causes an addiction which it appears the tobacco companies knew caused an addiction, the purpose of which was to not only addict Americans generally but specifically targeted at our kids to addict them to something that will kill them—when the tobacco companies come to us, we say, “Oh, maybe we should give them immunity.”

What great irony. What incredible irony. We won't give immunity to the person who is making the toaster oven or the person who is making the computer or the person who is maybe making the device that allows somebody to live longer and live a better life, but we will give immunity to companies which are producing a product the purpose of which is to kill people, addict people and specifically targeted on our kids. I just find it incredible—incredible—that we would be considering that.

What is the argument for giving immunity? “Well, if we don't give them immunity, the tobacco companies won't agree to advertising restraints.” That is the only thing they give us for their immunity. We allow them to continue to produce a product which is inherently deadly, which is addictive, and what do we get? We get a little less of Joe Camel. What a great deal that is for the American people and for this Congress. It is absurd. Yes, we can't put limitations on their advertising without their agreeing to it because of the first amendment, in many ways, but there are limitations we can put on that are within the first amendment.

More importantly, we could act unilaterally as a Congress in all the other areas of this tobacco settlement, whether it has to be raising the cost of cigarettes so they become less market-

able—which is exactly what we should do—whether it happens to be addressing the issues of immunity, or whether it happens to be initiating our own counteradvertising campaign, and certainly the Government of the United States has the capacity, the will and the dollars to do that without any question in a manner that will be equally effective. I will be happy to go into the arena of advertising and debate the issue.

We can do everything in this tobacco settlement without granting immunity, but by granting immunity, we get virtually nothing. All we get is the tobacco companies agreeing to advertising limits. To me, it is inherently inconsistent and affronts the logic of the institution for us to be having our first major product liability protection flow to companies, flow to an industry which is producing a product the purpose of which is to addict people, specifically children, with the knowledge that it will kill them. It makes no sense.

For that reason, I am offering a sense-of-the-Senate amendment on the issue of immunity.

I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2167.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual prior to or after the date of the adoption of this resolution.

Mr. GREGG. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, what this amendment says is it is the sense of the Senate that we won't grant immunity. Really this is a very simple vote for people. You can either come down on the side of setting the worst precedent I can imagine, which would be that the first major product liability reform in this country would be immunity, total absolute immunity, for all intents and purposes, granted to tobacco companies in exchange for their paying us money which we could obtain, if we decided to go that route, through some other policy without having to grant immunity.

The same amount of revenue can be generated a number of other ways without their agreement for advertising restraints, which means little to us, because we can address the advertising in other forums. For those two reasons, we grant immunity and, in the process, give a product which, as I mentioned a number of times, is inherently harmful, addictive, and aimed at our children and kills you, protection from lawsuits. It makes no sense.

Thus, I think the Congress should speak on this. I know a number of committees in the Congress are addressing this issue right now. They are negotiating through the process. But I believe we should as a Congress, as a Senate, speak on it early so that we lay out the framework of this debate early. If Members feel there is some value from giving immunity, let them vote that way. From my point of view, there is no value in giving this type of immunity. I just don't think the pluses outweigh the minuses in any sense of the word.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KENNEDY. I ask that that request be withheld.

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. We have a reservation of a right to object.

Mr. GREGG. Mr. President, I simply don't want to yield back the time on my amendment. I will be happy to have the Senator proceed—

Mr. KENNEDY. On the bill, on our time.

Mr. GREGG. Right.

Mr. President, I ask unanimous consent that the Senator from Massachusetts proceed under the bill and not under the time on my amendment which is pending.

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

Mr. KENNEDY. I thank the Senator.

Mr. President, over the next few days, we will cast important votes on the budget resolution, including some of the most important votes this year on education priorities. We will also address issues affecting children, health care, enforcement of our antidiscriminatory laws, and on the proposed tobacco legislation.

I look forward to those debates. We will be having virtually all of them within a relatively short period of time. We will be debating many public policy questions. I want to take a few moments this afternoon to address some of those issues that I believe deserve the attention and support of the Members of the Senate.

We will consider a very important amendment by the Senator from the State of Washington, Senator MURRAY, on reducing class size. The President proposed to help ensure high academic achievement by all students by reducing the ratio of the number of teachers per student. It would help increase effective communication between the

teacher and the students, and give students more individual attention. The President's proposal will help reduce class size by increasing the total number of teachers for students in K through 12. We are going to have to actually increase the number of teachers by 50,000 a year just to maintain the current ratio of teachers to students, and this doesn't take into consideration the fact that in many parts of the country, we have an aging teaching population, as well as current shortages of teachers.

There was a request by the President of the United States to recognize that need and to also commit resources to that effort, and that was turned down by the Republican Budget Committee. The Budget Committee did not address the need to modernize our schools, even though a General Accounting Office study showed that we need over \$110 billion to ensure that students in our schools are safe and secure, free from environmental hazards, and in an atmosphere and climate where students can grow and learn. That effort, led by Senator CAROL MOSELEY-BRAUN, would provide \$22 billion in bonding authority to States and communities—and they would get the bonds interest-free.

The President has also advanced a concept called education opportunity zones. We should help school districts and communities address the challenges that they are facing, whether it is academic failure or significant problems in school dropouts or other kinds of difficulties giving them needed resources to implement creative and innovative reforms that work for their communities.

Chicago, for example, seems to be having success with its reforms. This city is tackling school reform head on, and it's working. We should help more communities that are attempting to do that. But the Republican budget ignores those needs, and turned down the Education Opportunity Zones proposal as well.

The Republican Budget ignores the fact that 5 million children were going home to empty homes or empty apartments, unattended, unsupervised, after school. Their only friend was a television set—with all of the problems and challenges that exist out there for young students, creating temptations for misbehaving. After-school programs have been so successful in this country, and they have had a dramatic impact in reducing violent crimes, reducing teenage pregnancy, and increasing academic achievement. Some of the programs I have seen in Boston help students develop skills that might eventually develop into job skills in photography or in cooking.

Parents and students alike support after-school programs. Parents know their children are safe and engaging in productive activities, and when they get home, the children have done their homework and are able to spend quality time with their parents.

It is clear that the Republicans do not want to address these issues. Perhaps we will have a chance later on in the Congress to resurrect these measures. But the way that the procedures work here, they will need what we call a supermajority, not just a bare majority, to get approval—we will need more than 60 in order to be successful.

So these debates will be very, very important in these next few days. We also should support efforts to increase funding for the IDEA program, for children with disabilities. There was some increase in those funds, but not nearly to the degree that they should be. We ought to at least have an opportunity to debate those issues and make a judgment on them.

We are effectively cut into a short period of time as a result of the Budget Act. And then when we return after the Easter break, we are restricted further on debate on the Coverdell bill. So it is obviously frustrating, when we know that the American people put the question about education front and foremost, but we are not being able to give the kind of full attention and support that we think these issues require.

Nonetheless, I wanted to say why I support the proposal that Senator MURRAY will be advancing and we will have an opportunity to debate on tomorrow, on the question of reducing the class size in grades K through 3 across the country.

And I say, Mr. President, I hope that all of our Members will pay special attention to Senator MURRAY as a former schoolteacher, former member of a school board, someone who has been active in the local life of a community, in the school policy issues. She brings enormous, refreshing insight and awareness and understanding of what really works in local communities, and I congratulate her on her leadership on this particular issue. I think all of us who listen to her benefit immensely from her range of knowledge, her understanding, and her real insight into education issues, and particularly when she speaks to the importance of reducing class size in grades K through 3 across the country.

A necessary foundation for success in school is a qualified teacher in every classroom to make sure that young children receive individual attention. That is why it is so important we help bring the 100,000 new qualified teachers into the public schools and reduce class size in the elementary schools. Research has shown that students attending small classes in the early grades make more rapid progress than students in larger classes. The benefits are greatest for low-achieving, minority, and low-income children. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities and reduce the need for special education in later grades.

A national study of 10,000 fourth-graders in 203 school districts across the country and 10,000 eighth-graders

in 182 school districts across the country found that students in small classes perform better than students in large classes for both grade levels. Gains were larger for fourth-graders than eighth-graders. Gains were largest of all for inner-city students in small classes. They were likely to advance 75 percent more quickly than students in large classes.

Another significant analysis, called Project STAR, studied 7,000 students in grades K through 3 in 80 schools in Tennessee. Again, students in small classes performed better than students in large classes in each grade from kindergarten through third grade. The gains were larger for minority students.

We also know that overcrowded classrooms undermine discipline and decrease student morale. Many States and communities are considering proposals to reduce class size, but you cannot reduce class size without the ability to hire additional qualified teachers to fill the additional classrooms. And the Federal Government should lend a helping hand.

This year, California Governor Wilson proposed to spend \$1.5 billion to reduce fourth-grade classes to 20 students or less, after having reduced class sizes for students in grades K through 3 last year.

In Pennsylvania, a recent report by the bipartisan legislative commission on urban school restructuring recommended capping class sizes in kindergarten through grade 3 in urban districts at 20 students per teacher.

In Wisconsin, the Student Achievement Guarantee In Education Program is helping to reduce class size in grades K through 3 in low-income communities.

In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have led to a 44 percent increase in reading scores and an 18 percent increase in math scores.

Congress can do more to encourage all of these State and local efforts. We've tested the effects of reducing class sizes, and we are seeing positive results. But it is only taking place in a handful of places across the country. The Murray amendment will take the success of those particular impressive outcomes and make them available to other communities across the country so that when the demonstrated success is out there, it will be replicated and duplicated all across the Nation.

This is a concept whose time is overdue. We have an excellent opportunity to make a very, very important contribution to helping local communities. This is a partnership between the local, State, and the Federal Government. We have all acknowledged that our participation at the Federal level is extremely small, about 7 cents out of every dollar. This is a modest program but one that can demonstrate very, very significant. We can help lead the way in reducing class size. I certainly urge my colleagues to support Senator MURRAY's amendment and to

increase our investment in education. The Nation deserves our support.

TOBACCO LEGISLATION

Mr. President, on another subject, while I have great respect for the time and the effort which the chairman of the Commerce Committee has devoted to tobacco legislation in recent weeks, the proposal he announced over the weekend is inadequate to address the public health crisis of youth smoking.

The seriousness of the threat to our children requires a much stronger response. The chairman's mark does too little to protect children from smoking, and it does far too much to protect the tobacco industry from its victims. On each of the key issues, this proposal falls short of what comprehensive tobacco control legislation should be.

First, the significant price increase of \$1.10 per pack over 5 years, which the Commerce bill proposes, is not substantial enough to produce the dramatic reduction in youth smoking which all of us desire. Public health experts have concluded that an increase of \$1.50 per pack swiftly instituted and indexed for inflation is necessary to achieve our youth-smoking-reduction goals.

Dr. Koop and Dr. Kessler, the National Academy of Sciences, the ENACT Coalition, and the Save Lives, the Not Tobacco Coalition have all stressed the importance of a price increase of at least \$1.50 per pack. Nearly half the Members of the Senate have already cosponsored bills proposing a \$1.50 per pack increase within 3 years. The Budget Committee also endorsed a \$1.50 increase on a bipartisan vote of 14-8.

According to Deputy Treasury Secretary Lawrence Summers, every 10 cents in price will reduce youth smoking by 270,000 children over 5 years. Thus, the difference between \$1.10 and \$1.50 will be more than one million additional kids smoking in the year 2003.

Only an increase of at least \$1.50 a pack can reduce youth smoking to the targets outlined in the June 20 settlement, which is 60 percent in 10 years, and prevent these additional children from a lifetime of nicotine addiction and tobacco-induced diseases.

One million young people between the ages of 12 and 17 take up this deadly habit every year—3,000 smokers a day. In fact, the average smoker begins smoking at the age of 13 and becomes a daily smoker before the age of 15.

These facts are bad enough, but the problem is growing worse. According to a spring 1996 survey conducted by the University of Michigan Institute for Social Research, the prevalence of teenage smoking in America has been on the increase over the last 5 years. It rose by nearly one-half among 8th graders and 10th graders, and nearly a fifth among high school seniors between 1991 and 1996.

I point out on the floor that we have seen a dramatic difference in our own State of Massachusetts where we have reduced the consumption by a third of

the national average. It is very interesting. We had a very modest increase in the cost of tobacco in my State, but we also had a counteradvertising campaign. And lo and behold, the tobacco industry reduced the prices to absorb all of the increase that had been required by the State. But with the tobacco education campaign, we saw a reduction of a third as measured to other kinds of nationwide figures.

So the point that we are making here is that with the additional \$1.50 to \$2, which virtually every one of the public health authorities have mentioned to be essential within the short period of time of 3 years, and the attendant kind of counteradvertising campaign and the cessation programs to help to assist kids to stop smoking and the support for antismoking campaign efforts by nonprofit and community-based organizations—all of those programs can have a dramatic impact.

Now we know that there will be those who say—\$1.12 at least is where the President's request would have been in terms of his budget submission. But the fact is the President and the Vice President, the administration, have basically supported the \$1.50 in the shorter period of time. I hope that we are not looking for what is the least we can do for the young people of this country. I hope what we would be saying as a test is that we are looking for what is in the best interest of the young people of this country. How are we going to set that standard? Rather than what is the least we can penalize the tobacco companies in order to please them, we ought to be looking for what is in the best interest of these young people in order to meet that particular responsibility.

Mr. President, I hope we will have an opportunity to vote on that during the course of the consideration of the budget. I know we have inclusion in the budget of \$1.50 per pack, but I hope that we will, or I expect we will, have a chance to vote on \$1.50 as well and put the Members on record on this particular issue, and I welcome the chance to support that if our leaders, Senator CONRAD and Senator DASCHLE, offer that.

We have a very simple way of doing this, making sure the FDA is going to have the kind of legislative authority to be able to deal with the problems of addiction. And it is very clear what words have to be added to the authority of the FDA to be able to do that. We know the FDA will have the authority and the power to do so. However, the Commerce Committee refused to accept this regulatory approach, and they have other language in there which I am very much concerned may create endless litigation opportunities for America's most litigious industry, big tobacco.

We will look forward to seeing the details of the language. Again, I wonder why we don't try and do it right, do what is in the public health's interest, but that is the standard rather than

what is more acceptable to the tobacco industry.

I know our friend and colleague, Senator CONRAD from North Dakota, will go into considerable detail. The fact is that these look-back provisions in the Commerce Committee draft are fundamentally flawed, and I think all of us in this body understand if we don't have adequate penalties, then we really don't have adequate protections. Penalties have to be effective, at least have an effective action in discouraging youth from smoking. As designed in the Commerce Committee proposals, I believe they are woefully lacking.

Once children are hooked into cigarette smoking at a young age, it becomes increasingly hard for them to quit. Ninety percent of current adult smokers began to smoke before they reached the age of 18. Ninety-five percent of teenage smokers say they intend to quit in the near future—but only a quarter of them will actually do so within the first eight years of lighting up.

If nothing is done to reverse this trend in adolescent smoking, the Centers for Disease Control and Prevention estimate that five million of today's children will die prematurely from smoking-caused illnesses.

Increasing cigarette prices is one of the most effective ways to stem this tide. Study after study has shown that it is the most powerful weapon in reducing cigarette use among children, since they have less income to spend on tobacco and many are not already addicted.

An increase of \$1.50 per pack in cigarette prices is also realistic. It will not bankrupt the industry, which will pass it on in the form of higher prices. If we increase the pack by \$1.50, the total cost will be \$3.45 a pack—still lower than the cost in many European countries—\$3.47 in France, \$4.94 in Ireland, and \$5.27 in England.

Secondly, I am concerned about the FDA provision in the Commerce Committee draft. It will not allow FDA to regulate nicotine as a "drug" and cigarettes as "drug delivery devices." Public health experts strongly believe that this is the most effective way to regulate tobacco products. When the Commerce Committee refused to accept this regulatory approach, compromise language was drafted to create a new FDA chapter for tobacco products. I am concerned that this approach will create endless litigation opportunities for America's most litigious industry—Big Tobacco. Why not provide the public health advocates with the legal tools which they believe will be the most effective in regulating tobacco products? Why place unnecessary hurdles in their path?

Third, the lookback provisions in the Commerce Committee draft are fundamentally flawed. The penalties for the tobacco industry's failure to meet the youth smoking reduction targets are arbitrarily capped at \$3.5 billion, which is the equivalent of only 15 cents

a pack. An increase this small will hardly give tobacco companies a strong economic incentive to stop marketing its products to children. It will just become a cost of doing business. This proposed cap will destroy the effectiveness of the lookback penalties as a meaningful deterrent.

In addition, the penalties are imposed on an industry-wide basis, which removes the incentive for an individual company to stop marketing its products to children. In fact, the Commerce Committee draft will create a perverse incentive for a company to increase its marketing to children. Each company knows that if it captures a greater youth market share, its own costs will rise by no greater an amount than its competitors, while its future profits will be increased and its competitors will bear a portion of the cost associated with gaining that long-term competitive advantage. It is critically important that the penalties are assigned on a company-specific basis to give each individual company a strong economic incentive to discourage children from beginning to smoke.

The targets for the reduction in smokeless tobacco use among children are also not in parity with the targets for cigarette use reduction.

The use of oral snuff and chewing tobacco is a serious public health problem. It causes cancer, gum disease, tooth loss, as well as nicotine addiction and death.

The Committee should not let smokeless tobacco products become a cheaper substitute for children if the price of cigarettes increases due to the lookback penalties. In Massachusetts, once the price of oral snuff and chewing tobacco was brought into parity with cigarettes, its use among adolescents fell by over two-thirds between 1993 and 1996. Smokeless tobacco deserves equal attention, and we should expect similar reductions in use among children.

Fourth, the environmental tobacco smoke provisions are clearly unacceptable. States will be allowed to opt out of providing protections from exposure to secondhand smoke to workers and their families. This means there will be no national minimum standard to protect non-smokers, particularly children, from exposure. The Commerce Committee draft also exempts restaurants from smoke-free requirements, despite the fact that the Journal of the American Medical Association has reported that environmental tobacco smoke exposure for restaurant workers are estimated to be two times higher than for office workers, and at least 1.5 times higher than for persons who live with a smoker.

Fifth, the provisions on document disclosure in the Commerce mark are grossly inadequate. It would not require disclosure of many of the most significant documents. It would allow the industry to hide behind a "trade secret" privilege no matter how significant the information concealed was to advancing the public health.

Sixth, while the Chairman has not yet publicly disclosed the full extent of the litigation protection he intends to offer the industry, the proposals being promoted in private discussions are truly draconian. They would prohibit all class actions for past misconduct, prohibit punitive damages for past misconduct, prohibit all third party claims and impose other serious restrictions on aggregation of claims. Collectively, these restrictions would make it practically impossible for the victims of smoking induced illness to recover from the industry whose product is killing them. We must not bar the courthouse doors to the victims of the tobacco industry. I hope these extreme and grossly unfair proposals are never put before the Commerce Committee.

One litigation protection for the tobacco industry is already in the Commerce Chairman's mark. It is really the ultimate protection any industry could be given. On page 96 of the draft, tobacco companies are granted an 80 percent tax credit for money paid in judgments or settlements for lawsuits. In plain language, this means that the American taxpayers will pay 80 cents of every dollar the industry is ever required to pay to its victims. Instead of using the money raised by the \$1.10 per pack cigarette price increase to deter youth smoking, to conduct anti-smoking education and counter-advertising campaigns, to assist smokers who want to quit, and to conduct medical research into smoking related diseases, this legislation proposes to give it back to the tobacco industry to cover its litigation losses. This outrageous idea should be rejected by all one hundred Senators. Congress was embarrassed last summer by the \$50 billion tobacco industry tax credit snuck into the Balanced Budget Act. Enactment of the tobacco company tax credit in the Chairman's mark would be an even greater embarrassment.

The legislation which the Commerce Committee is scheduled to consider this week is seriously flawed. It should be sent back to the drawing board for a major redesign. Congress has an extraordinary opportunity this year to protect generations of children from a lifetime of addiction and premature death. To accomplish that great goal will require a much stronger bill than the one currently before the Commerce Committee.

I want to next address the child care challenges that we are facing in the budget. President Clinton is right in giving it a high priority. Cutting-edge research is giving us a greater understanding of the great significance of the early childhood years and development. Obviously, the best possible care should be available and affordable, and it should be quality. That is central to what this issue is really all about.

We know we need more child care and child development programs. We know we need money to pay for those programs. The Senate Democrats have proposed increasing our commitment

to child care improvements by at least \$14 billion in mandatory spending over the next 5 years. This was immediately attacked as "big government spending" on new programs. Why is it only when the investment is in our children that it is considered "big government spending"?

The Republican budget would preclude the possibility of child care legislation beyond their proposed increase of \$5 billion in discretionary authority for the Child Care and Development Block Grant and \$9 billion in tax cuts. Both of these approaches are problematic. We know we will never see discretionary money for child care, given the discretionary spending squeeze.

Obviously, these child care dollars would only become available if offsets were made in other discretionary programs, and programs for low-income children and families are always most vulnerable. In addition, the proposed tax cuts are unlikely to help the very families who most need assistance in paying for child care—low-income working families. As long as the dependent child care tax credit remains nonrefundable, expanding it does nothing to assist low-income working families, who have no tax liability. In effect, the child care proposals in the Republican budget are empty promises that simply give Republicans a chance to say that they have done something for child care. Our children and families need guarantees. We must have real, mandatory money for children and their families.

On another issue, employment discrimination takes many forms, whether based on gender, age, race, or national origin. Bigotry in the workplace undermines the fabric of our country and society.

When the Civil Rights Act of 1964 was signed over 30 years ago, Congress intended that the Equal Employment Opportunity Commission serve as a national watchdog against workplace discrimination. The Agency's mission is laudable. It has been an important force in curbing real and widespread problems of work force bias.

For example, the EEOC was able to reach a settlement with Del Laboratories after 15 women brought charges alleging several decades of egregious sexual harassment. The Agency was also able to end 15 years of discrimination against African Americans and women at Estwing Manufacturing Company. Estwing had a policy of race-coding applications to prevent the hiring of African Americans and refusing to hire women to perform certain jobs.

Who can forget the outrageous incidents of gender discrimination taking place at Mitsubishi Motor Company. The EEOC is currently representing over 300 women in that Mitsubishi litigation.

In recent years, the Agency has "re-invented" itself, and, without additional resources, managed to decrease the number of cases waiting for investigation and resolution. There is a

limit, however, to what the EEOC can do without a budget that reflects its responsibilities.

I urge my colleagues to support the President's request for \$279 million for the EEOC. The Senate must earmark these funds for the Agency. It is the right thing to do and this is the time to do it.

MEDICARE

Too many Americans nearing age 65 face a crisis in health care. They are too young for Medicare, but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on.

Three million Americans aged 55 to 64 are uninsured today, but no American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

The consequences of being uninsured at this age are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford even the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

If we do not act to stem this trend, the problem will only get worse. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise.

In recent years, many others who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

Democrats have already introduced legislation to address these issues—and the budget must provide for its enactment. The legislation allows uninsured Americans age 62–64 to buy in to Medicare coverage and spread part of the cost throughout their years of eligibility through the regular Medicare program. It allows displaced workers aged 55–62 to buy into Medicare to help them bridge the period until they can find a new job with health insurance or until they qualify for Medicare. It requires companies that drop retirement coverage to allow their retirees to extend their coverage through COBRA until they qualify for Medicare.

This legislation is a lifeline for millions of older Americans. It provides a bridge to help them through the years before they qualify for full Medicare

eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

MANAGED CARE

A week ago, Helen Hunt received an Oscar for her role as the mother of a severely asthmatic child in the movie "As Good As It Gets." In the movie, she delivers a line of unrepeatable insults aimed at her son's HMO. And audiences across the nation burst into applause and hoots of knowing laughter. In some cases, life imitates art. In this case, however, art imitates life.

We face a crisis of confidence in health care. A recent survey found that an astonishing 80 percent of Americans now believe that their quality of care is often compromised by their insurance plan to save money. Another survey found that 90 percent of Americans—men and women, across the political spectrum—say a Patients' Bill of Rights is needed to regulate health insurance plans. And they report that they are willing to pay for it, despite a campaign of disinformation from the business community and insurance industry.

One reason for this concern is the explosive growth in managed care. In 1987, only 13 percent of privately insured Americans were enrolled in HMOs. Today 75 percent are in some form of managed care.

At its best, managed care offers the opportunity to achieve both greater efficiency and higher quality in health care. In too many cases, however, the priority has become higher profits, not better health.

The list of those victimized by insurance company abuse grows every day.

These abuses are not typical of most insurance companies. But they are common enough that Congress needs to act to protect the American public. A recent report in California found that 17 percent of managed care enrollees developed permanent disabilities as a result of plan denials. The Clinton Administration is prepared to support legislation to address these issues. Members on both sides of the aisle in both chambers are prepared to act. And the time to act is now.

We need to ensure access to appropriate specialty care—care that people pay for through their premiums, deductibles and copayments. We need to ensure that patients have the rights to appeal plan denials, especially those that threaten the life, health or future potential of those in need of services. We need to take action to monitor and improve the quality of care for everyone. We need to make plans accountable for their decisions, and provide all patients, regardless of whether they receive their insurance in the individual market, from a public program or through an employer, with the right for redress when plan denials result in injury or death. We need to simply

make sure that people are aware of their rights and able to compare their options—when they are fortunate enough to have a choice of plans.

Legislation must be carefully crafted, so that it curbs abuse without stifling innovation and appropriate measures to control costs, but action is essential. The American people know that the current system is out of control, and they want protection. This can be the Congress that finally enacts a health insurance bill of rights to assure that patients receive the protection their insurance company promises but too often fails to deliver. Our national bottom line must be patient needs, not industry profits.

CHILDREN'S HEALTH

Last year, we created a new children's health program designed to reach uninsured children in working families whose income is too high for Medicaid but too low to afford private health insurance. We made an unprecedented investment of 24 billion dollars over the next five years. More than 10 million children are uninsured, and approximately one-third of those children are already eligible for, but not participating in, Medicaid. We need to do more to enroll children in the programs for which they qualify. And we need to ensure that the proper resources and options are available to states to encourage enrollment in the new program.

The President included proposals in his budget to expand the outreach opportunities available to states. They were paid for by other administrative savings in Medicaid. But they have mysteriously disappeared in this Republican budget. Instead, it appears that the savings extracted from a program that serves primarily low-income women and children are being used to buy bridges and roads. Gone are the provisions, scored by CBO at only \$400 million, that would help states fulfill our goal of enrolling every eligible child in the health insurance program for which they qualify. Why? They could have included the outreach provisions and still had a billion dollars to spend on other priorities.

Mr. President, these games have to stop. When the Congress acts to provide its citizens with opportunities, we should make every effort to follow-through with policies that address implementation concerns. If we really want children to receive the health insurance we extended to them last year, we need to fully fund outreach activities. This budget fails to deliver the funds necessary to ensure uninsured children receive the care to which they are entitled.

DISABLED PERSONS

Mr. President, I want to reinforce an issue of great importance to every American in this country that Senator JEFFORDS will be speaking about later today—the need for accessible and affordable health care for disabled persons, so they can work and live independently.

Disability does not pick its owner—it can happen to any of us here today, and we have seen many of our own colleagues and Members of this Congress struggle with the unexpected consequences of disability in their lives. Yet disability policies in this country continue to impoverish disabled persons and disregard their ability to be productive members of their community.

The lack of accessible and affordable health care is the reason that only one half of 1 percent of disabled persons ever go to, or return to work. There are 54 million disabled people in this country who may have the capacity to work but cannot because they are afraid of losing their health care.

This Congress needs to put in place health care options that support disabled persons to work, live independently, and be productive and contributing members of their community. I encourage your support in funding these options during this budget process.

Mr. CONRAD. Mr. President, I wish to recognize the leadership of Senator KENNEDY on the critical issue of protecting the public health and the tobacco legislation. He has been one of the most valued members of the task force on tobacco in the Democratic Caucus. No one has worked harder to make certain that we keep our eye on the ball of what are the important priorities. Over and over, he has reminded our colleagues that the priority is to protect the public health and to reduce teen smoking. Those are the things that I think all of us want to accomplish. I thank him publicly for the extraordinary leadership he has brought to the cause.

Mr. GREGG. Mr. President, I understand the Senator from North Dakota is willing to yield back the time remaining on my amendment.

Mr. CONRAD. We are prepared to yield back, and the Senator is prepared to yield back.

Mr. GREGG. I ask unanimous consent we both be allowed to yield back—I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

AMENDMENT NO. 2168 TO AMENDMENT NO. 2167
(Purpose: To express the sense of the Senate that this resolution assumes that no immunity from liability will be provided to any manufacturer of a tobacco product)

Mr. GREGG. I send to the desk an amendment in the nature of a second degree.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. CONRAD, proposes an amendment numbered 2168 to amendment No. 2167.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word and insert the following:

3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual or class of individuals prior to or after the date of the adoption of this resolution.

Mr. CONRAD. I ask unanimous consent I be added as a cosponsor to the amendment that has been sent by the Senator to the desk.

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

Mr. CONRAD. I understand Senator SESSIONS would like to get the yeas and nays on his amendment.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask for the yeas and nays on my amendment No. 2166 offered previously.

The PRESIDING OFFICER. Is there an objection to it being in order at this time for the yeas and nays?

Without objection, the Senator may request the yeas and nays.

Mr. SESSIONS. I request the yeas and nays of my amendment No. 2166.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. CONRAD. Now we go to the Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent the pending amendment be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 2169

(Purpose: To express the sense of Congress regarding freedom of health care choice for medicare seniors)

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2169.

Mr. KYL. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title III, add the following:

SEC. —. SENSE OF CONGRESS REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans.

(2) Most seniors are denied this right by current restrictions on their health care choices.

(3) Affording seniors this option would create greater health-care choices and result in fewer claims being paid out of the near-bankrupt medicare trust funds.

(4) Legislation to uphold this right of health care choice for seniors must protect beneficiaries and medicare from fraud and abuse. Such legislation must include provisions that—

(A) require that such contracts providing this right be in writing, be signed by the medicare beneficiary, and provide that no claim be submitted to the Health Care Financing Administration;

(B) preclude such contracts when the beneficiary is experiencing a medical emergency;

(C) allow for the medicare beneficiary to modify or terminate the contract prospectively at any time and to return to medicare; and

(D) are subject to stringent fraud and abuse law, including the medicare anti-fraud provisions in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to ensure this right.

Mr. KYL. Madam President, this amendment is a sense of the Senate entitled "Freedom of Health Care Choice for Medicare Seniors." The purpose of this amendment is for Members of the Senate to go on record as supporting the eventual adoption of legislation that will ensure that all seniors have freedom of choice in obtaining health care services for themselves and members of their families.

As a result of the balanced budget amendment of last year, an amendment went into effect on January 1 that precludes most seniors from having this freedom to contract. While it establishes the principle that they may do so, it puts forth a condition that is virtually impossible for them to satisfy; namely, to find a physician who is willing to dump all of his Medicare patients for a period of 2 years prior to the time that their services are sought. As a result, it is impossible for most seniors to exercise a choice that is theoretically theirs in the law today.

This proposal to be amended into the Balanced Budget Act is to express our sense that we intend to adopt legislation later that will provide for this right. As a matter of fact, I have introduced legislation, as has Congressman BILL ARCHER from Texas in the House of Representatives, that would fulfill this commitment. Mine is Senate bill 1194, the Medicare Beneficiaries Freedom to Contract Act. We have 49 cosponsors for this at the moment, and I think number 50 is on the way. Clearly, it is a popular idea because of the expressions of concerns by our senior citizens that they would like to have the freedom to contract for the services they desire. In the House of Representatives, Representative ARCHER, chairman of the Ways and Means Committee, has over 190 cosponsors.

What is this sense of the Senate, and why do we need it? We believe the sense-of-the-Senate amendment here provides that Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans, and that there should be no unreasonable provisions or unreasonable

conditions that prevent them from obtaining this care. Moreover, we specifically provide that the assumptions underlying the budget resolutions assume that this legislation will be enacted.

So what is the problem here? Prior to January 1 of this year, and for all of the time that Medicare has been in effect, Americans have had the ability to go to the physician of their choice, and if that physician did not feel he could treat them under Medicare, or chose not to do so, or they chose not to be treated under Medicare, they would have the choice to contract outside of Medicare. Obviously, they had to pay the bill themselves.

For most Americans, Medicare is such a good deal that this was rarely taken advantage of. However, there are situations in which a senior citizen might want to take advantage of this requirement. It had always existed. For example, a constituent of mine wrote to me and pointed out that in her community there was only one specialist that she felt could take care of her particular kind of diabetic condition. She went to see that physician, and he said that since she was 65 years of age, she was a Medicare beneficiary, she was Medicare eligible, and since she was Medicare eligible, he would have to submit the bill to Medicare if he treated her, but that he could not take on any more new Medicare patients, that he had as many as he could afford to continue to provide care to. She said, "No problem, I'll pay you. You bill me directly, and we will save Medicare the money." He pointed out—and verified this with the Health Care Financing Administration—that they would assume he had committed fraud if he took care of her, submitted the bill to her, and had her pay him directly.

Unless the bill is sent to Medicare, the care can't be provided. In effect, it is Medicare or no care. As of January 1 of this year, that is the law of the United States of America, believe it or not. Once you turn 65, you lose a right that all other Americans have, which is to go to the physician of your choice. It is Medicare or no care. You cannot contract outside of Medicare for Medicare-covered benefits. That is fundamentally un-American.

If you have saved all of your life to provide for health care for yourself, your spouse, and your family, you are going to do anything within your power to help your spouse, let's say, who is ill, and if she wants to go to someone who is not treating new Medicare patients, for example, or is a non-Medicare-treating physician, you are going to spare no expense to save her life. I had this happen to a friend of mine. I was able to get a compassionate release from FDA to get an experimental drug so she could use it in the last few months of her life. Unfortunately, she passed on anyway. Her husband was willing to do anything to preserve her life, go to any lengths.

Are we going to tell senior citizens in the United States they can't do that,

they can't go to the doctor of their choice, that they have to go through Medicare or they can't be cared for at all? If they can't find somebody willing to treat their particular condition under Medicare, that is it, sorry, this is the United States of America, but they don't have that right anymore?

If you are 64 and a half, of course, you have that right. If you are a Member of Congress, you have that right. If you are in Great Britain, under a socialized medicine system, you have that right. Even in Great Britain, which has socialized medicine, you can either go to that program or contract privately, so long as you pay the bill yourself. That is all we are asking for the United States of America. Yet, under an amendment that the President insisted be part of the Balanced Budget Act of last year, that right has been taken away from seniors in this country.

All over the country, seniors are beginning to complain because they have figured out what has been taken away. This is one of the first things being brought up in town hall meetings. They ask me, "Why are you taking away the Medicare rights?" I have said, "Look, I didn't do it. I didn't know that agreement had been struck in the middle of the night and snuck into the Balanced Budget Act. Everyone voted for it, and we knew nothing about it. A couple of days later, it was revealed that the President had insisted that this provision go into the law."

So, Madam President, I think it is important for the Members of the Senate to go on record in the Budget Act here as supporting the principle of freedom to contract. The measure I have introduced has all kinds of safeguards to prevent fraud and abuse. We can have a good discussion about exactly what those should be. If you have a suggestion on how to make it better, fine with me, let's talk that out. At some point, we will actually bring that legislation to the floor and have that debate.

I think all of us can agree on the basic principle that, A, we should have the freedom of choice to contract with the physician of our choice in this country; B, there should be adequate provisions to prevent fraud and abuse; and, C, we need to get this done as soon as possible. That is what our sense of the Senate calls for, Madam President. I hope that those people who have expressed opposition to this legislation will come forward and debate the issue. Let's have an open public debate, because the people of America need to understand what the Congress and the President did to them last year when it took away this fundamental right. Those of us who believe in the principle of doing everything you can for your loved ones need to support this.

One final thought before I sit down. This law that is currently in effect is just like saying to seniors on Social Security that the only way you can provide for your retirement, your fi-

nancial needs, is through the Government's Social Security system; you can't save any money, you can't have any stocks and bonds, you can't have any pension, you can't have any insurance annuities—none of that; it is either the Social Security system, the Government program, or no system. That is what we have said with regard to health care—you either take the Medicare health care program or nothing; you cannot contract outside of Medicare for covered benefits. As I said, it is ludicrous when you present it that way.

Opponents say that there might be some fraud and abuse here. I think that sells the physicians in this country and our senior citizens very short. I know of nobody more careful about their bills than seniors. I know my mom and dad are. They can tell you whether they were overcharged. We can put provisions in this to ensure that there is no fraud and abuse. I think it is fundamentally wrong for us to deny this right to citizens just because we feel there may be some physician out there who would abuse the system.

So I conclude by urging colleagues, when we have an opportunity to vote on this, to support this principle again in the Budget Act—and at this point it can only be a principle; it cannot be the effective legislation. We will propose that later. Surely we can support this principle through the sense of the Senate and, at a later time, actually support the legislation that would accomplish the principle.

Madam President, at this time I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KYL. I thank my colleagues.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, earlier, Senator KENNEDY raised concerns about the tobacco legislation that is moving through Congress. Obviously, tobacco legislation is part of the budget resolution as well. The budget resolution provides a special reserve fund so that, in fact, if the tobacco legislation moves, it will be possible to use those funds for a number of purposes.

Senator KENNEDY had indicated that at the same time there is legislation moving through the Commerce Committee. He raised a number of concerns about the legislation as it has been described in the press. Madam President, just let me add my voice of concern to what we have heard about that legislation moving through the Commerce Committee. One of the major issues on comprehensive tobacco legislation is, Will this industry be given special, unprecedented protection—protection that has never been granted any other industry at any time? That is, special protection against suits by victims of the industry, whether they be individuals or third parties who have had

costs imposed on them by the use of tobacco products.

Madam President, the bill going through the Commerce Committee at this point is silent on the question of liability—liability for the tobacco industry. Being silent on liability in tobacco legislation is like having a discussion of the Titanic and failing to mention the iceberg. This is central to any discussion that anybody can have about tobacco legislation. How can you be silent on the question of liability?

Many of us believe that there should be no special protection granted this industry. Many of us believe it is inappropriate to give this industry, of all industries, the kind of unprecedented protection that they seek. It is troubling that we saw this industry come before Congress and swear under oath that their products caused no health problems, swore under oath that they had never targeted our kids for marketing and advertising, swore under oath they had never manipulated nicotine levels in order to make their products more addictive, and that their products were not addictive.

Now the documents have come out. The documents show that, without question, in fact, these products cause the health problems that they have sworn they do not cause. We know, based on the release of the documents, that they have targeted our kids for marketing and advertising. In fact, they have targeted kids as young as 12 years old in their marketing and advertising. The documents disclose it. The documents also disclose that they knew their products were addictive. The documents disclose that they knew they were engaged in these efforts, which they absolutely denied when they were before Congress. And now they come to us and they say, well, look, if we are going to be involved in this, you have to give us special protection.

The Senator from New Hampshire sent an amendment to the desk that says we ought not to give this industry immunity, we ought not to give them special protection, and we ought to deal with this industry the way we have dealt with every other industry; we ought to address head-on the problems that they create and do it without giving them some kind of special deal. I think the overwhelming majority of Americans would say that is exactly the right thing to do. We should not be giving them special protection. They don't deserve it. They don't need it. It is not necessary in order to accomplish the result.

So at some point very soon we are going to have a chance to debate and discuss the amendment of the Senator from New Hampshire. I just want to commend him this afternoon for offering that amendment. I look forward to the debate. I want to hear on the floor of the Senate the argument advanced that this industry should be given special protection. I want to hear people in public defend the position that this

industry should be given special treatment. I want to hear on the floor of the Senate how somebody rationalizes and defends this industry. I don't think it is possible. I don't think it will stand the light of day.

Out here in the back room someplace when nobody is around and nobody is reporting, all of a sudden there is a lot of grave talk about, oh, we have to give this industry special protection. I want to hear those arguments made out here in the cold light of day. I want to see our colleagues have a chance to vote on the question of whether we are going to give special protection to this industry or not.

Madam President, I very much look forward to our debate and discussion on that question. I thank the Senator from New Hampshire for offering that amendment.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I certainly appreciate the support of the Senator from North Dakota on this amendment. I believe he has summarized the concern which I have as well. The fact is you can't defend immunity. It is just inconsistent with the policies of discovery to give immunity to a business which has basically targeted young people with an addictive product which was intended to kill them. The idea that we would start by giving immunity to that industry is not only ironic but totally wrong.

So I certainly appreciate the support of the Senator from North Dakota in this effort.

Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. 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. ASHCROFT. Madam President, I seek the floor for purposes of speaking in regard to the budget resolution.

The PRESIDING OFFICER. The resolution is the pending business. The Senator is recognized.

Mr. ASHCROFT. Thank you very much.

Madam President, I rise today to express my opposition to the budget resolution.

More than just being an accountant's ledger, the Federal budget should embody our Nation's values. Yet, from looking through the budget, the values that are transmitted here seem to be nothing more than an inflated sense of Washington's self-arrogance. The budget represents Washington's arrogance, Washington's belief that the interests of the individual and individual taxpayers are second, if not third, fourth, or fifth, as compared to the bureaucrat and the bureaucratic appetite to consume resources at the Federal Government level.

I think it is a slap in the face of Americans who thought they sent individuals to Washington to curtail the size of Government, those who have worked to make sure that they sent individuals here to guard their freedoms. It is a challenge to them when they see the House and the Senate march steadily forward on bigger and bigger budgets consuming more and more of the resources of an average family. I believe that I was sent to Washington to cut taxes to make it possible for people to retain more of what they earn to spend on their own families rather than have Washington somehow come to the conclusion that Washington could spend the money more effectively on America's families than America's families could.

I oppose this budget based on the fact that it is designed to grow Government substantially and it is designed to take more and more of what people earn. I have prepared a series of proposals of \$1 trillion in tax cuts and debt and tax limitation measures. I would like to see us put those in our public policy. But, frankly, there is really not a chance to do that because this budget and the budget rules that are proposed are designed to block such measures, ensuring that the priorities and judgments of the Budget Committee remain inviolable. I would like to explain in detail my opposition to this budget.

First, it increases the size of the Government. The budget resolution recommends that the Federal Government spend \$9.15 trillion over the next 5 years. That represents a 17.3 percent increase over the previous 5 years. The past 5 years as compared to the next 5 years, a 17.3 percent increase. Five years from now the Federal Government would spend \$276.5 billion more than it will spend this year. That is an increase of 16.5 percent.

So this massive growth of Government I don't believe is consistent with the mandate of the American people. Even President Clinton intoned in his State of the Union Message a little over a year ago that the era of big Government was over. He could hear the footsteps of the electorate in their steady march demanding that we have smaller Government—meaning greater capacity for our families. And, yet, here we go again. We have growth that amounts in the next 5 years to 16.5 percent.

Second, I oppose the budget because it takes far more tax revenue from the American people than ever before. The budget resolution recommends that the Federal Government collect \$9.3 trillion in tax revenue over the next 5 years. That is a 27.5 percent increase over the previous 5 years. Five years from now the Federal Government would collect \$327.9 billion more than it will collect this year. That is an increase of 19.5 percent.

Now that we know what the budget resolution does, we should address the one thing that the resolution does not do. This budget resolution does not cut taxes.

As a recent report by the Senate Republican Policy Committee reads, "The fiscal year 1999 budget resolution provides for no reconciliation bill. It, therefore, contains no specific tax-cut instruction."

Year by year, the amounts by which the aggregate levels of Federal revenues should be changed are as follows: Zero, zero, zero, zero, zero, zero.

The numbers in this resolution do not reflect that the report accompanying the resolution holds out the hope that Congress might pass a \$30 billion tax cut over 5 years. \$30 billion over 5 years is a number which might be hard for folks to anticipate. But here is what it amounts to. It amounts to \$1.83 per person per month in terms of tax relief—\$1.83 per person per month. Inflation may be tame. But even the most frugal consumer would be hard pressed to stretch \$1.83 very far.

Looking at this another way, \$30 billion in tax relief out of the \$9.3 trillion in tax revenue represents a cut of three-tenths of 1 percent over 5 years. That is the equivalent of getting a 30-cent discount on a \$100 order of groceries. And if that weren't bad enough, this budget resolution would consider offsetting those cuts with tax increases.

Page 70 of the committee report accompanying the budget resolution reads:

This "reserve fund" would permit tax relief to be offset by reductions in mandatory spending or revenue increases.

This is no idle threat. The last page of the chairman's mark lists illustrative examples of taxes that could be raised, including taxes on vacation and severance pay, and adopting some of President Clinton's proposed tax increases.

I believe it is wrong for us to be considering tax increases, especially at a time when the average American is still working for the Government this year. I say "still working for the Government this year" because, according to authorities, we all work until May 9 now in order to pay for Government. It is only after we have worked all the way until the second week in May that we begin to pay ourselves instead of to pay our Government.

Compared to last year's resolution, this budget resolution recommends that the Federal Government collect \$212 billion more in tax revenue than was recommended for the same period last year.

Whose interest does this resolution serve? As I mentioned earlier, this budget has its priorities upside down. They are inverted. They are skewed. My clear understanding of Government is that it exists to serve the people. But this budget has that backwards. This has people existing to serve the interests of Government.

Let me read a disturbing line from page 52 of the committee report accompanying the budget resolution:

The tax writing committees will be required to balance the interests and desires of

many parties while protecting the interests of taxpayers generally in drafting the tax cut.

Why did the Budget Committee feel a need to include a reminder in this report to keep the interests of the taxpayers in mind? Taxpayers should have been in the forefront of our mind. It read as if the interests of the taxpayers are secondary. That said, the American taxpayers deserve more consideration than this budget allows.

Relief for taxpayers cannot come a moment too soon, and we should have a budget which reflects our ability to constrict Government and to enlarge the capacity of individuals.

Allow me to place this budget package within the context of the overtaxed worker.

For the past 5 consecutive years, the growth in personal tax payments has outstripped that of wages and salaries. This is an important point. People have had their taxes going up faster than their salaries and wages have been going up. Not since 1980-1981 have there been more than 2 consecutive years in which tax growth had exceeded wage growth. Well, not until the past 5 years.

The average American now works until May 9, as I mentioned, a full week longer than the average American worked for the Government when Bill Clinton assumed the Presidency. The average American now is working to May 9 to pay Federal, State, and local taxes. Some individuals think that includes State and local taxes. What do we have to do with that? Frankly, a significant share of what State and local governments charge in terms of taxes is being charged because we have mandated programs on the State and local governments.

I can't help but think of President Reagan's definition of a taxpayer: "Someone who works for the Federal Government but doesn't have to take a civil service exam."

Frankly, all of us have been working for the Federal Government. We will all be working for the Federal Government until May 9 this year—for the government at least.

The last year that the Federal Government collected less tax revenue than it did the year before was 1983. That was 16 fiscal years ago. If you define a "tax cut" as when the Government collects less in taxes, we have not had a true tax cut since 1983.

Because of the tax increases of 1990 and 1993, taxpayers will give the Federal Government \$600 billion more over the next 5 years than they would have otherwise.

Why are taxes so high? Taxes are high because Government is too big and because Government spends too much. Taxes are high because our budgets reflect that we believe that the bureaucracy is better at spending money on American families than American families are. I believe that is a mistaken belief.

This year the \$1.7 trillion that Washington will spend is more, in inflation-

adjusted dollars, than the Federal Government spent cumulatively from 1800 to 1940. Over the past 20 years, Congress has allowed Federal spending to increase 291.3 percent. Adjusted for inflation, that represents a real spending increase of nearly 60 percent. In the past 10 years nondefense Federal outlays adjusted for inflation have increased by one-third.

The last year that the Federal Government spent less than it did the year before was in 1965, 34 fiscal years ago.

When I entered the Senate in 1995, I hoped that the new Republican majority in Congress would pursue a general downsizing of the Federal Government, allocating to States and local governments, and, yes, to the best government of all, the family, which obviously finds the best department of social services and the best department of education, the best department of health when it spends its own resources fostering the needs, ambitions, aspirations, hopes, and achievements of the family, I had hoped that we would reduce the size of the Federal Government to make the resource allocation of this culture more effective and more efficient by placing it in the family and close to the family, where good decisions could best be made.

Despite our efforts, the Federal establishment is growing more costly and more intrusive than ever before. Federal spending has grown by \$200 billion just since 1995. Nobel laureate Milton Friedman observed, "Congress will spend whatever revenue it receives plus as much more as it collectively believes it can get away with." Another way folks say that, back in Missouri, is, "We live by the 'they send it, we spend it' motto."

Frankly, it is time to say to the American people "You earned it, we returned it." We need to give to the American people some of their money back so they can make good judgments and good decisions of how to deploy their own resources on themselves and their families and in their own communities without sending it through the shrinking process of the bureaucracy in Washington, DC.

This budget resolution assumes a cumulative surplus of \$149 billion before any tax cuts over the next 5 years. As each week passes, the call for new spending seems to grow. The Senate spent last week debating whether to pass emergency legislation that would breach the discretionary spending caps, including \$4.48 million for maple syrup producers to replace taps and tubing damaged by ice storms in the Northeast.

Before closing, let me just reiterate my opposition to the resolution for these reasons:

No. 1, the budget increases the size of Government. It is time for us to increase the size of opportunity for American families.

No. 2, the budget resolution does not instruct Congress to cut taxes. We were

sent here to limit the size of Government, to cut the burden on the American people. The American people are paying more in taxes than ever before in history. It is time—we are not at war—to understand if we are at war, that we are at war with ourselves and we should stop taking so much of the resource of American families. We should make it available to them.

No. 3, when spoken about, the so-called predicted tax relief would be a proverbial slap in the face, or at least in the wallets, of the American people: \$1.83 per person per month. You can't get a cup of gourmet coffee—I couldn't get it if I drank it—at that price.

No. 4, it would allow Congress to offset the tax cut with a tax increase rather than with spending cuts.

And, No. 5, it would have the Federal Government collect \$212 billion more than the budget resolution agreed to just last year.

The Senate should reject this budget resolution and adopt a resolution that reflects the values of those who sent us here, one that curtails spending, one that provides tax relief, and one that further limits the Federal debt. I encourage my fellow Senators to vote no on this backwards budget, this budget that really believes and sets a value on the idea that Washington knows best.

It is pretty obvious to me that you let the person spend the money who you think can make the best investment. And it is pretty clear to me that Washington thinks it can make better investments and better judgments about our family and our culture than can people in their families and businesses in their institutions. I do not believe that Washington knows best. The genius of America is not that the values of Washington would be imposed on the people; the genius of America is that the values of people would be imposed on Washington. But this budget gathers to the bosom of the bureaucracy the capacity to confiscate the resources of the people and to spend them in an arrogant sense that we know better how to spend resources on America and her families than America's families do. Nobel laureate Milton Friedman observed Congress will spend whatever revenue it receives plus as much as they can get away with, and this is one of those settings where it looks to me like we are making that kind of commitment to expenditure.

I believe Members of this body should look carefully at this budget and should understand it does not reflect the values of the American people. It fails, for instance, to obliterate or to curtail or to remove the marriage penalty. If we want a system which would reflect the values of America, understanding that this country is most likely to succeed in the next century if we have strong families, then we would endow the family with strength and the finances to do what families ought to do. Instead, this budget resolution provides the basis for continuing the marriage penalty, which is really a

way of fining people for being married and saying to individuals who are married in this culture: We will charge you \$29 billion a year. That is the freight for being married in America.

It is time for us to abandon that and say what we want in this culture is lasting, durable marriages and families that will provide the basis for a culture in the next century which will allow America to continue to prosper and to lead. We cannot do that if we have a value system reflected in a budget which attacks America's principle of strong families rather than reinforces that principle.

I urge my colleagues in the Senate to reject this budget and to call for a budget which would reduce the impact and size and onerous burden of the Federal Government and to empower the people to make decisions that will foster families and institutions at the local level with the requisite strength to preserve and protect America's greatness.

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. JEFFORDS. 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. JEFFORDS. Madam President, I am here today to discuss aspects of the budget. Today we continue the discussion on our 1999 budget, and I am generally pleased with the work that the committee has done. I am generally optimistic about our country as we progress, but today I wish to place an emphasis on education with a special emphasis on the congressional responsibility for the education of the children of the District of Columbia, the Nation's Capital.

In 1995, when the Republicans took over the leadership role in Congress, I became chairman of the subcommittee responsible for education on the Labor and Human Resources Committee. I also, as No. 13 in seniority on the Appropriations Committee, became the subcommittee chairman on the DC Appropriations Subcommittee.

Although I left the Appropriations Committee in 1997 to go to the Finance Committee, I vowed to continue my work for the schoolchildren of the District. I did so to follow through with the work I helped start in 1996, with the writing of the new education plan for the District.

Also, when I became chairman of the Labor and Human Resources Committee, I believed I had a special obligation for education in the District of Columbia. The Constitution, through the District clause, confirmed by the Supreme Court, endows in Congress the same powers over the District of Columbia that a State has—not only powers but responsibilities. Thus, Congress is responsible under the Constitution

for the District's education. We must not forget that.

As Republicans, we believe strongly that State and local governments are the key players in establishing education policy. This conviction works beautifully for every State in the Nation except for the Nation's Capital. What an irony. We, as Republicans in leadership of this Congress, have not fully recognized that under the Constitution we must act as both the State entity for the District and the local governing entity for education.

In 1996, Congress did recognize that the District's educational system was indeed in trouble; in fact, the whole city was in deep trouble.

The control board was established to help the District's education crisis. The present DC education reform plan was written in the 1996 appropriations bill with assistance from Congressman Steve Gunderson, who had strong support from the Speaker, and also with the help of the then-Senate majority leader, Bob Dole. The implementation of this plan began in earnest under the leadership of General Becton and continues under Chief Academic Officer Arlene Ackerman. They recently gave a nationally known student achievement test to evaluate basic student performance in the District. It clearly established a severe problem. The Nation's Capital, for which we are constitutionally responsible, has the worst educational results in the country, including the worst student dropout rate of close to 40 percent.

In addition, through decades of neglect, the District of Columbia has one of the worst school infrastructure problems in the Nation. GSA found that \$2 billion of repairs and improvements are needed.

When I took the chairmanship of the DC Appropriations Subcommittee in 1995, I immediately met with the superintendent, then-Superintendent Franklin Smith, who was a member of the DC school board.

They all had great intentions and great plans. And, in fact, they had great plans and great intentions for many years, but evaluation results got worse, not better. This was true even though teachers were teaching to the same tests they had been using since 1978. They told them what the tests were going to be. It was obvious that the superintendent of the school board had no control over the system.

The control board had been established realizing the dimension of the problem. This is back in 1996. They knew that the firm leadership with appropriate authority had to be established. In my mind, the board very wisely chose two generals to answer that challenge—General Williams as financial officer and General Becton as superintendent. In my opinion, the generals, with considerable personal sacrifice, performed admirably, and ably. We are indebted.

In particular, General Becton is a unique individual. He is 70-plus, but

looks 50, and has the energy of a 40-year-old. He is personable and tough. Although not primarily an educator, his accomplishments as president of Prairie View A&M University proved his ability in this field. He got the job done. They both got the job done. The generals had to kick a lot of butts. Friends are not made that way, wounded critics are. But they got results.

Per-pupil costs are down to within the average in the Washington metropolitan region, a constant source of irritation with many Members who claim they add all this money. They do not anymore. Personnel numbers had been reduced. Many inefficient managers were replaced. The congressionally enacted school reforms are being implemented. Tough decisions, such as ending social promotion, have been made; and that is a tough one. This, of course, has created a great need for remedial help for tens of thousands of kids who must improve to warrant graduation.

A most qualified chief academic officer, soon to be superintendent, Arlene Ackerman, has been hired. The challenges before her are daunting. The dimension of the remedial help required for ending social promotion, not only in Washington but nationwide, has not yet been fully appreciated. She will need our help. She must have our help.

As mentioned above, the education infrastructure is in a shameful condition after decades of neglect, requiring \$2 billion worth of improvements. Fortunately, Parents United had been formed some time ago and has brought a lawsuit to enforce corrective action.

Unfortunately, after Generals Williams and Becton had initiated their plans for school repairs, and finally having funding available in a manner that would not have required any closing of the schools, the judge, in her frustration, ordered the schools closed anyway. This caused emergency actions in contracting to get the schools opened and raised the costs considerably. I was present with the control board education trustees the night this happened. They did what they had to do. In fairness to the judge, her frustration, expressed in her ruling, raised the public's awareness to the deplorable condition of the schools.

But where will the \$2 billion needed for repairs come from? Congress is responsible for making it available. This may require money from the budget, it may not, but it has to be found. Bonding is obvious, but how is it to be paid for?

This January, I held hearings on the DC school situation. I have attached Professor Raskin's applicable testimony that the Constitution requires us to find the funds.

At the beginning of 1997, I left the Appropriations Committee and went to the Finance Committee. I vowed to continue to fight for funds for DC. During reconciliation, I nearly got an amendment for \$1 billion passed in the committee. The Senate did provide \$50

million for the repairs of the Washington, DC, schools—a small amount, relatively, to the \$2 billion.

In conference with the House, at the House's insistence, the \$50 million was cut. But OMB Director Frank Raines agreed to work with me to find the money. He asked me to put together a working group. This has been done. To help prepare material for the working group, I held three days of hearings in January. Material from these hearings has been forwarded to the members of the working group.

I have also outlined several options for the working group's consideration. Some require no Federal funds; others are completely Federally funded. Somewhere we have to find the answer. I hope we can furnish guidance soon. I have attached materials showing the need for congressional action, as the DC financial system under present circumstances cannot provide a sufficient revenue stream to pay for bonds.

Let us end on a positive note. Progress is being made to improve the DC school system. I recently traveled to Chicago with General Becton. I also traveled to Long Beach, CA, with Arlene Ackerman. These school systems are examples of sound reform where corrective action is being taken. We learned a great deal on these trips. And work is starting here.

First, we must make sure children can read and comprehend. Programs such as Everybody Wins!, a literacy-mentoring program I am deeply involved with, have been started, helping thousands of youngsters. Hundreds of our volunteers come from the Senate, and they have been doing a wonderful job in bringing the reading situation in that school under control, but thousands more are needed to help. The flow of nonreaders to upper grades must stop. Substantial growth here is expected by next year in these programs. There are two others called the President's Program for Reading and also another one called the Everybody Reads Program started by the District.

To help the students "in the pipeline," summer schools will be held. The second thing: A group to find remedial solutions through information technology has been formed. Much needs to be done.

No. 3, legislation has been introduced, S. 1070—my bill—to form regional efforts in skill training, giving an opportunity for those young people to be able to get those \$30,000 to \$50,000 jobs, high-paying jobs, that are available and can be filled.

No. 4, I also met with the presidents of regional universities and colleges to work together with the business community to form a cohesive, seamless educational system, for which the comprehensive framework should be established by the end of May. And that is critical. We have the resources in this region, we have the people in this region, but we must work together to all do what we can for the school system.

No. 5, the critical needs for in-service training of teachers must be met. The

Department of Education and the local teacher colleges are pledged to help. I just met with some from the Department of Education. The Higher Education Act soon will be out on the Senate floor, and that will help, also across the Nation, to assist us with respect to the serious problems we have with our schools not having the professional development necessary.

Let me close by emphasizing that our problems in education will end only when the classrooms provide the appropriate education. This is a primary responsibility of the States and local school districts. Just remember, as for DC, under the Constitution, DC is our "State." And we are responsible for our local schools, those in the Nation's Capital. Right now, we have the worst schools in the Nation. They must and they should be the best.

Madam President, at this time I would like to turn to another education issue dealing with the budget also, and I just alert the Budget Committee as to what is being done.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1882 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Finally, I will talk to another matter which will have an impact upon the budget also. Hopefully, CBO comes up with figures you like; these figures are so small in terms of what the good is we should find no cause for alarm here.

I rise to discuss an issue that is critically important to this Nation. Today there are millions of people with disabilities who want to work but just cannot. Why? Because the day they start work they lose access to affordable health insurance. These bright, intelligent, and very willing individuals are denied the right that every other citizen in this Nation has—the right to work. We have the responsibility to reverse this desperate situation and grant people with disabilities the right to become productive, taxpaying workers.

Last week, I introduced legislation with Senator KENNEDY and Senator HARKIN entitled the Work Incentives Improvement Act. This bill will reform Social Security's work incentive programs and remove employment barriers for people with a disability. This legislation was developed over many months with the help of the disability community, the Social Security Administration, the Health Care Financing Administration and other congressional offices. This bill will end the insurmountable health barriers to individuals who wish to work.

Our friends with disabilities do not need an incentive to work. They want to work. In fact, they are so desperate to obtain gainful employment that they are pushing this Congress to complete action on this legislation this year. And we must. These citizens are trapped by a system that penalizes their attempts to be productive. Social

Security's current work incentive system has had limited success. Out of 7.5 million people who are social security disability beneficiaries, less than one percent can take advantage of these work incentives and actually are employed. The benefits offered are too expensive, time limited, and offer too few health care services for the many persons with disabilities who wish to work.

For many years I have assessed why so few disabled social security beneficiaries return to work. The primary barriers relate to their inability to obtain or keep adequate and affordable health care coverage. For example, disabled social security beneficiaries who return to work are covered through Medicare, but after 39 months they must pay full fare for their health benefits—more than \$370 every month. I seriously doubt that even a well-off person can afford to pay this rate every month over the course of their working life. In fact, out of more than 3.5 million beneficiaries, only 114 have chosen to take advantage of this Medicare coverage, preferring the alternative—staying at home and receiving it for free. I don't know whether they prefer it; that is probably not right.

Another barrier to work is the inability to get coverage for certain medical services. These services are usually unavailable in the private markets. If they are available, they are unaffordable. Necessities like personal assistance services and prescription drug coverage are offered through some state Medicaid plans, but disabled social security beneficiaries who need access to these Medicaid services must impoverish themselves to get them. Many are doing just that. These disabled social security individuals who have coverage for low-income Medicaid, called "dual eligibles," are the fastest growing entitlement population in the government.

The Work Incentives Improvement Act will provide access to appropriate health insurance for those persons with disabilities who wish to return to work. Many of these beneficiaries will be eligible for affordable Medicare. Beneficiaries will have access to limited Medicaid services through State Work Options Programs. They will be able to access critical services like Personal Assistance and prescription drugs in states that chose to offer them. Such incentives will allow people to return to work, confident in the knowledge that they will both keep their health care and get coverage for other needed services.

No one in this body can disagree with the idea that work is a central part of the American dream. This budget resolution should provide funding for these and other initiatives designed to allow people with disabilities to work. Providing cost-effective assistance for people to work is both fiscally responsible and morally right. Those who work will become fully contributing members of society by paying for their own

insurance coverage, and as taxpaying citizens of our nation, paying for these government programs as a whole.

Inaction by this body will ensure that our Government continues to deny a person's dream to get back to work to help himself, to help herself, to pay taxes, to be able to participate in our society in a meaningful way. I hope the Senate will move ahead to resolve this problem and help persons with disabilities realize their dream to work.

I wish everyone had a chance to be at the press conference we held with former leader Bob Dole and Justin Dart and other leaders in this field to see the expression on their faces and the joy that came when we announced what we would do to help those who were assembled to be able to participate in the workplace. I can assure Members that this bill—we have had CBO estimates much lower than previous estimates. It is hard to conceive why it costs money because all you are doing is allowing people benefits to work and to start paying taxes and to contribute to the cost.

It is very difficult for me to see how there is any cost whatever. I yield the floor.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. As everybody knows by now all too well, we have been in the midst of a filibuster going all the way back to last summer on education reform proposals. We have been battling the White House, the minority leadership and the status quo. I am pleased to announce—in fact, I am ecstatic—that the filibuster is over and that a unanimous consent has been entered into, I think a reasonable agreement, that does adhere to our view that all amendments should have been related to education and not extraneous and not broad new tax policy. We will go to our education reform on the day we return from the recess on April 20 of this year.

Now, the majority leader needs to be commended for the diligence and the attention he gave to try to end this filibuster. I also am complimentary of the minority leader and his attempt to bring this filibuster to an end. But I am especially grateful to the Members on the other side of the aisle, principally my key cosponsor, Senator TORRICELLI of New Jersey, for the attempts and effort they made—under very difficult circumstances I might add—for an extended period of time to recommend that a filibuster was not the way to handle education reform.

Because the filibuster has been ended, America's children are going to be the major beneficiaries—and their families. At the end of the day, millions of American families are going to be able to open education savings accounts to help children in public schools, private schools and home schools. Now with the suggestions from the other side of the aisle, we are going

to have an opportunity for expanded school construction and financing that aids and abets school construction across our Nation.

After all is said and done, bringing this to a favorable conclusion will lead to a very healthy and wholesome debate about reforming education and moving away from the status quo. Madam President, the winners, those who are going to gain the most from the fact that we have set this filibuster aside, are America's children. They are going to be the beneficiaries of the fact that the Senate has now, on a bipartisan basis, agreed to go to an extended and meaningful debate about reforming education in America, principally grades kindergarten through high school.

I thank all who have been involved on both sides of the aisle. I think it will prove most beneficial to America and her children.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I will take just a moment. I did want to respond ever so briefly to the remarks of Senator COVERDELL.

I did not object to the unanimous consent request by which we will consider the Coverdell proposal. Amendments have now been made in order and the proposal will be considered on the floor of the Senate in a way that limits the amendments and limits the time for each amendment.

I say the Senator from Georgia puts his own construct on exactly what has happened. There is another construct, and that is that this was not a filibuster but a lockout—circumstances where we were told that a bill was to come to the floor of the Senate, a bill dealing with tax credits for education, and the only circumstance under which it could come to the floor of the Senate is if those on the minority side would be willing to restrict their amendments both as to type of amendments and as to time.

It is a very unusual Senate procedure. It is not a procedure that has been followed by the majority side, I might say. As one Member of the Senate who will not want to see this habit-forming, I simply say to the Senator from Georgia that I am happy he will get his day on this piece of legislation. The amendments have indeed been limited. I think he would not want to be in a similar circumstance on the next issue on which someone on this side would, if in the majority, say we would like to bring our bill to the floor, and by the way, we will only do that in ways that restrict your opportunity to offer amendments, and only do that in ways that restrict the time of the amendments that you do offer.

For example, among the ideas that exist here are not just an idea to provide tax credits for people who send their children to nonpublic schools—all schools, but especially nonpublic schools; among the ideas that exist

here are, for example, a proposal to provide some assistance to repair some of the crumbling schools in this country, not so that the Federal Government will be involved in rebuilding local schools—that is the job of local school districts, State and local governments—but an incentive in a way that says we can at least pay some of the interest on the bonds that provide the right incentive to invest in our schools because so many of them are now 30, 50, 70 years old and more, and some of them are in desperate condition and need help.

On that amendment, for example, under this agreement there will be, I believe, 1 hour of debate. A significant amendment of significant importance, but the Senate will only devote 1 hour to that subject because to devote more would somehow abridge the interests of those who want to contain the debate on education here in the Senate.

I use that as an example. There are others. I say to the Senator from Georgia, I did not, since the first day of this discussion, feel the problem was a filibuster. I felt and still do feel very strongly the problem is that the majority leader said this is our bill, this is our agenda, it is what we feel is important, and we will bring it to the floor, but you must comply with what we expect of you. Don't you be offering amendments we don't want. Don't you be demanding time for your amendment to talk for 3 hours on school construction, for example—and that was what was happening to us over all of these weeks and what resulted in a number of cloture votes.

So I see it differently than does the Senator from Georgia. But as I indicated, he will have his day on his amendment, and I have indicated previously I have great respect for him, but this ought not be habit-forming. This is not the way the Senate works with respect to the current rules of the Senate. It is not the way your side of the aisle dealt with issues when you were in the minority, and I don't think you would expect us to deal with these issues in that manner on a routine basis.

As I said, I did not object to the unanimous consent request after this had been worked out by the majority leader and the minority leader. Education is critically important. In my judgment, there aren't many more important issues than education here in the U.S. Senate. This ought to be job one for the Senate to deal with the critical education issues. We have now a list of them, albeit limited in time and scope with respect to the amendments, but when we get to this issue we will have, I think, a good and thoughtful and constructive debate.

I stand today to say do not make it habit-forming to say it is our agenda and we will demand every other Senator in this place who is not part of the majority conform to our description of how we want to debate these amendments, because that is not the way the Senate should work.

I yield the floor.

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

The Senate continued with the consideration of the bill.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that the pending amendments be laid aside so I may offer 4 amendments on behalf of Democratic Senators and that these amendments be sequenced between the Republican amendments when we vote.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. The first amendment is on behalf of Senator DODD of Connecticut. It is an amendment to establish a deficit-neutral reserve fund for child care improvements.

AMENDMENT NO. 2173

(Purpose: To establish a deficit-neutral reserve fund for child care improvements)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. DODD, proposes an amendment numbered 2173.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE IMPROVEMENTS.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the affordability, availability, and quality of child care and to support families' choices in caring for their children, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

- (1) fiscal year 1999;
- (2) the period of fiscal years 1999 through 2003; or
- (3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

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

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

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

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

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

Mr. CONRAD. Madam President, the second amendment is on behalf of myself, Senator LAUTENBERG, Senator BINGAMAN and Senator REED. This is to ensure that the tobacco reserve fund in the resolution protects public health.

AMENDMENT NO. 2174

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. LAUTENBERG, Mr. BINGAMAN, and Mr. REED, proposes an amendment numbered 2174.

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

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

The amendment is as follows:

On page 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 legislation 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; or

(D) increased funding for health research; and

(2) savings for the Medicare Hospital Insurance Trust Fund.

(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.

Mr. CONRAD. Madam President, the third amendment is on behalf of Senator CAROL MOSELEY-BRAUN.

AMENDMENT NO. 2175

(Purpose: To express the sense of the Senate regarding elementary and secondary school modernization and construction; improving the educational environment for the 14 million children who attend severely dilapidated schools, the millions of children in overcrowded classrooms, and the 19 million children who are denied access to modern computers because their schools lack basic electrical wiring; relieving overcrowding in our Nation's classrooms; and generally helping States and school districts bring their school buildings into the 21st century)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 2175.

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

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

The amendment is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SCHOOL MODERNIZATION AND CONSTRUCTION.

(a) FINDINGS.—The Senate finds that—

(1) the General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States;

(2) the General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs;

(3) the General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced;

(4) the condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility;

(5) the General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems;

(6) the Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools;

(7) the General Accounting Office has determined the cost of bringing schools up to good, overall condition to be \$112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels;

(8) schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is \$754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology;"

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement;

(10) the Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction; and

(11) the Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume the enactment of legislation to allow States and school districts to issue \$21.8 billion worth of zero-interest school modernization bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments.

AMENDMENT NO. 2176

(Purpose: To increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mrs. BOXER, proposes an amendment numbered 2176.

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

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

The amendment is as follows:

On page 16, line 9, increase the amount by \$50,000,000.

On page 16, line 10, increase the amount by \$6,000,000.

On page 16, line 13, increase the amount by \$50,000,000.

On page 16, line 14, increase the amount by \$40,000,000.

On page 16, line 17, increase the amount by \$50,000,000.

On page 16, line 18, increase the amount by \$49,000,000.

On page 16, line 21, increase the amount by \$50,000,000.

On page 16, line 22, increase the amount by \$50,000,000.

On page 16, line 25, increase the amount by \$50,000,000.

On page 17, line 1, increase the amount by \$50,000,000.

On page 25, line 8, decrease the amount by \$50,000,000.

On page 25, line 9, decrease the amount by \$6,000,000.

On page 25, line 12, decrease the amount by \$50,000,000.

On page 25, line 13, decrease the amount by \$40,000,000.

On page 25, line 16, decrease the amount by \$50,000,000.

On page 25, line 17, decrease the amount by \$49,000,000.

On page 25, line 20, decrease the amount by \$50,000,000.

On page 25, line 21, decrease the amount by \$50,000,000.

On page 25, line 24, decrease the amount by \$50,000,000.

On page 25, line 25, decrease the amount by \$50,000,000.

AMENDMENT NO. 2174

Mr. CONRAD. Madam President, I will say a word on the amendment offered on behalf of myself, Senator LAUTENBERG, and others. The purpose of that amendment is to make possible comprehensive tobacco legislation on the floor of the U.S. Senate.

As the occupant of the chair knows, in the Budget Committee a resolution came out that provides that the funding from any possible resolution of the tobacco issue can only go for Medicare. While Medicare is clearly a key priority, there are other priorities as well. Among those are the question of preventing kids from taking up a habit. The experts have all told us that we need to use some of the funds for the purpose of tobacco prevention programs, smoking cessation programs, counter-tobacco advertising programs, to increase health research, to provide some easing of the transition for tobacco farmers, and also to fund the expanded role of FDA and the question of regulating these products.

The experts have told us, unanimously, that there is simply no way to have comprehensive tobacco control legislation without those priorities being included. In fact, every single bill that has been introduced that is comprehensive in nature on the floor of the Senate, by Republicans and Democrats, provides for taking some of that money for those purposes. Unfortunately, under the budget resolution, every single comprehensive bill—those introduced on the Republican side and those introduced on the Democratic side—is out of order. Not a single one

of the bills would be in order under the budget resolution as it came out of the committee.

So the amendment offered by myself, Senator LAUTENBERG, Senator BINGAMAN, and Senator REED is to correct that deficiency, to allow the Senate to work its will on comprehensive tobacco legislation, so that we have a chance when we finally get to a discussion of the tobacco bills, that the budget resolution is not an impediment to passing national tobacco policy.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Madam President, the provision in the budget prohibits the use of any of the funds from the tobacco settlement for the range of programs, such as the program for smoking cessation, for education, to try to prevent teens from beginning smoking; is it the case that this budget provision prevents the use of any of the tobacco settlement money for any of those programs?

Mr. CONRAD. Yes, exactly. It seems startling, but that is what the budget resolution provides. The resolution says that not one dime of any tobacco settlement money can go for tobacco smoking cessation, smoking prevention, or any of the other programs that all of the experts have said are required. We could not have any of this money go for the National Institutes of Health and Research. We could not use any of the money for the expanded FDA role in regulating tobacco products. None of the money could be used for counter-tobacco advertising programs. Every single expert that has come to us has said those are essential to a comprehensive plan to actually reduce teen smoking. So the budget resolution is clearly deficient in that regard.

Mr. DORGAN. Will the Senator yield further for a question?

Mr. CONRAD. Yes.

Mr. DORGAN. I understand that those who put this prohibition in the budget agreement said, "But there are areas in the budget and other areas that expend money for these programs, so these programs are not being shorted."

Can the Senator describe whether in fact the money is available in other programs sufficient to address these issues?

Mr. CONRAD. Well, that is the convention of those who debated this issue in the Budget Committee. They said, "Well, we have provided the funding elsewhere in the budget . . ."—not out of the tobacco revenues, which is a curious thing if you think about it. Since these are clearly tobacco-related expenses, you would think you would fund them out of the tobacco revenue. They said, "Don't worry, we funded it somewhere else."

Let me say to the Senator that there is not any assurance that there would be one thin dime anywhere else in the budget for that purpose because, as you

know, the Budget Committee does not make those determinations. What has been set up by the Budget Committee is mounds of money that would be a jump ball. The appropriators would decide. You serve on the appropriation committee and you understand that the Budget Committee gives you an overall spending limit and you decide what the priorities are. If you decided that existing priorities were more important, there might not be any money for smoking cessation, smoking prevention, counter-tobacco advertising, and all the rest. So that is the problem with the budget resolution. They have an assumption in there. The assumption is that the appropriators will provide something over \$100 million a year for these purposes, but every single major bill that is out here provides \$2 billion a year for these purposes—smoking prevention, smoking cessation, counter-tobacco advertising, expanded health research, FDA authority—and so there is no way that this comes anywhere close to meeting the need.

Mr. DORGAN. Madam President, I have one additional question. The Senator indicated that the Budget Committee does not determine the level of expenditures—the actual expenditures. That is the Appropriations Committee's job. I agree with that. But it is true that the Budget Committee, with this provision, will determine what you cannot expend money for. They, apparently, by this provision, determined that any money coming from the tobacco settlement cannot and will not be used for these specific areas—smoking cessation, curbing teen smoking, a National Institutes of Health investment, and so on.

So is it not the case that, while they don't determine what the money is going to be spent for, they are with this provision trying to determine what you cannot spend the money for? I guess it would require at least a 60-vote provision on the floor to overturn what they are trying to prevent. Can the Senator tell me why on earth the Budget Committee—because the Senator serves on that committee—can bring a bill to the floor that says we are going to have a tobacco settlement, but, by the way, you can't use any money from the settlement to deal with teen smoking, or addiction, or smoking cessation? What on earth could have persuaded them to provide a provision like this in the budget bill?

Mr. CONRAD. I tell you, I have no idea. I will respond in this way. I find it the most curious thing that has happened all year—why you would provide a special reserve fund so that if there is tobacco legislation that passes, you can have the revenue flow to the Federal Treasury; but then you say, when we go to spend the money, none of it can be used for smoking cessation, smoking prevention, counter-tobacco advertising, expanded health research, funding the FDA so that they can attend to their added responsibilities

under any of the bills that have been offered, by either Republicans or Democrats.

The curious thing is that every single bill that has been offered out here, whether it is the bill of Senator HATCH, who is chairman of the Judiciary Committee, the bill of Senator MCCAIN, who is chairman of the Commerce Committee, or Senator JEFFORDS' bill, all those bills would be out of order. So you have three Republican chairmen who have offered bills out here, and their bills would be out of order under what has been provided for under the budget resolution.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, in listening to the debate brought forward through questions on the floor, I would like to put some factual statements into the RECORD. First, the budget resolution puts Social Security and Medicare first. I think people recall that the President was saying we should use any surplus to save Social Security, that this is an important program and we need to invest and protect Social Security and, therefore, we should take any surpluses and put it into Social Security.

We agree, but we also believe that we should go one step further and say that any extra funds and resources here should be used to preserve and protect Medicare as well. Medicare is an enormously important program to the American public. I don't know how many people remember last year when we debated how to save, preserve, and protect Medicare. What is being talked about in the budget agreement is using the resources to save Medicare. Now, you can go a couple of ways here. You can say, OK, I am going to use these resources to save Medicare, this enormous program that provides health care for over 35 million Americans that have had a very difficult financial time, or you can say we are going to start a whole bunch of other programs to do this—which, by the way, we are taking care of in other parts of the agreement. The Budget Committee decided to save and use these resources to preserve and protect Medicare. Let's take care of first things first, and Medicare is one of those programs. Instead of promising to spend billions of dollars on new programs, we propose to dedicate any tobacco receipts, if there are any, to Medicare solvency. Let's protect what we have first. I think that is an important point that needs to be brought into this debate.

Madam President, I have an amendment to offer, but before I do that I will yield to the Senator from Wyoming for a statement that he has. He has been on the floor waiting for a longer period of time than I.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, my original intent was to give some comments on amendment No. 2166. Before I

do that, since the topic is opened up on the tobacco settlement, I feel compelled to make a few statements based on what has been said on the floor.

I am on the Labor Committee and that has been a part of the tobacco settlement debate. I can tell you how far we have gotten on that committee. We have had a filibuster so far on the very issues the Senators from North Dakota have been saying they want to get into the budget. So the progress on this thing has been so disappointing to me. Last week, when I was flying back from Wyoming—I go back almost every weekend, and it's quite a trip to get from there back to Washington—I started working on my laptop computer and listing the reasons why a tobacco settlement might not happen this year. There were three single-spaced pages on why it won't happen this year. I changed it to why it won't happen this year.

What we are suggesting here is that we ought to go ahead and spend the money anyway. I can't tell how the negotiations have gone that you have been in, but I certainly never have liked to be in negotiations with anybody where I had already spent the money I might get out of the program. That is why we are taking some precaution with that. That is why we are saying let's put it in Medicare. That is the biggest program that we have to save that deals with health—particularly the health of people in the United States. It is something we have to be concerned about. We put that first. There can be changes made later. But after that, there is some agreement from these three pages, single spaced, and reasons why 100 Senators here may not be able to come to any agreement on why there ought to be a tobacco settlement, let alone how that tobacco settlement ought to take place.

Having said that, I ask unanimous consent that I be allowed to speak for up to 10 minutes on amendment 2166, the Sessions-Enzi amendment.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

AMENDMENT NO. 2166

Mr. ENZI. Madam President, I rise today in support of amendment 2166 introduced by me and my colleague and good friend from Alabama, Senator SESSIONS. Our amendment is entitled the "Antidiscrimination of At-Home Parents Amendment."

I am proud to lend my support of this amendment that would give at-home parents, who forego a second income so that one parent can raise their children, the recognition by the federal government that they truly deserve.

There has been a lot of talk about beefing up the quality and availability of child care across our nation. I, too, have played a role in this debate and feel it's one to be taken seriously. Parents who choose to enroll their kids in day care face a difficult decision—one based on trust, reliability, the quality of care and, of course, the high costs.

Moreover, that decision touches one of our nation's most important resources—our children.

Unfortunately, this debate has unfairly excluded married couples who face an even bigger decision—at-home care. There are more families that fit this mold than I think many of us are aware. In fact, only 37 percent of mothers with children under the age of 6 are employed on a full-time basis. The remaining percentage includes a constituency with little representation. That must change.

It is true that conditions can be difficult for two income families. I don't refute that. It is very hard for single, working moms to raise children. To be fair, however, we must not imply that families who choose to keep one parent home with their children are not making sacrifices. For years now, the debate on family policy has been centered on single working parents and day care. For years the sub-text of federal family policy has been that everyone should work and that the burden of accommodation should be on those parents who choose to stay at home to raise their children. However, if the debate revolves around the quality of care our children receive, we must modify existing federal policy and end this senseless discrimination.

It would seem at times as if all forces conspire against single income families. America's tax burden has grown so large that in many instances, a second parent has to work just to pay their families tax burden. A 1993 survey found that more than 50 percent of working women would "stay at home if money weren't an issue." Most families in which both parents work would much prefer to have one parent stay at home with the children if expenses would allow.

The financial penalty inherent in having one parent stay at home to raise the children is large indeed. The few families who pursue such an arrangement don't do it because they can easily afford it. They do it because they believe that it is best for their kids. It should not be the work of this body to second guess their judgement of their values. Most importantly, these parents should not be discriminated against by its own federal government simply because they sacrifice greater financial gain for their children.

As you can see, there are a growing number of parents who give up one income so that the mother or father can stay at home and be with their children. Not long ago, this decision to utilize at-home care was commonplace. However, our nation's workplace has changed significantly as more parents move into the workforce—making parent's decision to sacrifice one income for their child all the more difficult. This is truly saddening, because the people who can best care for our nation's children are the parents.

I have listened during the last few months to members implying that par-

ents who choose to forego a second income to stay home with their children do so at no financial sacrifice. It has even been implied that such parents lead a life of luxury and self-indulgence while working mothers make the real sacrifice for their children. This notion is as offensive as it is unfounded.

Parents who decide to forego a second income so that one parent might be at home during their children's formative years incur quite an expense, as several members of my own staff can attest. I have two fathers on my staff that have made this difficult decision. One of those parents on my staff spends four hours each work-day commuting to and from work—only because raising a family on a single, moderate income simply cannot be done here in Washington, DC. I am confident that parents all over the nation are in similar straits.

If the Senate is serious about issues facing our nation's children, then it must not exclude parents who choose at-home care for the benefit of their kids. If those parents are left out, then the message this body sends about the quality of care for American's children is short-sighted at best. This amendment is geared to provide that recognition and I encourage all members of the Senate to carefully read it, cosponsor it, and vote in favor of its passage.

Thank you, Madam President.

I yield the remainder of my time but reserve the time remaining for the amendment.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2177

(Purpose: To express the sense of the Senate regarding economic growth, Social Security, and Government efficiency)

Mr. BROWNBACK. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) proposes an amendment numbered 2177.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ECONOMIC GROWTH, SOCIAL SECURITY, AND GOVERNMENT EFFICIENCY.

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

(1) the elimination of a discretionary spending program may be used for either tax cuts or to reform the Social Security system.

(2) the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and other appropriate budget rules and laws should be amended to implement the policy stated in paragraph (1).

Mr. BROWNBACK. Madam President, this amendment to the budget resolution being considered before us today

would make it a priority for this Congress to cut taxes and to begin shoring up our teetering Social Security system.

Madam President, before I begin I wish to commend Chairman DOMENICI and other Members for their excellent work on the budget committee. While I would prefer a budget that cut government spending more as well as cut taxes more; I appreciate the enormity of the task before the chairman and would like to compliment him for his leadership in this area. As well, I look forward to working with the chairman to both ensure a more fiscally responsible government as well as lower taxes for all Americans.

Madam President, I would like to begin by making a few remarks on the size and scope of our federal government and the importance of keeping our promise with the American people by living up to the spending parameters outlined in the bipartisan budget deal reached last year between the Congress and the administration and with the American people; and also to speak on the importance of honestly addressing the need to begin reforming our Social Security system.

It is absolutely paramount and fundamental and something we must give our attention to.

Although many of us agree that the Federal government is too large, and too intrusive most of us seldom seem to be able to make the necessary cuts to the federal government that will actually curtail its size and curb its consumptive desires. In fact, the Administration which once declared that "the era of big government is over," has now proposed an expansion of government programs that will have the effect of busting the bipartisan budget deal that was so difficult to get to in the first place. This is not only inconsistent but bad policy.

In contrast, I believe that it is imperative that we live within the constraints agreed to last year during negotiations with the administration. We had a deal. We had a deal with the administration that set the limits on the size and scope of the federal government. And, we had a deal with the American people.

Now is not the time to walk away from the principles that we outlined in our bipartisan agreement just a few months ago simply because the budget—thanks mostly to the entrepreneurial spirit of main street America—is now near balance.

The fact of the matter is that our books aren't really balanced at all because we are continuing to allow the federal government to raid the social security trust fund in order to finance its day to day operations. If a company in the private sector tried to do that they would be shut down—and rightfully so.

If the President is serious about saving social security then he would not continue raiding the Social Security trust fund to prop up his government

programs and he would not be proposing \$140 billion in new spending (which is coincidentally just a little more than expected surplus receipts to the OASDI trust fund this year), rather he would be cutting government spending and paying down the debt in anticipation of unfunded future social security obligations. But he is doing just the opposite.

Because this administration doesn't want to lead, the Congress must. And my amendment takes the lead by prioritizing Social Security solvency and tax cuts over more government spending and budget games.

Let's stop the nonsense.

Americans don't want more glib talk about big government programs solving all of their problems. They don't want more empty promises. They want a less intrusive government, they want lower taxes and they deserve retirement security.

In order to help in our efforts to cut the size of the government I am offering an amendment expressing the sense of the Senate that we should destroy the firewall between spending reductions and tax cuts; by allowing for government spending reductions to be used for either tax cuts or Social Security solvency.

Heretofore we have had a firewall between cutting domestic discretionary programs and paying for tax cuts, saying we can't cut this to pay for tax cuts. I am saying let's have a provision such that you can eliminate discretionary spending in certain categories and that money to be used to pay for tax cuts or Social Security solvency.

Currently, according to budget law Congress cannot make cuts in discretionary spending programs in order to finance tax cuts. Rather, Congress has to make cuts in mandatory spending programs like Social Security and Medicare in order to pay for its tax cuts. It is wrong to pit Social Security against tax cuts.

My amendment flips the table on this false tradeoff by pitting Social Security and tax cuts against big Government spending on the other side. Let's use the cuts in big Government spending to support Social Security and tax cuts.

According to the current budget law every time someone wants to cut taxes they are essentially forced to propose cuts in either social security or Medicare. That just isn't right.

Our federal government is too large, and this arcane law is part of the reason. We need to focus our efforts on cutting government spending—not increasing it. And I believe one way to help accelerate the downsizing of our massive federal bureaucracy is by allowing cuts in discretionary spending to be used for tax cuts and Social Security accounts.

My amendment would call for a change in budget law that would allow for tax cuts to be implemented in the amount of program eliminations and for saving Social Security. So, when we

eliminate a program during consideration of an appropriations measure that money would be credited to the PAYGO scorecard and reserved for tax cuts and Social Security.

Therefore, should my amendment pass and budget law be changed, we can eliminate programs like the Advanced Technology Program, the National Endowment for the Arts, the Department of Commerce, and a whole host of other government programs while at the same time giving the taxpayers the tax relief they deserve and the retirement security they need—and we can do it without making draconian cuts to mandatory spending programs that ultimately do little to save the programs and much to simply prolong the crisis.

With my amendment we can eliminate wasteful programs and at the same time provide the American taxpayers with a solvent Social Security System along with the tax relief that they deserve.

That is why I am offering this amendment. We can begin to cut taxes and to reform our Social Security system by transforming the debate about Social Security from rhetoric into reality.

We have a unique opportunity to substantively begin to reform our social security system in order to ensure long-run solvency.

We have this opportunity in large part because for the first time in over a generation we will have a balanced budget this fiscal year.

This presents Congress with a chance to begin making changes to the Social Security system that will both protect current benefits for retirees, and those about to retire, as well as to help preserve benefits for future generations.

We must make use of this historic opportunity to cut more government spending and to use those cuts along with the unified budget surplus to help shore up the Social Security trust fund.

My amendment begins the process of reforming our government by making it a priority for this Congress to cut taxes and to begin shoring up our teetering Social Security system.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. 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. 2178

(Purpose: To express the sense of the Senate regarding the use of agricultural trade programs to promote the export of United States agricultural commodities and products)

Mr. BURNS. Madam President, I send the desk an amendment to the budget.

It is a sense-of-the-Senate amendment. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2178.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AGRICULTURAL TRADE PROGRAMS.

It is the sense of the Senate that the functional totals in this concurrent resolution assume the Secretary of Agriculture will use agricultural trade programs established by law to promote, to the maximum extent practicable, the export of United States agricultural commodities and products.

Mr. BURNS. Madam President, this is a sense-of-the-Senate amendment. Every year, we have authorized and we have appropriated moneys for programs sponsored by the U.S. Department of Agriculture to help market grain abroad; in other words, to beef up our exports and to be able to compete in the international market.

We are going through times now where prices are very, very stressed and depressed, I would say. We need all the help we can get to move the supply that we have into foreign hands after the collapse of the financial markets in the Pacific rim that have been major buyers of our agricultural commodities. Of course, the actions of the IMF and what this country has undertaken to help those countries out of that financial condition will help those of us who depend heavily on agricultural exports.

This is just a sense of the Senate to tell the USDA and the International Trade Representative that we need help. It does no good to put the loaded pistol in the holster if the USDA doesn't pull it in times when we really need it. The time is now. This is just a sense of the Senate to say that we have authorized it, we have funded it, and we hope the USDA will use it.

Mr. LAUTENBERG. I ask unanimous consent that Senator KENNEDY's name be added as a cosponsor to the Conrad amendment No. 2174.

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

Mr. LAUTENBERG. And I ask unanimous consent that I be added as a cosponsor to the Gregg amendment No. 2168.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Madam President, I also ask unanimous consent that I may proceed as in morning business.

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

AMERICAN MISSILE PROTECTION ACT OF 1998

Mr. COCHRAN. Madam President, I ask unanimous consent that Senator ENZI be added as a cosponsor to S. 1873, the American Missile Protection Act of 1998.

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

Mr. COCHRAN. Madam President, this bill was introduced by Senator INOUE and me on March 19. After we sent a letter to all Senators inviting cosponsors, we received a very positive response. I am pleased to advise the Senate that with the addition of Senator ENZI, there are now 40 cosponsors of S. 1873.

This bill would make it the policy of the United States to deploy as soon as technologically possible an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized or deliberate.

We believe this policy is necessary because of the growing proliferation threat. The proliferation threat includes both weapons of mass destruction and long-range ballistic missile delivery systems.

The fact is that determining how quickly the United States will be facing an ICBM threat from a rogue nation is difficult to estimate. The Director of Central Intelligence recognized this point last year when he said to the Senate, "Gaps and uncertainties preclude a good projection of exactly when 'rest of the world' countries will deploy ICBMs."

That "gaps and uncertainties" exist is not an indictment of our intelligence agencies. We have many fine and dedicated people in the intelligence community who have devoted their professional careers to obtaining information about and analyzing proliferation. But it is extremely difficult to predict accurately just how quickly technology will move forward and will be made in certain countries.

Predicting the rate of technological advance would be difficult even if rogue states were to accept no outside assistance in their pursuit of mass destruction weapons and missile delivery platforms of ever-increasing range. But adding the knowledge now available in the information age to anyone with a computer and a telephone line to the fact that some nations are actively assisting pursuit of these capabilities makes for a situation in which predictions can be outdated soon after they are made.

Take, for example, the case of the Shahab-3 and Shahab-4, two intermedi-

ate-range ballistic missiles Iran is pursuing with substantial help from Russian organizations. Last Friday's Washington Times carried an article entitled "Pentagon Confirms Details on Iranian Missiles." It describes this situation, and I think it is very alarming.

It is no secret that Iran is pursuing these missiles. The Shahab-3, with a range of 1,300 kilometers, will be capable of striking U.S. forces throughout the Middle East and our close allies in the region as well. The Shahab-4, with a range of 2,000 kilometers, will be able to reach into Central Europe.

We all understand that neither of these missiles will have the range to strike the United States unless they are launched from some kind of a mobile platform, like a ship. But the important point is that these missiles are proceeding at a much more rapid pace than anticipated just last year, and the reason these missiles can be ready sooner than we expected is because of Russian expertise provided to Iran.

In February the Director of Central Intelligence testified to the Senate:

... since I testified, Iran's success in getting technology and materials from Russian companies, combined with recent indigenous Iranian advances, means that it could have a medium-range missile much sooner than I assessed last year.

Madam President, the very kind of outside assistance that is speeding this Shahab-3 along so rapidly could also contribute in a similar way to the acquisition of long-range ballistic missiles by rogue nations. These kinds of nations are interested in ICBMs because they make the United States vulnerable to coercion or intimidation in time of crisis. It is a vulnerability that disappears when an effective national missile defense is deployed.

That is why we have introduced the American Missile Protection Act of 1998. America should end its ICBM vulnerability as soon as the technology is available.

Madam President, given the uncertainties about just when other nations will possess ICBMs, it only makes sense to be clear now in our commitment to deploy defenses against these systems as soon as the technology is ready. If the choice is to deploy a national missile defense capable against a limited threat 1 year too soon or 1 year too late, let it be 1 year too soon. The lesson of the Shahab-3 is that even the best intentioned estimates can be wrong.

I ask unanimous consent, Madam President, that the article I referred to from the Washington Times be printed in the RECORD.

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

[From the Washington Times, Mar. 27, 1998]

PENTAGON CONFIRMS DETAILS ON IRANIAN MISSILES

(By Bill Gertz)

The Pentagon identified Iran's two medium-range ballistic missiles for the first

time publicly this week, giving their ranges and also providing details on an older Chinese nuclear-tipped missile.

Iran's Shahab-3 missile will have a range of about 800 miles and a second version, the Shahab-4, will be able to hit targets as far as 1,240 miles away, according to Senate testimony by Air Force Lt. Gen. Lester Lyles, director of the Ballistic Missile Defense Organization.

It was the first time the Pentagon has confirmed the existence of the Shahab missiles, which were disclosed last year by The Washington Times.

U.S. intelligence officials have said the missiles could be deployed within two years and that both Russia and China provided materials and technology.

"The development of long-range ballistic missiles is part of Iran's effort to become a major regional military power and Iran could field a [medium-range ballistic missile] system in the first half of the next decade," a Pentagon official said.

The chart made public Tuesday identified the Iranian and Chinese missiles as potential targets for U.S. regional missile defense systems under development. It was part of Gen. Lyles' testimony before the Senate Armed Services Committee.

The chart also listed the range of China's CSS-2 nuclear missile, which has a range of about 1,860 miles and is the only intermediate-range missile ever exported. Saudi Arabia purchased about 40 of the missiles. China has deployed about 40 CSS-2s for more than 25 years.

According to an Air Force intelligence report obtained by The Times last year, the CSS-2 is being replaced by China's new and more capable CSS-5. About 40 CSS-5s, with a range of about 1,333 miles, have been deployed, and a more accurate version, is awaiting deployment.

The chart showed two Scud missiles with ranges of between 62 and 186 miles, China's M-9 missile with a 372-mile range, and the North Korean Nodong, with a 620-mile range.

Meanwhile, Pentagon officials yesterday disclosed new details of global missile deployments and developments that will be made public in a report due out next week.

The officials, who declined to be named, revealed that Russia and China are developing new short-range missiles called the SSX-26 and CSSX-7, respectively. Both will have ranges greater than 185 miles. Egypt also has a new 425-mile-range missile called Vector, they said.

Pakistan and India also have new missiles and are in the process of building longer-range systems, the officials said. Pakistan's will have a 700-mile range and India is working on a longer-range version of the Agni missile with a 1,250-mile range.

The new missiles could be used in regional conflicts, armed with nuclear, chemical or biological warheads, or against U.S. troops abroad. There is also the danger that they might be transferred to rogue nations.

According to the Pentagon, more than 19 developing nations currently possess short-range ballistic missiles and six others have acquired or are building longer-range missiles with ranges greater than 600 miles.

North Korea has three longer-range missiles dubbed Nodong and Taepodong 1 and 2. They have ranges of between 600 miles and 3,700 miles—enough to hit Alaska.

The longer-range missiles of China, Saudi Arabia, North Korea, India, Pakistan and Iran "are strategic systems and most will be armed with nonconventional warheads," one official said.

Missile states of concern include Afghanistan, Belarus, Bulgaria, China, Egypt, India, Iran, Iraq, Kazakhstan, Libya, North Korea, Pakistan, Russia, Slovakia, Syria,

Turkmenistan, Ukraine, Vietnam and Yemen.

TRIBUTE TO JOHN PERKINS

Mr. COCHRAN. Madam President, at the end of this month, my long-time good friend, John Perkins, will retire from service as a member of my personal staff. He has served as press secretary in my office since August 1979.

Our friendship dates from the 1940s when we were students in elementary school at Byram Consolidated School near Jackson, MS. We also were members of the same Boy Scout troop.

John got his first newspaper job when we were in high school. My father was our principal, and he and our football coach were asked to recommend a stringer for the Jackson, MS, papers to report scores and highlights of our football games. The person they recommended was John Perkins. The year was 1953, and John was in the ninth grade.

From that beginning, he went on to serve on the student newspaper staff at Millsaps College where he graduated with a major in history in 1961. After college, he served in the U.S. Army Reserves, and then became a docket and reading clerk in the Mississippi State Senate.

He attended graduate school in journalism at the University of Mississippi and worked in press relations for the Charles Sullivan campaign for Governor, in our State, in 1963.

He then held a series of newspaper jobs covering a range of subjects from sports to local governments at the Jackson Daily News and the Meridian Star before being named managing editor of the Daily Corinthian in 1965. The next year John returned to the Meridian Star as managing editor and political writer.

He was elected to the Mississippi House of Representatives for a 4-year term in 1967 and was an active member of the coalition that successfully worked for passage of Governor John Bell Williams' highway program in the House.

When David Bowen was elected to Congress in 1972, he recruited John Perkins to come to Washington as his press secretary. As a member of our State's delegation in the House, I had the opportunity to observe the work of all the press secretaries from Mississippi. And soon after I became a Member of the Senate, I invited John to join my staff.

I have enjoyed very much working with him for these 18½ years. Our State and Nation have been well-served by the diligence, dedication and commitment to excellence of John Perkins. He has put forth his best efforts to reflect credit on me, our State, and the U.S. Senate, and he has succeeded.

He will be missed by us all, but we intend to stay in close touch and continue the close friendship that began 50 years ago.

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. DEWINE. 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. DEWINE. Madam President, I ask unanimous consent to proceed for the next 8 minutes as in morning business.

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

ALCOHOL-IMPAIRED DRIVERS ON OUR ROADS

Mr. DEWINE. Madam President, I rise today to discuss a major threat to the life and health of countless Americans. I am referring to the alcohol-impaired drivers on our roads.

Madam President, as part of the Senate's action on the highway bill, we passed an extremely valuable measure that would save many of these precious lives. Through the amendment offered by myself and my colleague from New Jersey, who is on the floor now, we said that if a person's blood contains .08 percent alcohol or higher, that person is not fit to drive.

This Lautenberg-DeWine amendment, passed this body by a very wide margin. I rise this afternoon because there is a rising tide of disinformation being spread about this .08 legislation. This misinformation campaign is funded in large part by the alcoholic beverage industry.

I strongly believe that as we move this measure forward through the legislative process, we all must be guided by the facts. The facts are simple: All widely accepted studies indicate that the blood alcohol standard should be set at .08 BAC. "BAC," of course, stands for "blood alcohol content." At .08 BAC, individuals simply should not be driving a car.

The risk of being in a crash rises gradually with each increase in the blood alcohol content level of an individual. But when a driver reaches or exceeds the .08 blood alcohol content level, the risk rises very rapidly.

At .08 a driver's vision, balance, reaction time, hearing, judgment, and self-control are seriously impaired. Moreover, at .08, critical driving tasks—concentrated attention, speed control, braking, steering, gear changing and lane tracking—are also all negatively affected.

The alcohol industry, in arguing against the .08 standard, claims that "only" 7 percent of fatal crashes involve drivers with blood alcohol content levels between .08 and .09. Well, let us look at what that really means. If we take their own statistics, if we use the 1995 figures, that means that approximately 1,200 Americans died because of alcohol, drivers impaired at the levels of .08 and .09—1,200 lives were lost.

Madam President, that obviously is too many. Changing the blood alcohol

standard to .08 could have saved these lives.

Let me talk now about the tragic consequences of .08 alcohol driving for some real Americans.

State trooper Steven Blue of Toledo, OH, arrested a young woman who was driving at a blood alcohol level of .15. She was convicted and spent the mandatory 3 days under Ohio law in jail. Madam President, 8 months later the same officer arrested the same person again. This time she was driving with a blood alcohol content level of .085. The officer wanted to charge her with impaired driving, driving under the influence, but her defense attorney argued that because the per se standard in Ohio is .10, the charge should be knocked down to reckless operation.

Now, of course, Madam President, in Ohio, as in most States, if you are below .10 but still seriously impaired, you can be charged with driving under the influence. In fact, the Ohio law reads, as most States do, "appreciably impaired." So even if you test at .10, technically you can be charged with this offense, but as a practical matter, the standard is .10, pure and simple.

In this case, regrettably, the prosecutor felt compelled to reduce the charges. If these charges had not been reduced, if they had gone ahead with the original charge of driving under the influence, the young woman would have spent 10 days in jail, and maybe, just maybe, that would have turned her life around and at least warned her off from further alcohol-impaired driving.

But that did not happen. She then moved to San Diego, and 2 years later Trooper Blue got a call from a law firm asking him for his testimony about his earlier arrests of the same young woman. You see, she had taken up drunk driving again. Driving the wrong way down a one-way street, she killed two people.

Madam President, the State trooper, Steven Blue, has to deal with the real-life consequences of .08 alcohol driving. So did I when I was a local county prosecutor in Greene County, OH, dealing with mangled bodies and devastated relatives of people who died much too soon.

But you don't have to be a State trooper or county prosecutor to understand a simple fact: .08 drivers kill people. No amount of propaganda can obscure that fact. That is why in this morning's Washington Post an editorial calls our .08 measure "a most reasonable and effective measure to curb deadly drunk driving." The Washington Post is not alone in praising this bill. The Austin American-Statesmen from Austin, TX, the Baltimore Sun, Omaha World Herald, Toledo Blade, New York Newsday, and many, many other papers have all endorsed this legislation.

Madam President, this measure will save lives. That is why I will continue to fight for its enactment all the way through this legislative process.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AL-LARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent we continue in morning business, as has just been requested by the Senator from Ohio.

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

Mr. LAUTENBERG. I want to say a couple of words about the dialog that Senator DEWINE and I have had, working together, about the reduction of the blood alcohol content to .08. I listened very carefully to the information he just gave regarding repetitive assaults on excessive alcohol in this one case even, at the fairly reduced level of .085. It kind of forecast a tale that would have an unfortunate outcome.

I think it is important, as we consider legislation on ISTE that carries this prohibition of driving over .08 blood alcohol content, we ought to review the case and see what it is we are discussing because I, too, in the State of New Jersey and around the country, have been subjected to criticism from the restaurant associations, the Alcoholic Beverage Association, and others who say, "What do you want to do, take away social drinking and friendliness?"

We have only one mission, and I share this with the distinguished Senator from Ohio on this particular issue. That is to protect the lives of between 500 to 700 people a year, it is predicted, and also to send out notice that drinking and driving is an unacceptable condition in America. Mr. President, .08 certainly is a level which, I think it is fair to say, has conclusively been established as the beginning of significant impairment behind the wheel, including slowness in adjusting to different speeds, braking, turning.

It happens enough. We lose 17,000 people a year, Mr. President, to traffic accidents that involve alcohol. Over 40,000 to 41,000 people are killed each and every year. I use a reference fairly frequently that, in the worst year of Vietnam—when this country was, if not in virtual mourning, certainly in virtual internal turmoil about what was happening there—in its worst year, we lost about 17,000-plus people in Vietnam, and every year we lose 17,000-plus people on our highways and it doesn't get the same kind of public reaction as it did when we were engaged in combat in a cause that our people served but one that had us challenging the policy decision that got us there in the first place. There can't be any challenge here. It is such an easy thing.

I was the author of the uniform drinking age bill that raised the age to 21 across the country. We had had modest alcohol requirements in legislation offering incentives for States to get

this thing done—reduce, make sure you had your road checks, and make sure you were cautioning people about driving while under the influence of alcohol, driving while intoxicated. It never quite did the trick.

But we found out when we raised the drinking age to 21, and we said those States that don't do it will be subjected to penalties by virtue of a loss of the highway or infrastructure funding that they may get, we had a devil of a time. It took a long time to persuade some places, like Washington, DC, which was making the callous calculation about whether or not revenues derived from tavern receipts, restaurant receipts, would be more than that which they would lose if they failed to raise the drinking age to 21. They finally agreed, and we had the unanimous support of all 50 States and the District of Columbia.

I am pleased to report that it is estimated that over 15,000 lives are saved as a result of a minimum drinking age of 21. Imagine, 15,000 families that don't have to mourn, 15,000 families that don't even want to contemplate what it might be like to have an empty place at the table.

We both have heard from the Frazier family in Maryland that lost a 9-year-old daughter. Her name was Ashley Frazier. When you see her parents and her sister talk about the emptiness that surrounds that household, about the place at the table where the mother sits occasionally because they want to be reminded that Ashley was a significant part of their everyday lives—they set the table for four, and only three of them are there for dinner. I have watched Mrs. Frazier compelled to tell her story through tears because she doesn't want another family to have to go through that experience. Her daughter was killed at 8 o'clock in the morning by a woman who was just over .08, who drove up on the sidewalk as Ashley and her mother were waiting for the schoolbus to pick her up. She describes in the most horrifying language how she felt when she heard the impact and realized what happened to her daughter.

So, Mr. President, this is a pursuit that we are going to continue to engage in, the Senator from Ohio and I and many others who supported us when we had the vote on the issue here, because it is the right thing to do.

The one thing that I can't believe is that the Licensed Beverage Association wants to stand up and challenge whether or not .08 is really an impairment. Mind you, it takes, according to the National Highway Traffic Safety Education, over four beers, four drinks, four highballs—over four—4½, to be precise—for a 170-pound person on an empty stomach to reach the .08 level. Now, that sounds like fairly heavy drinking. A woman of roughly 135 pounds would have to take 3½ drinks for her to get to .08 in 1 hour on an empty stomach.

That is pretty significant drinking. And so we say to the Restaurant Association, Why? "Well, it could ruin our business and throw all of these people out of work." Well, Mr. President, I can tell you this—we heard the same appeal or the same challenge in 1984 when the drinking age was raised to 21, and the Restaurant and the Licensed Beverage Association said, "You are going to ruin business in this country."

I don't know whether anybody has noticed an absence of restaurants or hospitality spots in our society since 1984, but I can tell you that I haven't. I don't think anyone else has. Just read the list of the better restaurants and of the new beverages that come out, the new concoctions, mixed drinks. They are not going to lose any business with this either. And if they do, so what? If they save somebody's child from dying because someone was too drunk to drive, then that is a price that ought to be paid. I, frankly, think that if they are serious about this and they remind their bartenders and servers and people are reminded through campaigns that when you get to .08, you can't go behind that wheel—not without risking serious punishment, perhaps loss of a license and something even worse if it is repeated.

And so, Mr. President, so many times we go through the legislative process here and we forget, at times, the impact that it has on a family or on an individual. It becomes too much a calculation of other things than the right thing. We ought to do this. I am hoping that as ISTEA moves along, we will not only have .08 in there but we will have it with the measures that we have introduced and said, at the end of 3 years, if you haven't reduced your blood alcohol level acceptance to .08, you lose 5 percent, and if it goes for another year, you lose 10 percent. But at the end of 6 years, you still state A, B, or C, and you still have the opportunity to reclaim those funds that you would have lost, because we are giving it that much latitude. The program begins 3 years out and goes until 6 years without permanent loss of funding.

So I commend the Senator from Ohio for his interest and his attention to the details. As a prosecutor, we heard him say, he saw too much of the mayhem that is produced from someone getting behind the wheel who is unfit to drive. I look forward to working with him on this issue and other issues in which we share a common interest.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I ask unanimous consent to proceed as in morning business for the next 15 minutes.

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

Mr. DEWINE. Mr. President, I congratulate my colleague from New Jersey for an excellent statement and for his long-time dedication to this very important issue. The point he makes

he makes very well. We are dealing with real people here. Sometimes when we come to the Senate floor, we don't know the consequences of our actions. But this is a case when we came here and the Senate passed, by a very, very substantial margin, this amendment and put it into the ISTEA bill. We knew what the consequences were. As I said at the time, before the vote, this is one of the few times when you can come to the Senate floor and know that if you cast a yes vote as a Member of the U.S. Senate, that yes vote is going to save lives. You will never know whose life will be saved, but you can be assured that hundreds and hundreds of people will live because of that law that is getting ready to be passed that you were voting on. The majority of the Members of the Senate, by a big margin, did in fact agree with that.

I would like to, as I did a moment ago, focus on individuals and on real stories. I did that a moment ago when I talked about the woman who had been convicted of DUI in the State of Ohio and tested at a high level. The same highway patrol officer arrested her again a few months later. This time, she tested "only" .08. Under Ohio law, the prosecutor did not feel they could go forward with the DUI, so she was ultimately charged with reckless operation. Then, of course, the tragic end to that story, as I related a moment ago, is that it wasn't too long after that when she showed up in San Diego, and this time deaths occurred as a result of her drinking and driving, and the family had to suffer that horrible, horrible tragedy.

Let me tell another story, and this is true. This happened a couple of weeks ago. Just a couple of weeks ago in Ohio, on March 1, in Montgomery County, OH, a Dodge Ram pickup truck collided with the rear of a stopped Honda Prelude. The Dodge Ram rode up right on top of the Honda and turned over on its side. The Honda was pushed forward into traffic, where it hit a sheriff's cruiser that was stopped in traffic. The sheriff's cruiser was pushed forward, and it hit a Chevrolet C10 van.

How can one car hit another car—a stopped car—so fast that it rides up on top of it and tips over? The answer is simple: The driver of the Dodge Ram was impaired, in this case, with a blood alcohol level of .76.

Mr. President, the risk of being in a crash rises gradually with each increase in the blood alcohol level. When a driver reaches or exceeds a .08 blood alcohol level, the risks rise very, very rapidly. They take off at about that point. At .08 a driver's vision, his or her balance, reaction time, hearing, judgment, self-control, are all seriously impaired; critical driving tasks, like concentrated attention, speed control, braking, steering, gear changing, and lane tracking, are also negatively affected.

That is why the driver of this Dodge Ram piled on top of a stopped car and

caused a four-car pileup that led to the summoning of emergency medics. Just another example, another unnecessary casualty, of a blood alcohol limit that is simply too high.

Let me relate to the Members of the Senate several other true stories. We talked in the last several days to another highway patrolman in Ohio, Barry Call of Gallipolis, OH. He has been a highway patrolman for 6 years and has seen about a dozen cases where the driver was clearly impaired but could not be charged because they tested "only" between .07 and .09 on the breathalyzer.

Trooper Barry Call, in one case, saw a car pulling left of center a couple of times and pulled over the driver. The driver was clearly impaired, and she should not have been behind the wheel of a car. Her breathalyzer test showed a blood alcohol level of .084.

Another example: Trooper Richard Donley of Wilmington, OH, has seen fatalities in cases where drunk driving was a factor and the blood alcohol level was .06, .07, or .08. Sadly, says Trooper Donley, the courts, as a matter of practice, generally will throw out any DUI charge under .10, because the reality is that when you set your level, whether it be .08 or .10, or, as it was many years ago, .15, while the law says that if you hit that level and you test that, under most State laws it is a per se violation in and of itself. That level, at the same time, also really sets the standard. So anything below that, even if the officer observes very erratic driving, even if the person fails the sobriety test—what they call "field test" out on the road—the reality is that those cases are very difficult to win if the driver does not test over that limit. And so that limit really becomes the standard of the State.

As my colleague from New Jersey pointed out so very well, when we say .08, what we have to understand is that an average male, a male of 165 pounds, would have to consume over four beers in an hour on an empty stomach. I think most of us know from our own experience that if we have four beers in an hour on an empty stomach, we absolutely have no business being behind the wheel of an automobile. We know that—absolutely.

Another way of looking at it is to ask a question: If you were at a party—maybe some people were at your house—and you observed a friend of yours have four beers in an hour on an empty stomach, and didn't eat anything, would you put your 5-year-old daughter in the car and let him take her out to get an ice cream cone or something? We all know what the answer to that would be. It would be a very foolish and reckless person that would do that. No one would do that. No one in their right mind would do that.

So we know from our own experience that that person who tested .08 simply should not be behind the wheel of a car. What the Senate did, and what I hope

the Congress will do, is set this very minimum national standard so that wherever you drive—if you live in Cincinnati, for example, you might be in Kentucky one minute and in Indiana the next minute. We all move around from State to State. If you live in this area, you might be in Washington, DC, and then Virginia, and then Maryland. We move around. There will be some minimum standard so a driver and passengers can be assured that it will be illegal for a driver who is coming at them or who is on the other side of the road to test over .08, no matter where they are, on what road, anyplace in these great 50 States.

Let me give some more personal testimonies or examples. We have talked to Ken Betz, whom I have known for a number of years in many capacities. He is now the director of the Coroner's Office in Montgomery County, OH. Of the 36 alcohol-related driving fatalities his office has seen in just the past year, seven of these involved drivers who had a blood alcohol content of .08 or less. I will repeat that. In Montgomery County, OH, there were 36 alcohol-related driving fatalities in the last year. Of those 36, seven of them involved drivers who had a blood alcohol content of .08 or less.

One driver lost control of his car late at night and was killed. His blood alcohol level was .06. Another driver was killed when he ran into the back end of a stopped construction truck. His blood alcohol level was under .06. Another person was driving a motorcycle and turned left into an oncoming Ford Mustang. He wasn't wearing a helmet. He was killed. His blood alcohol content was .07. Another driver went off the right side of the road, down into a culvert. He and a passenger were both killed. His blood alcohol level was .07.

These are actual cases from Montgomery OH, in the last year.

Another driver lost control and struck several steel poles before plowing into a stopped car. He was killed. His blood alcohol level was .08.

Mr. President, people who drive at a .08 blood alcohol level are clearly impaired. There is absolutely no doubt about it. The risk of being in a crash rises gradually with each increase in the blood alcohol level, beginning at .01. But when a driver reaches or exceeds the .08 blood alcohol level, the risk rises very, very rapidly. At .08, a driver's vision, balance, reaction time, hearing, judgment, and self-control are all seriously impaired.

It is interesting, Mr. President, as this debate continues, and as we read some of the information that is put out by the alcohol industry. They can't really seriously cite or argue that anyone who tests .08 is not appreciably impaired in their reaction time, in their concentration, in their judgment. No one can say that. We all know that for a fact. Moreover, at .08, critical driving tasks like concentrated attention, speed control, braking, steering, gear changing, and lane tracking are all affected.

The Senate overwhelmingly passed our legislation. I hope the whole Congress will pass it. It would help America crack down on these impaired drivers and make our roads safer for our children and for our families. That is why I will continue to fight for this lifesaving measure throughout the legislative process.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 27, 1998, the federal debt stood at \$5,547,110,706,640.96 (Five trillion, five hundred forty-seven billion, one hundred ten million, seven hundred six thousand, six hundred forty dollars and ninety-six cents).

One year ago, March 27, 1997, the federal debt stood at \$5,378,489,000,000 (Five trillion, three hundred seventy-eight billion, four hundred eighty-nine million).

Twenty-five years ago, March 27, 1973, the federal debt stood at \$458,073,000,000 (Four hundred fifty-eight billion, seventy-three million) which reflects a debt increase of more than \$5 trillion—\$5,089,037,706,640.96 (Five trillion, eighty-nine billion, thirty-seven million, seven hundred six thousand, six hundred forty dollars and ninety-six cents) during the past 25 years.

MISSOURI HOME SCHOOLERS

Mr. ASHCROFT. Mr. President, I rise today to congratulate Missouri home schoolers who will observe Missouri Home Education Week, May 3–May 9, 1998. As a parent and former educator, it is a privilege for me to participate in celebrating this event.

As a nation we promote education as a key to success. A good education is associated with responsible, intelligent, and productive citizenship. To maintain greatness as a nation, we must strive for excellence as individuals. And the standard of excellence is largely set by our nation's leaders—especially those in the home. Training in the home that guides children in setting the highest standards for their lives is essential to the continuity of morality in our culture. I am encouraged by all parents and students who take on the task of education in the home.

There is no bigger responsibility than being a parent. It is my desire that parents be role models to their children. Teachers have always had a place as role models in our society. Each of us can probably remember a teacher who pushed us to achieve more and to reach higher. We are thankful for the leadership of those who promote education and serve as role models. So for home schooling parents, may you find inspiration in performing the dual role of parent and teacher, and may you be doubly rewarded for your efforts.

In Missouri, home schooling has had great success. I look forward to the

continued contributions that Missouri home schoolers will have in education and to the positive impact home schooled children will have in Missouri's communities and across the United States.

HONORING DR. DAVID B. HENSON, THE SEVENTEENTH PRESIDENT OF LINCOLN UNIVERSITY

Mr. ASHCROFT. Mr. President, I rise today to honor the new Lincoln University President, Dr. David B. Henson. On April 4, 1998, Dr. Henson will gather with friends, family, colleagues, faculty, and students to be inaugurated as the seventeenth President of Lincoln University which opened its doors on September 17, 1866, in Jefferson City, Missouri as the Lincoln Institute.

Dr. Henson has a twenty-five year history of service to higher education. The list of educational institutions he has served is a prestigious one. At Howard University College of Medicine, Dr. Henson served as the Acting Chairperson in the Department of Biochemistry, the Assistant Dean of Student Affairs, and an Associate Professor of Biochemistry. At Yale College, he was the Dean of Student Affairs and the Associate Dean. Dr. Henson's work in the fields of science is commendable. He was a Lecturer in Molecular Biophysics and Biochemistry and a Fellow in Timothy Dwight College at Yale University, a Professor of Chemistry at Alabama A&M, and a Provost and Professor of Chemistry at the Broward Campus of Florida Atlantic University. Furthermore, at the University of Colorado at Boulder, Dr. Henson held the position of Associate Vice Chancellor of Academic Services and Student Support Services. Dr. Henson also served as Vice President of Student Services at Purdue University.

President Henson is actively involved in state and local community services. He is an honorary member of Purdue Iron Key Society; a member of the Executive 21 Continuous Quality Improvement Steering Committee; a steward at St. John's AME Church in Huntsville; on the National Committee on International Science and Education; on the Education Committee, U.S. Space & Rocket Center; and on the Board of Huntsville Boy's and Girl's Clubs of America.

Dr. Henson contributes his services to Missouri organizations as well. He currently is the Treasurer of the Council on Public Higher Education of Missouri; on the Board of Directors with the Jefferson Chamber of Commerce; on the Board of Governors at Capital Region Medical Center; a member of the Steering Committee for the River Rendezvous; an active member of the Rotary Club of Jefferson City; and a member of the Dr. Martin Luther King, Jr. Central Missouri Celebration Planning Committee.

To his credit, Dr. Henson has received the African Americans Who Make a Difference Award, the Howard

University College of Medicine Student Council's Award for Excellence in Teaching, the George Washington Carver Research Foundation Student Award, and an American Council on Education Fellowship.

For this lifetime of service to education and commitment to community involvement, I rise today to recognize and salute Dr. David B. Henson as he becomes the seventeenth President of Lincoln University. I think I speak for all Missourians when I say that we are grateful that he has chosen a Missouri university to continue his service to higher education.

MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3246. An act to assist small businesses and labor organizations in defending themselves against Government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economics harm on employers.

H.R. 3310. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 1879. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Finance.

By Mr. CLELAND:

S. 1880. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1881. A bill to amend title 49, United States Code, relating to the installation of emergency locator transmitters on aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. COATS, and Mr. DODD):

S. 1882. A bill to reauthorize the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. BINGA-

MAN, Mrs. BOXER, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. GLENN, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 201. A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 202. A resolution to authorize representation by the Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINTS RESOLUTIONS

By Mr. BURNS:

S. 1879. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Finance.

FARMERS' LEGISLATION

Mr. BURNS. Mr. President, I introduced an amendment to the Revenue Reconciliation Act of 1997 back in 1997. It extended to our agriculture producers—farmers and ranchers—the ability to average their income over a 3-year period. The amendment was included and made part of the U.S. Tax Code, but only after further negotiations, sunset the provision after 3 years which would make it run out in 2001.

Today, I would like to introduce a bill that would make income averaging for our agriculture producers permanent in the U.S. Tax Code. This bill will give our agriculture producers—farmers and ranchers—a fair tool to offset the unpredictable nature of their business.

Our man in the chair this morning from the great agricultural State of Nebraska, and the rest of us in the breadbasket of this country understand what farmers and ranchers go through. It has always been a good business and at times it is a great business. But we are going through some times now that are very stressful. As a friend of mine said the other day, there is nothing wrong down on the farm except the price. That is what we have now.

There are not very many segments of the American economy that are taking in the same amount of money for their commodity today as they were taking when World War II ended, some 50 years ago. However, they are expected to keep producing food not only in generous proportions but also the safest,

the best quality and nutritious food in the world.

What makes this Nation unique is, we not only produce it, but we have the infrastructure that allows distribution—our processors, purveyors, transportation, grocery stores, everything from the breakfast table of America all the way back to the first seed that goes into the ground is unmatched anywhere in the world. It is something of a great marvel in this country. And it is also true that every one of us alive today in this country goes about our daily business of feeding the Nation. Somewhere along the line, we are participants in this great infrastructure to deal with our own subsistence.

But basically, I want to talk about—the production level, I don't think there is a commodity today that is not hurting when it comes to the marketplace and to the whims of Mother Nature's elements that she rains down on agriculture. Agriculture production is a 7-day-a-week job as anybody that has ever worked on a dairy farm knows. I assumed that most Americans knew that, but I am finding out that I was wrong. They think milk cows take off the weekend, too, but they don't. Farming is an ongoing situation—7 days a week, 52 weeks a year. Farmers and ranchers take pride in their work. They produce as economically as they possibly can, knowing that they fall under the old philosophy that they although they sell wholesale, they have to buy retail, and they pay the freight both ways, knowing that agriculture has always been in that kind of a predicament.

Not only do they take great pride in what they produce, but probably no other segment of the American public has a greater understanding of land stewardship and the environmental problems that face our country today. Yet, very few of them are ever asked their advice on how to deal with an environmental problem. Several colleagues that serve in this body, who grew up on a farm or a ranch, certainly understand the frustration of the business. They only get paid about two, maybe three times a year. So it is a crucial time for the farm families across this country when we take a look at the situation we find ourselves in now. With the financial collapse of many Asian markets in the Pacific rim, we see wheat at an all-time low. Our corn and soybeans will suffer. As far as export trade is concerned, we export a lot more than we receive. We also see a time when we fall victim to the psychology of the market more than the market itself.

With the recent passage of the freedom to farm bill, we told farmers that subsidies were going to go away, that they were going to have to stand on their own. We also said that we would give them the tools with which to operate their farms.

Market forces are unique. We still fall victim to flood and drought, disease, new infestations which are far,

far beyond the control of the producer himself. Farmers make money one year, but may break even the next year, and then lose money the next two years. If you take market elements and Mother Nature into consideration, farmers fall outside of the business of control. So, at best, they are lucky to break even 2 years in a row, and if they have done that, they think they are really ahead.

The business is capital intensive, and labor intensive. To give you an idea just why this is an important thing, many young people right now due to death taxes—in other words, estate taxes—agriculture producers usually find themselves in the situation where they are land rich but they are cash poor. Passing the farm and ranch on to the next generation is hard when the tax situation is where they cannot do it. They may have exceeded the limit and heavy estate taxes prevent that. With increases in the top marginal tax and with a record of high commodity taxes, it is time to allow some of that income that goes back to the farm to be retained and to allow them to average their income over 3 years at those marginal tax rates.

We made a deal with agriculture when we passed the Freedom to Farm Act. We made a deal with them that there would be no more subsidies, but we would give them income averaging and all the tools that it would take to hang on to their money so that they could invest in next year's crop. If you want to really measure a man's faith, have him take his money, his time, his

efforts, and his investment and have him put a seed in the ground in hopes that it will just sprout, let alone harvesting a crop.

That is faith, we have always had it in agriculture, and it has always been the backbone of every State economy and it still is. When things are good in agriculture, they are usually good for the rest of the country. But I would say this economy right now, the one we are experiencing that everybody raves about is still riding the backs of those who are in the business of producing a raw commodity.

So, Mr. President, I offer this bill to put in a permanent place for income averaging for agriculture producers.

Mr. President, there will be letters coming out to my colleagues explaining what we have done here. I think it is very important. It is important to my State. It is important to all of us. It is important to the smaller communities of America, because if agriculture is not healthy, those communities suffer also. That is why we work very hard on communications infrastructure, and that is why we work awfully hard on power infrastructure. Smaller communities that rely so heavily on agricultural income must find ways to attract other economic opportunities and those two other parts are very important to their infrastructure in the future.

I appreciate the time from my friend from Wyoming. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

[In millions of dollars]

Item	Fiscal years—						
	1998	1999	2000	2001	2002	1998–2002	1998–2007
Permanent extension of income averaging for farmers				–2	–21	–23	–138

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

LINDY L. PAULL.

By Mr. CLELAND:

S. 1880. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

DOMESTIC WORKERS LEGISLATION

Mr. CLELAND. Mr. President, I rise today to introduce important legislation which will remove a significant tax filing burden currently imposed on employers of domestic workers.

In 1994, Congress adopted legislation reforming the imposition of Social Security and Medicare taxes on domestic employees. These new rules introduced more rationality into the tax system, and relieved reporting requirements of domestic employers.

Unfortunately, the legislation did not go as far as needed. By not fully reforming the federal unemployment tax (FUTA), Congress left in place a significant burden on domestic employers which previously existed. Today I urge

you to consider my legislation which would amend FUTA as well by removing the burden of filing quarterly state employment tax returns for employers of domestic workers.

The Social Security Domestic Employment Reform Act of 1994, Public Law 103-387, changed the Social Security and Medicare tax rules. The new law provides that domestic employers (employing maids, gardeners, babysitters, and the like) no longer owe these taxes for any domestic employee who earned less than \$1,000 per year from the employer.

In addition, the Act aimed to ease reporting requirements. Under the act, domestic employers need no longer file quarterly returns regarding Social Security and Medicare taxes nor the annual FUTA return. Rather, all federal reporting is now consolidated on an annual Schedule H filed at the same time as the employer's personal income tax return.

Nevertheless, the goal of the 1994 act—to substantially reduce reporting requirements for domestic employers—has not been fully accomplished for employers who endeavor to comply with all aspects of the law. Under

Mr. THOMAS. Mr. President, thank you very much. I thank the Senator from Montana for his comments with respect to income averaging and agricultural activity. I certainly support that. I think, as evidenced by its passage last year, it is generally supported.

Mr. BURNS. Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,

JOINT COMMITTEE ON TAXATION,

Washington, DC, March 19, 1998.

Hon. CONRAD BURNS,

U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: This is in response to your letter of March 16, 1998, requesting a revenue estimate for a permanent extension of income averaging for farmers.

Under present law, an individual taxpayer generally is allowed to elect to compute current year tax liability by averaging, over the prior three-year period, all or a portion of the individual's taxable income from the trade or business of farming. The election applies to taxable years beginning after December 31, 1997, and before January 1, 2001.

Under your proposal, the election to average farm income over a three-year period would be extended permanently. The proposal would become effective on the date of enactment.

For the purpose of preparing a revenue estimate for your proposal, we have assumed that enactment will occur during calendar year 1998. Estimated changes in Federal fiscal year budget receipts are as follows:

FUTA, employers must make quarterly reports and payments to state unemployment agencies, then pay an additional sum of federal tax (now once a year, as part of schedule H). In addition, The Social Security Act continues to require that employers report wages quarterly to the states regarding all employees. In other words, despite the 1994 act, a domestic employer who abides by the law must still keep track of all domestic employees, and must still fill out forms and send tax payments on a quarterly basis to his or her state employment agency.

Congress was not unaware of the relationship of FUTA to Social Security taxes at the time it passed the 1994 act. Besides eliminating the separate FUTA return for domestic employers, the act also added a provision which permits the Secretary of the Treasury to enter agreements with States to permit the federal government to collect unemployment taxes on behalf of the States, along with all other domestic employee taxes, once a year. That statute, if used, would eliminate the need for domestic employers to report to state unemployment agencies. However, to

date no state has entered such an agreement. Undoubtedly, that is because the Social Security Act continues to require quarterly reports anyway.

The primary justification cited for the quarterly reporting requirement is that it makes information more accessible to state agencies that investigate unemployment claims. However the burden of this provision far outweighs its benefit. The number of household employer tax filings is relatively small. Representatives from the Georgia Department of Labor and their counterparts in other states are confident that the investigation of unemployment claims will not be hindered by annual rather than quarterly reporting requirements.

I suppose one could argue that the change this legislation proposes is unnecessary, since few people even bother to comply with the FUTA requirements for domestic employees. I believe that avoiding a change for that reason is an insult to citizens who endeavor to comply with all tax laws. For example, one Pennsylvania resident paid a 12 year old girl \$4 per hour during one quarter for her babysitting services. This resident was then required by law to record, then pay eight cents in tax on her behalf. Needless to say, this is ridiculous. The young babysitter would never claim unemployment compensation.

In short, the federal requirement of quarterly state employment tax reports for purely domestic employers should be eliminated. To ease the reporting burden on domestic employers, my legislation proposes that states be allowed to provide for annual filing of household employment taxes. Under my bill, any state which so chooses could retain quarterly reporting, but I believe few states would opt for such an unnecessary burden on its taxpayers. I urge my colleagues to join me in the effort to finish the job of rationalizing the taxpayer obligations for domestic employment taxes by supporting this bill. I ask unanimous consent that the text of my bill be inserted in the RECORD.

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

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended by inserting before the semicolon the following: “, and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such service on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

By Mr. LIEBERMAN:

S. 1881. A bill to amend title 49, United States Code, relating to the installation of emergency locator transmitters on aircraft; to the Committee on Commerce, Science, and Transportation.

THE AIRPLANE EMERGENCY LOCATOR ACT

Mr. LIEBERMAN. Mr. President, I am pleased to rise today to introduce the Airplane Emergency Locator Act. This important legislation would require most small aircraft to have emergency locator transmitters. A similar bill was introduced in the House by Representative CHRISTOPHER SHAYS.

On Tuesday December 24, 1996 a Learjet with Pilot Johan Schwartz, 31, of Westport, Connecticut and Patrick Hayes, 30, of Clinton, Connecticut lost contact with the control tower at the Lebanon, New Hampshire airport. The crash occurred in poor weather and after an aborted landing. Despite efforts by the federal government, New Hampshire state and local authorities, and Connecticut authorities, extremely well organized ground searches failed to locate the two gentlemen or the airplane. The thick pines of the NH countryside have hampered the effort. This plane did not have an emergency locator transmitter, a device which could have made a difference in saving the lives of these two men.

The legislation I am introducing today is straightforward—the only aircraft that would be exempt from having emergency locator transmitter's would be planes used by manufacturers in development exercises and agricultural planes used to spread chemicals over crops. It is my strong belief that these devices will play a vital role in search efforts, where timing is so critical in any rescue mission.

I applaud my colleague CHRISTOPHER SHAYS for introducing similar legislation in the House and I urge my colleagues to join us in support of the Airplane Emergency Locator Act. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Airplane Emergency Locator Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) on December 24, 1996, a plane piloted by Johan Schwartz and Patrick Hayes disappeared near Lebanon, New Hampshire;

(2) an extensive search was conducted by the States of New Hampshire, Connecticut, Vermont, New York, Maine, and Massachusetts, in cooperation with the Federal Government, in an unsuccessful effort to locate the plane and any survivors;

(3) the plane described in paragraph (1) was not required under law to carry an emergency locator transmitter; and

(4) emergency locator transmitters have been found to be very helpful in locating downed aircraft and saving lives.

SEC. 3. APPLICABILITY OF REQUIREMENT.

Section 44712(b) of title 49, United States Code, is amended to read as follows:

“(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

“(1) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft; or

“(2) the aerial application of a substance for an agricultural purpose.”.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. COATS, and Mr. DODD):

S. 1882. A bill to reauthorize the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION AMENDMENTS OF 1998

Mr. JEFFORDS. Mr. President, I will be introducing a bill today in relation to the changes that we have worked on with members, of course, of both parties in our committee with respect to the higher educational programs.

There is nothing more important to this Nation than maintaining our international superiority as the country with the best higher education. That is the reason this Nation is where it is today. And if we allow that to sink, as we have allowed our k-12 to sink, then, Mr. President, we will be sliding down, in the next century, to a position of lesser importance.

I am introducing the bill today—with Senators KENNEDY, COATS, and DODD—the Higher Education Amendments of 1998. This legislation is a product of work begun by the Committee on Labor and Human Resources over a year ago.

The Higher Education Act is among the most significant statutes under the jurisdiction of the committee. Since its inception in 1965, the act has been focused on enhancing the opportunities of students to pursue postsecondary education. The grant, loan, and work-study assistance made available by this act has made the difference for the countless millions in pursuing their dreams for a better life.

At the start of the reauthorization process, we set out to achieve a number of important goals designed to strengthen these programs. I am pleased to say that this legislation achieves the five major objectives identified at the beginning of our efforts.

First, the bill preserves the focus on students, who are the prime reason we have a Higher Education Act in the first place. Students now in school will be assured of receiving a lower interest rate on their loans and will see less of their own earnings penalized with respect to the Pell grant awards they receive. Students now in high school who aspire to a college education will continue to benefit from early intervention programs, including the National Early Intervention Scholarship Program—NEISP—and TRIO. Students who have graduated and are faced with exceptionally high loan burdens will be able to take advantage of extended repayment options under the Guaranteed Student Loan Program.

Second, the bill takes a two-pronged approach to helping our Nation's elementary and secondary school teachers. They will be thoroughly prepared to offer the quality of instruction needed to assure that students achieve the standards we need and expect. Working at both the State level to promote system-wide reforms and at the local level to develop partnerships to enhance the quality of teacher training, the bill offers a comprehensive and systematic approach to this pressing national need. No longer will the Higher Education Act contain a collection of small, unfunded teacher training programs. Rather, the good ideas represented in these proposals—along with the many useful suggestions made by members of the committee—have been shaped into a broad approach. It is an approach which I hope will command the attention and support of Congress when we turn to the appropriations bill.

Third, the bill reflects a strong commitment to the maintenance of two viable loan programs—the guaranteed or Federal Family Education Loan Program, known as FFELP, and the Direct Loan Program. To the extent possible within budgetary constraints, the bill levels the playing field to assure the continuation of fair and healthy competition between the two programs.

Fourth, the bill takes important steps to improve the delivery of student assistance programs. In cooperation with the administration, we have developed a performance-based organization—a PBO—designed to strengthen the management of key systems with the Department of Education. A number of provisions in the legislation also pave the way toward taking advantage of efficiencies made possible through electronic processing and other technological advances.

Finally, we have made every attempt to streamline programs, including the streamlining of the act itself. This bill takes nearly 50 programs off the books—off the books—and cuts in half the number of titles in the act. We have also attempted to relieve the regulatory burden on program participants while protecting the strong and effective integrity provisions included in the 1992 reauthorization.

Perhaps one of the most difficult issues to resolve has been the change in the student loan interest rate scheduled to take effect on July 1 of this year. This has, of course, been a strong concern of the Budget Committee. This legislation adopts the proposal approved a few weeks ago by the House Committee on Education and the Workforce. For several months, Members of the House and the Senate have grappled with the issue. The dilemma has been to balance the desire to offer students the lowest possible interest rate while assuring an uninterrupted flow of loan capital so that borrowing will be possible.

All analysts have concluded that allowing the scheduled rate to go into ef-

fect will mean the demise of the FFEL program. That outcome is unacceptable, given the substantial likelihood of program disruption.

The Direct Loan Program, which now handles only 30 percent of total loan volume, simply is not in a position to pick up the slack. To do anything to interrupt the ability of our young people to participate in the FFEL program would be a disaster at this time. The solution offered by the House committee included in the bill is by no means perfect. Like Winston Churchill's comments about democracy, however, I say: This proposal is the worst possible option, except for all others.

I am extremely appreciative of the hard work which my colleagues on the committee put into the development of this bipartisan bill. The committee will be considering this measure on Wednesday, and I hope that the full Senate will have the opportunity to debate it in the near future.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

HIGHER EDUCATION ACT AMENDMENTS OF 1998—SUMMARY

TITLE I: GENERAL PROVISIONS

Current Title I—Partnerships for Educational Excellence—is repealed, as programs authorized under the title have not been funded.

General Provisions, now included in Title XII, will be transferred to Title I.

Obsolete/unfunded sections of Title XII are repealed.

Language is added to require the Secretary to publish the expiration dates of terms of members of the National Advisory Committee on Institutional Quality and Integrity and to solicit nominations for vacancies on the Committee.

TITLE II: IMPROVING TEACHER QUALITY

The teacher education provisions from Title V will be moved to Title II. All unfunded programs are repealed and replaced with a comprehensive program whose purpose is to improve student achievement, to improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities, and to hold institutions of higher education accountable for preparing teachers who have necessary teaching skills and are highly competent in the academic content areas in which they plan to teach, including training in the effective use of technology in the classroom. The proposal provides a "top-down" and "bottom-up" approach for improving teacher quality.

States will be eligible to compete for Teacher Quality Enhancement Grants that would be used to institute state level reforms to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which they are assigned to teach.

Teacher Training Partnership Grants will be made to local partnerships comprised of academic programs and education programs at institutions of higher education, local education agencies, K-12 schools, state education agencies, Pre-K programs, non-profit

groups, businesses and teacher organizations. Partnerships will be eligible to receive a "one time only" grant to encourage reform and improvement at the local level.

The proposal includes strong accountability measures for both Enhancement and Partnership grants. Grant recipients receiving assistance under this title will continue to receive support after the second year of the grant only if they have shown that they are making substantial progress in meeting such goals as improving student achievement, increasing the passage rate of teachers for initial state licensure or certification, and increasing the classes taught in core academic subject areas.

TITLE III: INSTITUTIONAL DEVELOPMENT

Part A—Strengthening Institutions

Encourage institutions to improve their technological capacity and make effective use of technology.

Allow institutions to use up to 20% of their awards to establish or expand an endowment fund.

Require a two-year wait out period between the receipt of consecutive grants.

Authorize at \$135 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Section 316—Hispanic serving institutions

Simplify definition of Hispanic Serving Institution.

Allow institutions to use up to 20% of their awards to establish or expand an endowment fund.

Encourage institutions to collaborate with community-based organizations on projects that seek to reduce drop-out rates, improve academic achievement and increase enrollment in Higher Education.

Repeal the funding trigger which requires that funding for Title III, Part A grants exceed \$80 million before any funds may be provided for grants under Section 316.

Authorize at \$45 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part B—Historically Black Colleges and Universities

Allow institutions to use up to 20% of their awards to establish or expand an endowment fund under the terms and conditions of Part C.

Authorize at \$135 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Section 326—Professional or graduate institutions

Clarify that eligible institutions must match only those funds received in excess of \$500,000.

Provide eligible institutions with multiple eligible graduate programs the flexibility to spend Sec. 326 funds on any qualified graduate program.

Authorize at \$30 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part C—Endowment challenge funds for institutions eligible for assistance under part A or part B.

Authorize at \$10 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part E—Historically black college and university capital financing

Move from current Title VII, Part B.

Expand the definition of capital project to include administrative facilities, student centers, and student unions.

Clarify that the Secretary may sell qualified bonds guaranteed under this provision to any party that the Secretary determines offers the best terms.

Authorize at \$110,000 for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part F—Minority science and engineering improvement program

Move from current Title X, Part B.

Modify definition of science to include behavioral sciences.

Authorize at \$10 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

TITLE IV: STUDENT ASSISTANCE

Part A, subpart 1—Pell grants

Change the name of the program from Basic Education Opportunities Grants to the Federal Pell Grant program.

Allow for the Department, after allowing for a formal comment period, to institute an accurate and timely payment process replacing the mandatory 85% advance funding to institutions.

Update and increase the Federal Pell Grant maximum awards.

Eliminate the minimum step function for the minimum Pell grant by setting the Pell minimum at \$200.

Place a time limit on the period during which students may receive a Federal Pell Grant equal to 150 percent of the period normally required to complete a course of study.

Tighten provisions dealing with English as a Second Language "stand alone" programs.

Part A, Subpart 2, Chapter 1—Early outreach, federal TRIO programs

Increase the minimum grant level for TRIO programs so as to ensure comprehensive services remain available to students.

Permit TRIO directors to administer more than one program for disadvantaged students.

Increase authorization level to \$700 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Expand authorized activities in the Talent Search Program to include activities designed to acquaint youth with careers in which individuals from disadvantaged backgrounds are under represented.

Expand authorized activities in Upward Bound to include summer work study and permit higher stipends for those Upward Bound students participating in summer work study positions.

Require the Secretary to consider the institution's efforts to provide sufficient financial assistance to meet a student's full financial need when awarding Student Support Services grants to institutions.

Reserve up to 2% of TRIO funds for Evaluation and Dissemination/Partnership grants. The new Dissemination/Partnership provision would encourage partnerships between TRIO programs and other institutions, community based organizations or both offering programs or activities serving at-risk students to provide technical assistance and disseminate program best practices.

Part A, Subpart 2, Chapter 2—National early intervention scholarship and partnership program

Reauthorize the program with no changes.

Part A, Subpart 3—Federal supplemental education opportunity grants

Increase the authorization level for the SEOG program to \$700 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Eliminate the percentage reference to less than full time or independent students.

Provide institutions with the authority to carry-back and carry-forward 10% of the institution's SEOG funds.

Part A, Subpart 4—Grants to states for state student incentives

Adopt Senators REED and COLLINS proposal (S. 1644) strengthening the SSIG program

and renaming the program the Leveraging Educational Assistance Partnership Act (LEAP), with modifications.

Part A, Subpart 5—Special programs for students whose families are engaged in migrant education

Increase the authorization level for the HEP and CAMP programs to \$25 million and \$10 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part A, Subpart 6—Robert C. Byrd honors scholarship program

Increase the authorization level to \$45 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part A, Subpart 7—CAMPUS

Incorporates S.1151 with small modifications.

Part B and D—Federal family education loan program and the William D. Ford federal direct loan program

Require non-state designated guarantors to have capacity to respond to electronic inquiries.

Clarify that for the purpose of calculating cohort default rates loans that are successfully challenged on the basis of improper servicing will be removed from both the numerator and the denominator.

Require institutions that unsuccessfully appeal high cohort default rates and that choose to receive loans during the appeal process be held liable for loans made during the appeal process and to post surety in an amount sufficient to cover these costs.

Allow institutions with a student loan participation rate index of .0375 or lower to be exempted from sanctions related to high institutional cohort default rates.

Extend and modifies current exemption from cohort default rate sanctions enjoyed by HBCUs, HSIs, TCCCs and Navajo Community Colleges.

Reduce paperwork for institutions by only requiring them to transmit information to lenders which is needed by the lenders for originating and servicing the loan.

Eliminate 30-day disbursement delay for first time undergraduate borrowers at institutions with cohort default rates of 5% or less.

Eliminate multiple disbursement requirements for 4th and 5th year undergraduate students attending institutions with cohort default rates of 5% or fewer who will receive a loan to complete their degrees in less than one year.

Provide loan forgiveness for teachers.

Provide extended repayment terms for FFEL students with loans in excess of \$30,000.

Exempt low volume lenders from annual lender audit requirements.

Allow borrowers to request forbearance electronically.

Allow lenders to provide 60 day forbearance for requests that require additional research. Interest may not be capitalized.

Repeal requirement that states share in costs of guarantying student loans that go into default (provision never implemented as a result of technical problems).

Allow Secretary to specify additional factors that may be considered in determining PLUS loan eligibility.

Allow Secretary to verify immigration status and social security number of PLUS loan applicants.

Exclude borrowers from whom involuntary payments are secured through litigation or administrative wage garnishment from eligibility for consolidating defaulted loans.

Eliminate 180-day rule for packaging of consolidation loans.

Encourage the development and use, free of charge to borrowers, of electronic applica-

tions and forms that are approved by the Secretary.

Authorize the Secretary to develop and implement a multi-year promissory note for Parts B & D.

Allow guaranty agencies and lenders to provide required disclosures electronically at the request of the borrower.

Clarify that the representative sample of loan servicing and collection records that will be made available to a school that is appealing its cohort default rate based upon allegations of improper loan servicing will be those that the guaranty agency used in making the determination whether to pay an insurance claim to the lender.

Repeal D.C. Student Loan Insurance Program—currently served by ASA.

Clarify the responsibility of program participants for the program compliance of their contractors.

Repeal requirement that an authority using tax-exempt funding submit a plan for doing business.

Allow the Secretary to pay for data that the Department considers essential to the efficient administration of the programs under Title IV.

Authorize the Secretary to allow borrowers under Parts B and D to use the FAFSA as their loan application.

Allow institutions to use electronic technology to provide personalized exit counseling to students.

Clarify that for purposes of calculating the FFEL program in-school interest subsidy that disbursement means disbursement by the school.

Clarify the loan limits available to borrowers who are eligible for FFEL and DL loans while taking non-degree course work necessary for enrollment or teacher certification.

Delete obsolete language referring to the 7-month interval of eligibility carried over from SLS program and clarify that annual loan limits are based on the statutorily defined academic year.

Clarify that interest that accrues and is capitalized on unsubsidized loans is not considered for purposes of computing aggregate loan limits.

Repeal payment to guaranty agencies for lender referral services.

Allow institutions to participate in one or more programs under Part B or Part D.

Recall \$200 million in guaranty agency reserve funds.

Clarify that reserve funds are the sole property of the Federal government.

Eliminate preclaims and supplemental preclaims assistance and replace with a new default aversion program. GA's will be reimbursed only for those accounts which are brought current.

Restructure GA reimbursement to more accurately reflect cost structure. Eliminate the administrative expense allowance and replace with a loan origination fee and a portfolio maintenance fee.

Encourage greater emphasis upon default aversion by reducing reinsurance from 98% to 95% and by reducing the GA collection retention amount from 27% to 24%.

Authorize the Secretary to enter into voluntary flexible agreements with guaranty agencies in lieu of their agreements under section 428 (b) and (c).

Require the Secretary to report to Congress on the status of efforts to bring mission critical systems into Y2K compliance.

Direct the Secretary of Treasury to conduct a study, in consultation with institutions of higher education, lenders, students, and other participants in the student loan programs, of the impact and feasibility of

using market-based mechanisms to establish interest rates on student loans.

Authorize the Secretary to verify the incomes of the parents of dependent applicants with the IRS.

Establish the student loan interest rate 91-day T plus 1.7% in school and 91-day T plus 2.3% in repayment. Establish the rate paid to lenders at 91-day T plus 2.2% in-school and 91-day T plus 2.8% in repayment.

Part C—Federal work-study programs

Increase the authorization level for the Federal Work Study Program to \$900 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Maintain provisions allowing for graduate student participation in FWS in position that reinforces the educational program or vocational goals of the student.

Expand the definition of community service to allow for certain types of on-campus jobs to count as community service jobs.

Eliminate the percentage reference to less than full time or independent students.

Allow for a higher federal contribution for community service jobs.

Delete the requirement that FWS-equivalent institutional employment be available to all students desiring such employment.

Part D—(See Parts B and D summary above)

Part E—Federal Perkins loans

Eliminate the percentage reference to less than full time or independent students.

Increase loan limits in Perkins and eliminate the Expanding Lending Option program.

Allow higher loan limits for student pursuing an education and career in teaching.

Strengthen the penalties for high default in the Perkins program including the loss of eligibility to participate (defined as the liquidation of the institution's Perkins fund) in Perkins for institutions with default rates of 50 percent or greater for 3 years in a row.

Eliminate the requirement that institutions establish a default management plan if its defaults are 15 percent or above.

Eliminate the exclusion of improperly serviced loans from the calculation of cohort default rates.

Define default for a borrower in the Perkins loan program.

Establish a loan rehabilitation program for the Perkins loan program.

Require credit bureaus to report defaulted Perkins loans until a loan is repaid in full and allow the Secretary to establish criteria under which an institution may cease reporting such information before a loan is paid in full.

Include discharge provisions in cases where an institution has closed.

Strengthen the language that includes Perkins loans in the Student Status Confirmation Report process.

Create an incentive repayment plan in the Perkins loan program.

Update dates for the mandatory liquidation of Perkins loans funds.

Part F—Need analysis

Adopt increases in the income protection allowances (IPA) for dependent and independent students.

Index IPA changes for inflation.

Add a dependent student offset in the amount of the negative adjusted parental income available.

Move authority to reduce or deny loans to section entitled "Discretion of Student Financial Aid Administrators."

Remove the requirement that Cost of Attendance include a cost of living minimum amount for all populations.

Prorate student contributions for periods of enrollments of less than 9 months.

Part G—General provisions

Require the Department, to the extent feasible, to publish minimal software and hard-

ware requirements by December 1 prior to the start of an award year.

Move from December 1 to November 1 the deadline by which the Secretary must publish regulations affecting federal student assistance programs in order for those regulations to be applicable to the following award year and authorize the Secretary to designate regulatory provisions that institutions may choose to implement before the effective date which would otherwise apply.

Remove the reference to accrediting agency approved refund policies from the list of policies to be compared to determine which produces the largest amount.

Revise methods for determining the "last day of attendance" for purposes of making pro-rata refund calculations.

Clarify that institutions may provide students and prospective students with a list of information and a statement of the procedures required to obtain it in order to comply with information dissemination requirements.

Define "prospective student" as one who has requested information regarding application for admission to an institution.

Clarify that the provision of comparable data by a national collegiate athletic association satisfies the disclosure requirement regarding athletically related student aid.

Eliminate duplicative athletic reporting provisions.

Add a provision to athletic reporting provisions regarding disclosure when institutions intend to reduce the number of athletes who will be permitted to participate in any collegiate sport or in the financial resources that the institution will make available to that sport.

Revise and expand the list of crimes that must be included in campus crime statistics to include arson and hate crimes; require institutions to maintain a daily log that records the nature, date, time and general location of each crime reported to the local police or campus security; make explicit that neither victims nor persons accused of a crime may be identified in the reporting of campus crime statistics, except as required by state or local laws; require a national study to examine procedures undertaken after an institution of higher education receives a report of sexual assault; and exclude criminal activities from a post-secondary student's educational records.

Section 486, "Training in Financial Aid Services" is repealed, as it has not been funded.

Require the National Center for Education Statistics (NCES) to develop standard definitions for a few basic financial items to help families make decisions about college; require institutions to report these items annually; and make the information available to the public. In addition, NCES would work in consultation with the Bureau of Labor Statistics to examine expenditures at institutions of higher education and to develop a "Higher Education Market Basket."

Clarify that only for-profit institutions have "owners."

Reauthorize the Advisory Committee on Student Financial Assistance at a funding level of \$800,000 and direct the committee to conduct studies and evaluations of the modernization of student financial aid systems and delivery processes; the use of appropriate technology in delivery and management of student aid; the implications of distance learning on student financial aid eligibility and other requirements. In addition, the committee is to make recommendations to the Secretary regarding redundant or outdated sections of the Act and regulation to assist in the review of those sections.

Expand the categories of activities for which institutions participating in the Qual-

ity Assurance Program develop their own management approaches and clarify that the Secretary may waive regulatory—but not statutory—requirements of Title IV that are addressed by the institution's alternative management system.

Require the Secretary to report to Congress regarding the results of experiments conducted under the current experimental sites authority and make recommendations based on those findings regarding amendments to the Higher Education Act which would improve the operation of the Act. Addition of new experiments will not be permitted until this report is provided to Congress.

Continue negotiated rulemaking and add Part D to the parts (B, G, & H) which were subject to negotiated rulemaking following the 1992 reauthorization. In addition, negotiated rulemaking would be a requirement for developing all regulations for student loan programs.

Part H, Subpart 1—Program integrity triad, state role

State Postsecondary Review Entity (SPRE) provisions are repealed.

Replace SPRE with language which defines State responsibilities as being licensure and notification to the Secretary of revocation of license or evidence of institutional fraud. Require institutions to prove they have authority to operate in a state.

Part H, Subpart 2—Accrediting agency recognition

Substitute the word "recognition" for "approval" each time it appears in Subpart 2. Substitute "criteria" for "standards," consistent with current regulations.

Modify provisions relating to accrediting agency assessment of institutions to delete "in clock hours or credit hours" relating to measure of program length and to clarify that accrediting agencies are not expected to enforce compliance with Title IV.

Strengthen statutory requirements relating to the time frame within which an accrediting agency must come into compliance after the Secretary has determined the agency has not met the requirements of Section 496.

Part H, Subpart 3—Eligibility and certification procedures

Require that an institution maintain a copy of any contract between the institution and a financial aid service provider or loan services, and provide a copy of any such contract to the Secretary upon request, instead of requiring that the institution supply the copy with its application to participate in the student aid programs under Title IV (as is currently the case).

Substitute more general language for the specific listing of financial responsibility measures now included in the Act in order to conform with current financial responsibility regulations.

Specify that the Secretary may accept any reasonable third-party financial guarantees in cases where an institution fails to meet overall financial responsibility standards.

Specify that "ownership" applies only to for-profit institutions.

Eliminate the requirement that the Department conduct site visits of all institutions and eliminate the ability of the Department to charge fees to cover the expenses of certification and site visits.

Give the Secretary the authority to recertify an institution for up to 6 years (rather than the 4 years in current law) and require the Secretary to inform institutions 6 months in advance of the expiration of its eligibility.

Establish a special rule dealing with the recertification schedule for institutions of

higher education located outside of the United States which receive less than \$500,000 annually in Federal Family Education Loans.

Clarify that, prior to seeking certification as a main campus or free-standing institution, a branch is required to be in existence for at least 2 years after it has been certified by the Secretary as a branch campus participating in a Title IV program.

Require the Secretary to establish priorities for program reviews of institutions of higher education, update priority criteria, and include among the additional categories of institutions which the Secretary may identify as requiring priority review those which may pose significant risk of failure to comply with the administrative or financial responsibility provisions of Title IV.

Add special administrative rules to: (1) require the Secretary to inform institutions of the criteria involved in program reviews; (2) require the Secretary to implement a system of "cures" to allow institutions to correct minor record-keeping errors; (3) require "proportionality" in civil penalties; and (4) facilitate the exchange of information between the Secretary and state authorizing agencies and creditors.

Require the Secretary to establish processes for ensuring that eligibility and compliance issues are considered simultaneously and for identifying unnecessary duplication of reporting and related regulatory requirements.

Part I—Performance based organization

Establish a performance based organization within the Department of Education for the purpose of simplifying and improving the delivery of student financial aid under this title. The Secretary of Education will be provided with personnel and procurement flexibilities in order to allow for the establishment of an organization rewarded for meeting specified contractual goals for the management and delivery of student financial aid. Personnel will be rewarded in accordance with their ability to meet objective performance measures. Proposed personnel and procurement flexibilities include: alternative job evaluation systems, ability to establish award programs, broad banding, alternative ranking procedures for evaluating job applicants, ability to hire technical and professional employees under excepted service, simplified contracting procedures for commercial items, modular contracting authority, and two-way selection procedures.

TITLE V: GRADUATE AND POSTSECONDARY EDUCATION IMPROVEMENT

Parts A and B—Jacob K. Javits fellowship program and graduate assistance in areas of national need

Repeal unfunded programs.

Maintain separate Jacob K. Javits Fellowship Program, permit forward funding of it, and permit the Secretary to contract out administration of the program if such a contract would be more effective and efficient.

Limit eligibility to students who demonstrate financial need.

Add an evaluation component.

Maintain the Graduate Assistance in Areas of National Need (GAANN) program, with minor amendments.

Authorize the Jacob K. Javits Fellowships at \$30 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Authorize Graduate Assistance in Areas of National Need (GAANN) at \$30 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part C—Urban community service

Move from current Title XI, Part A.

Give priority to applicants which have shown prior commitment to urban community service.

Authorize at \$20 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part D—Fund for the improvement of post-secondary education (FIPSE)

Move from current Title X, Part A.

Permit greater flexibility within current personnel ceilings to bring in technical experts.

Revise special projects list to include: international exchanges; institutional restructuring to improve learning and promote cost efficiencies; evaluation and dissemination of model programs; and articulation between two-year and four-year institutions, including developing innovative methods for ensuring the successful transfer of students from 2-year to 4-year institutions.

Authorization:

FIPSE General: \$26 million in FY 99 and "such sums" in 4 succeeding years.

Planning Grants: \$1 million in FY 99 and "such sums" in 4 succeeding years. Special Projects: \$5 million in FY 99 and "such sums" in 4 succeeding years.

Part F—Improving Access to Higher Education for Students with Disabilities

This program authorizes a competitive grant program to provide assistance for improving disability support services offered by institutions of higher education. Grants would be awarded for a period of three years. \$10 million are authorized to be appropriated for this part in FY 1999 and such sums as may be necessary in each of the 4 succeeding years.

Funds would be available to institutions of higher education to develop and identify effective approaches that enable individuals with disabilities to participate in post-secondary education, conduct training sessions and workshops for faculty and other personnel of institutions of higher education to help them meet the special needs of post-secondary students with disabilities, research the effectiveness of support services to individuals with disabilities in post-secondary education, prepare products from the project and disseminate those products, and coordinate projects with existing technical assistance and dissemination networks in postsecondary education.

TITLE VI: INTERNATIONAL EDUCATION

Repeal unfunded/obsolete provisions.

Add a foreign language component to the summer institutes authorized under Sections 602 (Graduate and Undergraduate Language and Area Centers), 604 (Undergraduate International Studies and Foreign Language Programs), and 612 (Centers for International Business Education).

Modify Section 603 (Language Resource Centers) to permit the operation of intensive summer language institutes, to permit the development and dissemination of resource materials for elementary and secondary school language teachers, and to make dissemination a component of each Center activity.

Consolidate provisions and streamline Section 604 (Undergraduate International Studies and Foreign Language Programs).

Add two new authorized activities to Section 606 (Research; Studies) dealing with evaluation of programs receiving assistance under Title VI and of effective dissemination practices.

Clarify that the establishment of new American Overseas Research Centers is allowable under Section 610.

Specifically mention that community college representatives may serve on the advisory council to Centers for International Business Education.

Increase required match by Minority Foreign Service Professional Development Pro-

gram grant recipients from one-fourth to one-half, with the non-federal contribution being made by private sector contributions.

Authorize the Institute for International Public Policy to make sub-grants to strengthen institutional international affairs programs at HBCUs, HSIs, and Tribal Colleges.

Clarify that summer abroad programs are permissible under the Junior Year Abroad Program (Section 623).

Authorization Levels:

Part A: \$80 million in FY 1999 and "such sums" in succeeding 4 years.

Part B:

Section 612: \$11 million in FY 1999 and "such sums" in succeeding 4 years.

Section 613: \$ 7 million in FY 1999 and "such sums" in succeeding 4 years.

Part C: \$10 million in FY 1999 and "such sums" in succeeding 4 years.

TITLE VII: RELATED PROGRAMS AND AMENDMENTS TO OTHER LAWS

Part A—Indian higher education programs

Change reference to "Tribally-Controlled Community College" to "Tribally Controlled College or University" and make conforming and technical changes.

Authorization Level (Department of the Interior):

Technical Assistance Centers \$3.2 million in FY 1999 and "such sums."

Grants to TCCCs \$40.0 million in FY 1999 and "such sums."

Renovation/Construction of Facilities \$10.0 million in FY 1999 and "such sums."

TCCC Endowment Program \$10.0 million in FY 1999 and "such sums."

Tribal Economic Development \$2.0 million in FY 1999 and "such sums."

Part B—Advanced placement fee payment program

Move from current Title XV, Part G.

Modify program to encourage States to support advanced placement teacher training and related activities designed to increase the participation of low-income individuals and to permit up to 5% of funds to disseminate information about the availability of test fee payments.

Authorize at \$10 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part C—Amendments to institute for peace act

Technical changes.

Part D—Community scholarship mobilization

Authorize a competitive grant program which will allow the grant recipient, using the interest from an endowment grant, to establish and support state or regional program centers to foster the development of local affiliated chapters in high poverty areas that promote higher education goals for students from low income families by providing academic support and scholarship assistance.

Seventy percent of interest income would support the establishment or ongoing work of state or regional program centers to enable such centers to work with local communities to establish local affiliated chapters in high poverty areas and provide ongoing assistance, training workshops, and other activities to ensure the success of local chapters.

Thirty percent of the interest income would be used to provide scholarships for students from low income families, and scholarships would be matched 1:1 from funds raised by the local community.

The proposal provides and authorizes the appropriation of \$10 million for fiscal year 2000 to carry out the purposes of this part.

Part E—Incarcerated youth offenders

Move from current Title X, Part E.

Authorized at \$14 million in FY 1999 such sums as may be necessary for each of the 4 succeeding years.

Part F—Amendments to Education of the Deaf Act

Update references to IDEA. Includes technical and conforming amendments to make the provisions pertaining to Gallaudet's Kendall Elementary School and the Model Secondary School for the Deaf consistent with the 1997 IDEA.

Extension of authorization of appropriations. Extends authorization of appropriations from fiscal year 1998 through fiscal year 2003.

Clarification of audit requirements. Clarifies that audits include the national mission and school operations of the elementary and secondary education programs at Gallaudet University; and adds a requirement that a copy of each audit be provided to the Secretary within 15 days of the acceptance of the audit by Gallaudet University or the institution authorized to establish and operate the National Technical Institute for the Deaf.

Removal of restrictions on investment of non-Federal portion of endowment. Allows institutions to invest the non-Federal share of their endowments without the restrictions placed on Federal contributions to the endowments.

Immediate access to interest on endowment. Provides immediate access to the interest on their endowments, rather than as under current law, having access to only 50 percent of the interest from the prior year.

Limitation with regard to international student enrollment. Requires that, in any school year, no qualified U.S. citizen, who elects to enroll in Gallaudet University or the National Technical Institute for the Deaf, is denied admission because of the admission of an international student.

Institutional Research Plans. Requires Gallaudet University and the National Technical Institute for the Deaf establish and disseminate priorities and prepare and submit an annual research report to the Secretary and Congress.

Commission on education of the deaf. Requires the Secretary of Education to establish a Commission on Education of the Deaf to identify those education-related factors in the lives of individuals who are deaf that result in barriers to successful postsecondary education experiences and employment and those education-related factors in the lives of individuals who are deaf that contribute to successful postsecondary education and employment experiences.

Part G—Repeals

TITLE I—PARTNERSHIPS FOR EDUCATIONAL EXCELLENCE

PART A—School, College, and University Partnerships.

PART B—Articulation Agreements.

PART C—Access and Equity to Education for All Americans Through Telecommunications.

TITLE II—ACADEMIC LIBRARIES AND INFORMATION SERVICES

*Title II was repealed by P.L. 104-208 (FY 1997 Department of Education Appropriations Act).

TITLE IV—STUDENT ASSISTANCE

PART A—Grants to Students in Attendance at Institutions of Higher Education.

Chapter 3—Presidential Access Scholarships.

Chapter 4—Model Program Community Partnership and Counseling Grants.

Chapter 5—Public Information/Database and Information Line.

Chapter 6—National Student Savings Demonstration Program.

Chapter 7—Preeligibility Form.

Chapter 8—Technical Assistance for Teachers and Counselors.

Subpart 8—Special Child Care Services for Disadvantaged College Students.

PART H—Program Integrity Triad.

Subpart 1—State Postsecondary Review Program (SPRE).

TITLE V—EDUCATOR RECRUITMENT, RETENTION, AND DEVELOPMENT

PART A—State and Local Programs for Teacher Excellence.

PART B—National Teacher Academies.

PART C—Teacher Scholarships and Fellowships.

Subpart 1—Paul Douglas Teacher Scholarships.

Subpart 2—Christa McAuliffe Fellowship Program.

Subpart 3—Teacher Corps

PART D—Innovation and Research.

Subpart 1—National Board for Professional Teaching Standards.

Subpart 3—Class Size Demonstration Grant.

Subpart 4—Middle School Teaching Demonstration Programs.

PART E—Minority Teacher Recruitment.

Subpart 1—New Teaching Careers.

PART F—Programs for Special Populations.

Subpart 1—National Mini Corps Program.

Subpart 2—Foreign Language Instruction.

Section 586—Demonstration Grants for Critical Language and Area Studies.

Section 587—Development of Foreign Language and Culture Instructional Materials.

Subpart 3—Small State Teaching Initiatives.

Subpart 4—Faculty Development Grants.

Subpart 5—Early Childhood Education Training.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Section 604(b)—Programs of Demonstrated Excellence in Area Studies, Foreign Languages, and other International Fields.

Section 605—Intensive Summer Language Institutes.

Section 607—Periodicals and Other Research Materials Published Outside the United States.

TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

PART A—Improvement of Academic and Library Facilities.

PART D—College Construction Loan Insurance Association.

**The cooperation has since been privatized.*

TITLE VIII—COOPERATIVE EDUCATION

No funding for this title.

TITLE IX—GRADUATE PROGRAMS

PART A—Grants to Institutions and Consortia To Encourage Women and Minority Participation in Graduate Education.

PART B—Patricia Roberts Harris Fellowship Program.

PART E—Faculty Development Fellowship Program.

PART F—Assistance for Training in the Legal Profession.

PART G—Law School Clinical Experience.

TITLE X—POSTSECONDARY IMPROVEMENT PROGRAMS

PART B—Minority Science and Engineering Improvement Programs.

Subpart 2—Science and Engineering Access Programs.

PART C—Women and Minorities Science and Engineering Outreach Demonstration Program.

PART D—Dwight D. Eisenhower Leadership Program.

TITLE XI—COMMUNITY SERVICE PROGRAMS

PART B—Innovative Projects.

Subpart 1—Innovative Project for Community Service.

Subpart 2—Student Literacy Corps and Student Mentoring Corps.

Mr. KENNEDY. Mr. President, it is an honor to be a sponsor of the Higher Education Act Amendments of 1998 with Chairman JEFFORDS and Senators COATS and DODD. The reauthorization of this Act is a bipartisan effort of all members of the Labor Committee, and I am pleased that we have achieved a consensus on so many issues.

Our goal in this bill is to strengthen federal support for higher education. Our legislation increases the maximum authorization for Pell grants, and expands the formula for need analysis to protect more of the income of working parents and students.

The bill also continues the critical investment in graduate education through the institution-based program of Graduate Assistance in Areas of National Need, as well as the portable Javits Fellowships, which are vital for talented students in the arts, humanities, and social sciences, where other sources of funding are limited.

An additional initiative in the bill will enable institutions to work with faculty and administrators to improve teaching for students with disabilities. Increasing numbers of students with disabilities are participating in higher education, and faculty members often have little experience in adapting their teaching techniques for these students. This initiative will reach out to many different types of institutions, including community colleges, graduate schools, and urban and rural institutions. It also includes graduate teaching assistants—the faculty of the future. This program was first suggested by the University of Massachusetts, and it is supported by the Consortium for Citizens with Disabilities on behalf of 20 disability groups.

The bill takes a major step to improve the training of teachers by creating strong programs for training and recruitment. The training program has two parts. Fifty percent goes to local partnerships that include elementary and secondary schools, programs or schools of teacher training, schools of arts and sciences, and other groups, such as teachers unions, businesses, and community organizations. The other 50 percent of the funding goes to competitive grants to state education agencies. This teacher training proposal represents a thoughtful compromise, and I hope it will receive strong support in the Senate.

The bill helps teachers in another way, through loan forgiveness. I have long supported more loan forgiveness for teachers, and I am pleased that there is bipartisan support for this proposal. It forgives loans for teachers who teach for at least 3 years in high-need schools. Many college graduates with heavy debt loads cannot afford to go into teaching in schools where we need them most. This loan forgiveness program will make it easier for idealistic young men and women to work with needy children.

The bill also calls for the creation of a Performance Based Organization at the Department of Education. Following Vice President GORE's initiative to re-invent government, this organization will streamline and improve the financial aid functions at the Department. We are working with the Department to make a plan that will work well for it, for students, and for all others involved in student aid.

Two provisions of the bill raise significant question. One of those provisions modifies the payment structure for the guaranty agencies that work with banks in the student loan program. But greater reform of these agencies is needed. They are paid too much if students go into default, and they are not paid enough for preventing defaults in the first place. I am pleased, however, that the bill does allow guaranty agencies to enter into voluntary, flexible agreements with the Secretary of Education that will be more business-like and will focus more heavily on preventing defaults. ASA, the guaranty agency in Massachusetts, has been at the forefront of the reform movement, and supports these voluntary agreements.

Finally, the bill, like the House bill, reduces the interest rate that students pay on their college loans by almost 1% from the current rate. This reduction will be a substantial benefit for students. The average borrower with a loan of \$12,000 will save \$650 in interest over the life of the loan, and the average master's degree student with a debt of \$20,000 will save more than \$1000. For borrowers with larger loans, the savings will be greater. I am pleased that Republicans and Democrats agree that reducing the interest rate on student loans is necessary.

But the bill trims the rates paid to banks only slightly. As under the House bill, students will pay less interest to the banks, but the federal government will make an additional payment to the banks, so that bank receipts will go down only slightly from the high rates now in effect. This subsidy is paid by the taxpayers. The cost is at least \$1.2 billion over 5 years, and may be as high as \$3.9 billion.

The banks complain that they cannot live with even this very modest cut. In 1992, they told us that they could not accept any cut in the interest rate on student loans. Congress cut the rate anyway, and the bank loan program continued to thrive. Today, however, at a time when interest rates in the economy are low, the interest rate for government guaranteed student loans is higher than the rate for either car loans or home mortgages. A recent report from the Treasury Department shows that if the interest rate on student loans is cut by almost 1%, the banks can still make a reasonable profit.

The interest rate subsidy in this bill is not offset by other revenues. We will have to work with the Budget Committee, with our colleagues in the House,

and with the Administration to resolve this problem. We must do all we can to reduce the high cost of borrowing for students, without subsidizing banks at the expense of taxpayers.

This legislation is designed to improve higher education in all parts of America. It renews our commitment to needy students, to graduate education, to teacher training, and to improving loan service for students. I look forward to working with my colleagues on this important legislation in the weeks to come.

Mr. DODD. Mr. President, I rise today to join my colleagues, Senator JEFFORDS, Senator KENNEDY, and Senator COATS, in introducing the Higher Education Act Amendments of 1998.

The Higher Education Act is the foundation of opportunity and access to post-secondary education. Pell Grants, College Work Study, federal student loans and federal TRIO programs are what make college possible for the all Americans. The bill we introduce today makes important changes in these programs and updates and streamlines the law to ensure the vitality of federal aid programs in the next millennium.

There are few pieces of legislation that we will consider this Congress that are as important to American families as this bill. Parents recognize that their child's success is in no small measure dependent on their educational achievement. Statistics bear this out—a person with a Bachelor's degree earns twice as much as one with just a high school education.

But this issue is not only of concern to families; higher education has defined and shaped America's economy in the post World War II era. Our economy has grown on the strength of knowledge-based, highly-skilled industries and workers. This would not have been possible without higher education or without our federal commitment to ensuring access to college.

Since the GI Bill, millions of Americans have been able to attend college because of the assistance offered by the Federal Government. Today, 75 percent of all student aid is federal.

And yet, with rising college costs and growing student debt, families increasingly worry that college is slipping beyond their grasp. Studies suggest that, even with the nearly \$35 billion of federal aid available each year, affordability is already becoming a factor for those at the lowest income levels.

And in nearly all families, a letter offering financial aid is as, if not more, important than the actual letter accepting the student into a college of his or her choice. This bill works to make sure that the serious problem of rising college costs does not become more of a reality for America's families and reaches out to those who already believe that college is slipping beyond their reach.

In particular, we have adopted many of the recommendations of the Cost of College Commission, formed by the

Congress last year. We streamlined many regulatory requirements that may contribute to rising costs. We also adopted strong new disclosure requirements about cost. These provisions will provide families with new, reliable and comparable information on college costs, so they can exercise their power as consumers to choose institutions that are of high quality and reasonable cost.

This legislation also strengthens federal financial aid programs which are a lifeline for millions of families as they struggle with cost increases. We authorize an increase in the maximum Pell Grant award and hope that appropriators and our Budget Resolution will follow through with adequate funds. We also adjust the treatment of the neediest students' earnings to ensure that they and their families are not penalized in the award of aid because the student works, as I recommended in earlier legislation. We also expand campus-based aid programs, like College Work Study and low-cost Perkins Loans, to reach more students. We improve the federal student loans programs by providing extended repayment for students with large balances and by giving colleges more tools to help their students avoid expensive loans.

Students are also guaranteed a substantially lower student loan interest rate. As many members are aware, the issue of the student loan interest rate has been the most controversial and closely followed issue in this bill. I am very pleased that the solution we put forward today ensures that students will receive the long-term benefit of substantially lower rates. However, I am disappointed that this bill expects taxpayers to foot this bill with a new subsidy to banks. This new entitlement to banks is also costly and raises serious budget concerns on our bill. I am hopeful that we can continue to work on this issue with the majority, the Budget Committee and the Administration to reach a better solution for taxpayers than the one proposed today.

This legislation also includes new authority for the Secretary to explore the potential of distance education and learning. In the past, distance education too often meant correspondence courses with little merit and high cost. Today, the Internet, the World Wide Web, and other emerging technologies offer new opportunities for quality, interactive learning right from a student's home. However, current law provides little opportunity for institutions and their students to explore these exciting opportunities. The bill we introduce today directs the Secretary to undertake and carefully monitor a demonstration program in distance education.

The bill also includes another important initiative to increase access to post-secondary education—the Child Care Access Means Parents in School Act, which Senator SNOWE and I introduced last year. This bill will support

campus-based child care centers meeting the needs of low income students. As the non-traditional student population grows, one of the major obstacles facing students who are parents is locating affordable, quality child care. Campuses are a key place to meet this need. In my home state of Connecticut, all of our community-technical colleges have campus-based child care facilities. The centers provide student-parents with convenient, high quality care and also serve as laboratories for training new child care providers.

Colleges are also our nation's laboratories for training teachers. This bill offers significant new support in this area. The committee has worked hard with its members and developed a comprehensive teacher training program that supports state-level initiatives and local partnerships. This two-track approach will ensure that colleges and schools who work together to improve teacher training will be rewarded at the state level with recognition for achieving higher standards. In another important initiative, this bill also offers teachers working in high poverty schools with loan forgiveness. This effort will provide highly qualified teachers with a powerful incentive to share their talents, skills and knowledge with the neediest children.

Beyond bringing student aid programs in line with today's realities, we also take a key step to modernize and improve the delivery of these crucial student aid programs in the creation of the Performance-Based Organization within the Department of Education. the PBO will administer and deliver all federal student aid. At nearly \$35 billion a year, the complexity of this undertaking demands talent, energy, experience, and performance. A PBO will ensure that the Secretary can recruit the best people to this job and retain them based on their performance.

Mr. President, this is a strong and comprehensive bill. But perhaps most importantly for its future, it is a bipartisan bill. I was pleased to be a part of the effort of our chairman, Senator JEFFORDS, Senator KENNEDY, and Senator COATS in pulling this bill together. It may not be everything any one of us wanted; however, it is what America's students and their families need.

ADDITIONAL COSPONSORS

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title

(relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 1192

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1192, a bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan.

S. 1221

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1221, a bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes.

S. 1260

At the request of Mr. MCCAIN, his name was withdrawn as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1325

At the request of Mr. FRIST, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1534

At the request of Mr. TORRICELLI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1534, a bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces.

S. 1536

At the request of Mr. TORRICELLI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1536, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for

qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases.

S. 1584

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1584, a bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the Medicare program.

S. 1764

At the request of Mr. THURMOND, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1764, a bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1873

At the request of Mr. COCHRAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1873, a bill to state the policy of the

United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1874

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1874, a bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by \$2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 202—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

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

S. RES. 202

Whereas, in the cases of *William L. Singer v. Office of Senate Fair Employment Practices*, No. 98-6002, and *Office of the Senate Sergeant at Arms v. Office of Senate Fair Employment Practices*, No. 98-6003, pending in the United States Court of Appeals for the Federal Circuit, petitioners William L. Singer and the Office of the Senate Sergeant at Arms have

sought review of a final decision of the Select Committee on Ethics, which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the Cases of *William L. Singer v. Office of Senate Fair Employment Practices* and *Office of the Senate Sergeant at Arms v. Office of Senate Fair Employment Practices*.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

SESSIONS (AND OTHERS) AMENDMENT NO. 2166

Mr. SESSIONS (for himself, Mr. LOTT, Mr. ENZI, Mr. HELMS, Mr. GRAMS, Mr. BROWNBACK, Mr. CRAIG, Mr. FRIST, Mr. ASHCROFT, Mr. MACK, Mr. COATS, Mr. GREGG, Mr. SANTORUM, Mr. LIEBERMAN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. NICKLES, Mr. MCCONNELL, Mr. INHOFE, Mr. HUTCHINSON, Mr. COVERDELL, Mr. ABRAHAM, Mr. DEWINE, Mr. HAGEL, Mr. ALLARD, Mr. THURMOND, Mr. SMITH of Oregon, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, and Mr. ROBERTS) proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

At the appropriate place, insert the following:

SEC. ____ FINDINGS; SENSE OF CONGRESS.

- (a) Congress finds that—
 - (1) studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;
 - (2) as most parents meet and exceed the criteria described in paragraph (1), circumstances allowing, parental care is the best form of child care;
 - (3) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";
 - (4) as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

(5) nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

(6) a large number of low- and middle-income families sacrifice a second full-time income so that a mother may be at home with her child;

(7) the average income of 2-parent families with a single income is \$20,000 less than the average income of 2-parent families with 2 incomes;

(8) only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

(9) child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

(10) any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for a young child.

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

(1) many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

(5) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

GREGG AMENDMENT NO. 2167

Mr. GREGG proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual prior to or after the date of the adoption of this resolution.

GREGG (AND OTHERS) AMENDMENT NO. 2168

Mr. GREGG (for himself, Mr. CONRAD, and Mr. LAUTENBERG) proposed an amendment to amendment No. 2167 proposed by Mr. GREGG to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

Strike all after the first word and insert the following:

3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity

will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual or class of individuals prior to or after the date of the adoption of this resolution.

KYL AMENDMENT NO. 2169

Mr. KYL proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, *supra*; as follows:

At the end of title III, add the following:

SEC. ____ SENSE OF CONGRESS REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans.

(2) Most seniors are denied this right by current restrictions on their health care choices.

(3) Affording seniors this option would create greater health-care choices and result in fewer claims being paid out of the near-bankrupt medicare trust funds.

(4) Legislation to uphold this right of health care choice for seniors must protect beneficiaries and medicare from fraud and abuse. Such legislation must include provisions that—

(A) require that such contracts providing this right be in writing, be signed by the medicare beneficiary, and provide that no claim be submitted to the Health Care Financing Administration;

(B) preclude such contracts when the beneficiary is experiencing a medical emergency;

(C) allow for the medicare beneficiary to modify or terminate the contract prospectively at any time and to return to medicare; and

(D) are subject to stringent fraud and abuse law, including the medicare anti-fraud provisions in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to ensure this right.

ALLARD AMENDMENTS NOS. 2170–2172

(Ordered to lie on the table.)

Mr. ALLARD submitted three amendments intended to be proposed by him to the concurrent resolution Senate Concurrent Resolution 86, *supra*; as follows:

AMENDMENT NO. 2170

At the end of title II, add the following:

SEC. ____ REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—In the Senate, beginning with fiscal year 2000 and for every fiscal year thereafter, it shall not be in order to consider any concurrent resolution on the budget, or amendment thereto or conference report thereon, that—

(1) that would cause budgeted outlays for that fiscal year to exceed budgeted revenues; and

(2) does not provide that actual revenues shall exceed actual outlays in order to provide for the reduction of the gross Federal debt as provided in subsection (b).

(b) AMOUNT.—The amount of reduction required by this section shall be equal to the amount required to amortize the debt over the next 30 years in order to repay the entire debt by the end of fiscal year 2028.

(c) WAIVER.—The Senate may only waive the provisions of this section for a fiscal year in which a declaration of war is in effect.

(d) PASSAGE OF REVENUE INCREASE.—No bill to increase revenues shall be deemed to have passed the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

AMENDMENT NO. 2171

At the end of the budget resolution add the following new section:

SEC. . SENSE OF THE SENATE ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Senate Finds that—

(1) Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including money borrowed from the Social Security Trust Fund;

(2) the Congress and the President should enact a law that creates a regimen for paying off the Federal debt within 30 years;

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

(1) the Congress provide for the amortization of the Federal debt over 30 years, including money borrowed from the Social Security Trust Fund.

AMENDMENT NO. 2172

At the end of title II, add the following:

SEC. . USE OF BUDGET SURPLUS FOR DEBT REDUCTION

(a) DEBT REDUCTION RESERVE FUND.—The budget resolution shall include a Debt Reduction Reserve Fund (referred to as the "reserve fund") for the budget year if a unified budget surplus will occur in the budget year.

(b) AMOUNT OF RESERVE.—The amount of the reserve fund shall equal the total amount of any surplus not exceeding \$11,750,000,000.

(c) USE OF RESERVE FUND.—Amounts set aside in the reserve fund shall be used to reduce the debt and may not be expended for any purpose.

DODD AMENDMENT NO. 2173

Mr. CONRAD (for Mr. DODD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, *supra*; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE IMPROVEMENTS.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the affordability, availability, and quality of child care and to support families' choices in caring for their children, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

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

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

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to

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

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

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

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

CONRAD (AND OTHERS) AMENDMENT NO. 2174

Mr. CONRAD (for himself, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. REED, and Mr. KENNEDY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, *supra*; as follows:

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 legislation 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; or

(D) increased funding for health research; and

(2) savings for the Medicare Hospital Insurance Trust Fund.

(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.

**MOSELEY-BRAUN (AND BINGAMAN)
AMENDMENT NO. 2175**

Mr. CONRAD (for Ms. MOSELEY-BRAUN for herself and Mr. BINGAMAN) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING
SCHOOL MODERNIZATION AND CONSTRUCTION.**

(a) FINDINGS.—The Senate finds that—

(1) the General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States;

(2) the General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs;

(3) the General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced;

(4) the condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility;

(5) the General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems;

(6) the Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools;

(7) the General Accounting Office has determined the cost of bringing schools up to good, overall condition to be \$112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels;

(8) schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is \$754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and

are less able to support computer and communications technology;"

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement;

(10) the Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction; and

(11) the Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume the enactment of legislation to allow States and school districts to issue \$21.8 billion worth of zero-interest school modernization bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments.

BOXER AMENDMENT NO. 2176

Mr. CONRAD (for Mrs. BOXER) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

On page 16, line 9, increase the amount by \$50,000,000.

On page 16, line 10, increase the amount by \$6,000,000.

On page 16, line 13, increase the amount by \$50,000,000.

On page 16, line 14, increase the amount by \$40,000,000.

On page 16, line 17, increase the amount by \$50,000,000.

On page 16, line 18, increase the amount by \$49,000,000.

On page 16, line 21, increase the amount by \$50,000,000.

On page 16, line 22, increase the amount by \$50,000,000.

On page 16, line 25, increase the amount by \$50,000,000.

On page 17, line 1, increase the amount by \$50,000,000.

On page 25, line 8, decrease the amount by \$50,000,000.

On page 25, line 9, decrease the amount by \$6,000,000.

On page 25, line 12, decrease the amount by \$50,000,000.

On page 25, line 13, decrease the amount by \$40,000,000.

On page 25, line 16, decrease the amount by \$50,000,000.

On page 25, line 17, decrease the amount by \$49,000,000.

On page 25, line 20, decrease the amount by \$50,000,000.

On page 25, line 21, decrease the amount by \$50,000,000.

On page 25, line 24, decrease the amount by \$50,000,000.

On page 25, line 25, decrease the amount by \$50,000,000.

BROWNBACK AMENDMENT NO. 2177

Mr. BROWNBACK proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE ON ECONOMIC
GROWTH, SOCIAL SECURITY, AND
GOVERNMENT EFFICIENCY.**

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

(1) the elimination of a discretionary spending program may be used for either tax cuts or to reform the Social Security system.

(2) the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and other appropriate budget rules and laws should be amended to implement the policy states in paragraph (1).

BURNS AMENDMENT NO. 2178

Mr. BURNS proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AGRICULTURAL TRADE PROGRAMS.

It is the sense of the Senate that the functional totals in this concurrent resolution assume the Secretary of Agriculture will use agricultural trade programs established by law to promote, to the maximum extent practicable, the export of United States agricultural commodities and products.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 1, 1998, 1:30 p.m., in SD-430 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1882, Higher Education Act Amendments of 1998.

2. S. 1754, the Health Professions Education Partnerships Act of 1998.

3. Presidential nominations.

For further information, please call the committee, 202/224-5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, April 1, 1998 at 10:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct a mark-up on the following business: (1) the nomination of Katherine Archuleta of Denver, Colorado to serve on the Board of Directors of the Institute of American Indian and Alaska Native Culture and Arts Development; (2) S. 1279, Indian Employment, Training and Related Services Demonstration Act Amendments of 1997; and (3) S. 1797, the Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998 to be followed immediately by a hearing on amendments to the Indian Gaming Regulatory Act of 1998.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, April 2, 1998 at 9:00 a.m. in SR-328A. The purpose of this meeting will be to examine recently proposed legislation aimed at managing animal waste.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, April 2, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Metered Dose Inhalers. For further information, please call the committee, 202/224-5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Monday, March 30, 1998, at 2 p.m. for a hearing on the nominations of Elaine D. Kaplan to be the special counsel in the Office of Special Counsel, and Ruth Y. Goldway to be Commissioner of the Postal Rate Commission.

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

ADDITIONAL STATEMENTS

VENEZUELA'S IMPORTANCE TO HEMISPHERIC ENERGY SECURITY

• Mr. MURKOWSKI. Mr. President, recently some of my colleagues on the Energy Committee and I traveled to Venezuela to tour some of the oil and gas operations run by the state-owned oil company, Petroleos de Venezuela, S.A. (PDVSA), and to learn more about the U.S.-Venezuela relationship on energy matters. Not many weeks prior to our trip, I had traveled to Venezuela for the first time to attend and address the Hemispheric Energy Conference in Caracas, which was co-chaired by Energy Secretary Federico Pena.

As Chairman of the Committee on Energy and Natural Resources, I believe my colleagues should know the important role Venezuela plays in U.S. and hemispheric energy security. And, as a Senator strongly committed to preserving and strengthening the U.S. oil and gas industry, I believe it is essential that we understand to the fullest extent possible the relationships between our countries and energy industries, and how we stand in relation to the rest of the world. I think it is safe to say, Mr. President, that very few people in our country appreciate Venezuela's importance in the global energy picture.

Our visit to Venezuela was particularly timely in light of the recent drop in world oil prices and the agreement among OPEC and non-OPEC members to curtail production to halt the downward fall in prices. Venezuela is a member of OPEC, and is a country others are looking to for cooperation in scaling down production.

What my colleagues and I learned about Venezuela's energy industry

from our brief visit, Mr. President, is very impressive. I want to share some of the information we gathered with the rest of our colleagues in the Senate.

The United States and Venezuela have a long history of cooperation on energy matters. Venezuela has continuously provided oil to the U.S. for more than 70 years. During World War II, the Korean War, the conflict in Vietnam, and more recently the oil embargos and Persian Gulf War, Venezuela has been a stable and reliable source of oil for the United States. The U.S. presently imports just under 1.5 million barrels of oil a day from Venezuela, making Venezuela the largest supplier of crude. Venezuela, Mexico and Canada are the leaders in the Western Hemisphere in supplying oil to the U.S., which imports 52 percent of its daily production from that region.

Because of the proximity of our two countries, and certain synergies in our energy industries, the U.S. and Venezuela now enjoy a robust energy relationship that is triggering economic development and opening new trade and investment opportunities in both countries. To date, Venezuela's oil company has invested \$2 billion in the U.S., and is importing hundreds of millions of dollars in U.S. goods and services used for energy production in Venezuela. A new bilateral investment protection treaty presently being negotiated between the two countries will afford U.S. investors greater safeguards in such important areas as capital transfers, international arbitration, intellectual property rights and others, and will put U.S. investors on an even playing field with investors from other countries.

Venezuela has 75 billion barrels of proven conventional crude oil reserves, ranking fifth-largest in the world and first outside of the Middle East. By comparison, U.S. crude oil reserves are three times smaller. In Venezuela's Orinoco Belt, which we visited, there are 1.2 trillion barrels of extra-heavy oil in place. Using a conservative rate of recovery of 20 to 25 percent at today's technology, it is estimated that 270 to 320 billion barrels of this resource could be recovered and used as a boiler fuel. In addition, Venezuela has 146 trillion cubic feet of natural gas reserves, which rank seventh-largest in the world. The U.S. is sixth in the world with 165 trillion cubic feet of natural gas reserves.

Mr. President, Venezuela is prepared to share its abundant oil resources with the rest of the world, and is implementing plans to almost double oil production from 3.7 to 6.5 million barrels per day by the year 2007. In order to do so, PDVSA plans to invest \$65 billion in the next 10 years, \$37 billion of which will come from its own revenue stream. \$18 billion will come from PDVSA's foreign partners, and \$10 billion will come from strategic alliances with foreign firms. Of the \$65 billion total investment, PDVSA plans to invest \$1.5 billion in the U.S.

To expand production and improve operating efficiency, PDVSA has undertaken several rounds of "oil openings," a process in which participation of companies operating around the world is solicited in an open bidding process. In the first round of bidding, ten light- and medium-crude fields were opened to foreign investment. Eight of the ten successful bidders were companies operating in the U.S.—Amoco, BP America, Benton Oil and Gas Company, Dupont Conoco, Enron Oil and Gas Company, Louisiana Land and Exploration Company, Maxus Energy Corp., and Mobil Corp.

PDVSA is involved in five joint ventures with U.S. companies to open Venezuela's extensive heavy oil reserves in the eastern Orinoco Belt and the western Boscan field. Those companies are Arco, Chevron, Conoco, Mobil and Total, N.A.

In addition, PDVSA has issued more than a dozen contracts to companies to develop marginal and inactive oil fields that contain approximately 2 billion barrels of light and medium crude oil. Those companies include Amoco, Benton Oil and Gas Co., Chevron, Mosbacher Energy Company, Occidental, Pennzoil, Total, and Shell.

Similar opportunities for investment in Venezuelan joint ventures lie ahead for U.S. companies.

Mr. President, the harsh reality is that the U.S. will import greater and greater amounts of oil to meet its domestic energy needs in the coming decades, notwithstanding our efforts to maintain a viable domestic oil and gas industry. Presently, the U.S. is importing about 54 percent of its daily crude oil needs, and that level is expected to exceed 60 percent in a few short years.

I believe U.S. government policies should favor reasonable oil and gas exploration and production efforts, fair royalty and tax treatment, and balanced environmental and conservation measures so that we can produce our own energy for our growing economy. Unfortunately, the Administration does not have those goals in mind, and does not see the importance of setting a national energy policy.

In my State of Alaska, we have potentially large untapped crude oil reserves in the ANWR and on the Alaska Outer Continental Shelf. The Administration does not support environmentally responsible exploration of ANWR, however. Elsewhere in the lower 48 states, the Administration is frustrating exploration and production activities on federal lands by removing promising acreage from inventory of lands accessible for exploration purposes, and is making more difficult the job of producing energy by imposing onerous economic and regulatory requirements.

Now, at a time when world oil prices are plummeting to record lows, it will be more and more difficult for American companies to produce oil at a reasonable price. While this is good news

to the people of the U.S. because gasoline is at its lowest price ever when adjusted for inflation, it is not welcome news to small and independent oil and gas producers who will be especially hard hit, or to the larger energy producing companies.

It stands to reason, Mr. President, that the U.S. economy and industrial sector will benefit during times of low energy prices. The bad news is that there is a down-side to lower energy prices, and one that few people fully appreciate. When world oil prices fall below a certain level, as they have recently, the U.S. stands to lose production from stripper wells and marginally economic wells, along with the jobs associated with those wells. That, in turn, has ripple effects elsewhere in the economy through loss of jobs in the industries that supply goods and services to producers, and in the communities where they operate.

While we can take comfort in knowing that Venezuela is prepared to meet our oil import needs now and in the future, Mr. President, our trip served to bring more clearly into focus the U.S. energy situation and the need for policies and programs to preserve domestic production so that the current price situation does not cause permanent loss of jobs and domestic oil and gas reserves.

I intend to take important steps in the coming weeks to address the U.S. energy situation, Mr. President.●

HONORING RICHARD M. WILLIAMS FOR 24 YEARS OF SERVICE

● Mr. LEAHY. Mr. President, I rise today to pay tribute to a man who has spent the last twenty four years of his life working to ensure that Vermonters who are struggling to make ends meet, can afford to keep a roof over their heads. Richard Williams is far too humble to ask for recognition for those years of service, but that service has meant too much to go unrecognized.

The Vermont State Housing Authority (VSHA) was the first statewide housing authority in the United States, and Richard has been with it almost from the beginning. He came to VSHA in 1974 as an accountant when the organization itself was only six years old. Through the years he has served as Director of Fiscal Management, Deputy Director, and since 1984, Executive Director.

Under his leadership, VSHA has grown considerably. Today it administers the Section 8 program providing 4,585 families with rental assistance. The organization's non-profit arm, The Housing Foundation Inc. (HFI), which Richard helped to establish, created additional units of affordable housing and mobile home park lots. Through the HFI and various partnerships 1,050 units of affordable housing are now available for low-income families in Vermont. Just recently, Richard oversaw a creative interpretation of the tax code which, with the help of

the Howard Bank, produced an \$8.1 million tax exempt bond to refinance most of the mobile home parks in The Housing Foundation portfolio, to the benefit of 565 Vermont households.

But Richard was never content to limit himself to the work of VSHA. He sits on more boards and has served in more associations than I could recount here today. Among them are the Governor's Housing Council, the Advisory Group for the Consolidated Plan, and the Low-Income Housing Tax Credit Committee. With all of these commitments, it amazes me that he gets any rest at all. Vermonters are fortunate indeed to have someone so dedicated to making housing affordable for all, and who apparently needs so little sleep.

This year, the Vermont State Housing Authority is celebrating its thirtieth anniversary, and that is indeed cause for celebration. I applaud VSHA for thirty years of outstanding service to Vermont, and at the same time recognize Richard Williams for the large part he has played in that success. I know I speak for thousands of Vermonters who have a roof over their heads today because of his efforts, in saying thank you to Richard for twenty four years of service to Vermont.●

EXTENSION OF DEADLINE FOR SUBMISSION OF COMMISSION REPORT

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Intelligence Committee be discharged from further consideration of S. 1751, and, further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1751) to extend the deadline for submission of a report by the Commission to Assess the Organization of the Federal Government to combat the proliferation of weapons of mass destruction.

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

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 1751) was read the third time passed.

The bill is as follows:

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR SUBMISSION OF COMMISSION REPORT.

Section 712(c)(1) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (contained in Public Law 104-293)

is amended by striking "enactment of this Act" and inserting "first meeting of the Commission".

AUTHORIZATION FOR SENATE LEGAL COUNSEL REPRESENTATION

Mr. DEWINE. Mr. President, further, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 202 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 202) to authorize representation by the Senate legal counsel.

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

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

Mr. LOTT. Mr. President, as my colleagues are aware, the Congressional Accountability Act of 1995 created procedures for judicial review of employment discrimination claims throughout the Congress to govern cases arising after the requirements of the law took effect on January 23, 1996. The Senate's antecedent process for review of discrimination claims in Senate employment, which was created by the Government Employee Rights Act of 1991, continues to govern older cases. The cases of William L. Singer versus Office of Senate Fair Employment Practices and Office of the Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, now pending in the United States Court of Appeals for the Federal Circuit, arise under the 1991 Act.

These consolidated cases present the Federal Circuit with two petitions for review of the same underlying order. The first petition was filed by William Singer, a former member of the Capitol Police. After Officer Singer filed his petition for review, the Office of the Senate Sergeant at Arms, Officer Singer's "employing office" under the statute, filed its own petition for review. Both petitions seek review of a ruling of the Select Committee on Ethics concerning Officer Singer's request for reimbursement of attorneys' fees incurred in an underlying employment discrimination action.

Under the Government Employee Rights Act, a final decision of the Ethics Committee is entered in the records of the Office of Senate Fair Employment Practices, which is then named as the respondent if the decision is challenged in the Federal Circuit. As petitions for review in the Federal Circuit challenge final decisions of a Senate adjudicatory process, under the Government Employee Rights Act the Senate Legal Counsel may be directed to defend those decisions through representation of the Office of Senate Fair Employment Practices in court.

Accordingly, this resolution directs the Senate Legal Counsel to represent

the Office of Senate Fair Employment Practices, in the cases of Singer versus Office of Senate Fair Employment Practices and Office of the Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, in defense of the Ethics Committee's final decision.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this measure appear at this point in the RECORD.

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

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 202

Whereas, in the cases of William L. Singer v. Office of Senate Fair Employment Practices, No. 98-6002, and Office of the Senate Sergeant at Arms v. Office of Senate Fair Employment Practices, No. 98-6003, pending in the United States Court of Appeals for the Federal Circuit, petitioners William L. Singer and the Office of the Senate Sergeant at Arms have sought review of a final decision of the Select Committee on Ethics, which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f) (1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections

703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994); Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the cases of William L. Singer v. Office of Senate Fair Employment Practices and Office of the Senate Sergeant at Arms v. Office of Senate Fair Employment Practices.

ORDERS FOR TUESDAY, MARCH 31, 1998

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that at 10 a.m. on Tuesday, the Senate resume consideration of the Sessions amendment No. 2166, and there will be 30 minutes of debate equally divided between the proponents and opponents. I further ask consent that following that time the Senate then proceed to a vote on or in relation to amendment No. 2166, and that no second-degree amendments be in order to that amendment. I finally ask consent that following that vote the Senate resume debate on the Murray amendment No. 2165.

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

Mr. DEWINE. Mr. President, again on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, March 31, and immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. Con. Res. 86, the budget resolution, with the time between 9:30 a.m. and 10 a.m. being equally divided between the two managers.

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

Mr. DEWINE. Mr. President, I also ask unanimous consent that from 12:30

p.m. to 2:15 p.m. the Senate stand in recess for the weekly policy luncheons to meet.

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

PROGRAM

Mr. DEWINE. Again, on behalf of the majority leader, tomorrow the Senate will resume consideration of the budget resolution. At 10 a.m. the Senate will resume consideration of the Sessions amendment No. 2166 with 30 minutes of debate equally divided, with a vote occurring on or in relation to the amendment at approximately 10:30 a.m. Following that vote, the Senate will resume debate on the Murray amendment No. 2165.

During Tuesday's session of the Senate, Members can anticipate debate on a number of amendments expected to be offered to the budget resolution. Any Members wishing to offer amendments should contact the managers of their intentions.

In addition, the Senate may consider any executive or legislative business cleared for Senate action. Therefore, Members can anticipate a very busy week of floor action.

As a reminder to all Senators, tomorrow the first vote will occur at approximately 10:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Tuesday, March 31, 1998, at 9:30 a.m.