

budget into balance, including such reforms as a requirement that the annual budget resolution be signed into law by the President, the implementation of zero-based budgeting which requires the reauthorization of most current Federal spending programs in order for them to remain eligible for funding; the application of the Social Security spending formula to other entitlement programs; and an extension to the year 2002 of the limits placed on discretionary spending. These requirements will be enforced with 60-vote points of order and other mechanisms.

This is the path to a balanced budget. I hope those of my colleagues who have requested such guidance will join me in following it.

I ask unanimous consent that a more detailed explanation of the legislation be printed at the conclusion of my remarks.

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

#### BALANCED BUDGET IMPLEMENTATION ACT— OUTLINE

(By Senator Phil Gramm)

A bill to require and implement a balanced budget by the year 2002.

#### TITLE 1.—REQUIRE A JOINT BUDGET RESOLUTION TO FORCE JOINT ACTION BETWEEN CONGRESS AND THE PRESIDENT

(A) Joint resolution on the Budget: To remedy the lack of cooperation and coordination between the President and Congress resulting from the Congressional Budget and Impoundment Control Act of 1974 which created two budgets—one Executive and one Congressional—the Balanced Budget Implementation Act converts the present concurrent resolution on the budget into a joint resolution on the budget which must be signed by the President, ensuring joint Congressional and Executive branch consensus on and commitment to each annual budget.

#### TITLE 2.—ZERO-BASED BUDGETING & DECENNIAL SUNSETTING

(A) For FY 1996 and FY 1997, Congress must re-authorize all discretionary programs and all unearned entitlements: The Balanced Budget Implementation Act adopts President Carter's zero-based budgeting concept, mandating that before FY 1996 begins, the spending authority for all unearned entitlements, and the spending authority for the most expensive one-third of discretionary programs will expire. Entitlements earned by service or paid for in total or in part by assessments or contributions shall be deemed as earned, and their authorization shall not expire. Entitlements not sunsetted include Social Security, veterans benefits, retirement programs, Medicare and others. Before FY 1997, the spending authority of the remaining discretionary programs will expire.

#### Specifics

By the beginning of FY 1997, all unearned entitlements and discretionary programs will be subject to re-authorization. If a specific unearned entitlement or discretionary program is not re-authorized in a non-appropriations bill, it cannot be funded and will be terminated.

(B) Unauthorized programs cannot receive appropriations: The Balanced Budget Implementation Act creates a point of order in both Houses against any bill or provision thereof that appropriates funds to a program for which no authorization exists.

#### Specifics

Such point of order can be waived only by the affirmative vote of 3/5ths of the whole membership of each House. Appeals of the ruling of the Chair on such points of order also require a 3/5ths affirmative vote of the whole membership of each House.

A 3/5ths point of order shall lie against any authorization that is contained in an appropriation bill.

(C) All discretionary programs and unearned entitlements must be reauthorized every ten years: In the first session of the Congress which follows the decennial Census reapportionment, the spending authority for all unearned entitlements and the most expensive one-third of all discretionary programs will expire for the fiscal year that begins in that session. In the second session of that Congress, the spending authority for the remaining discretionary programs will expire for the fiscal year that begins in that session. This provision will be enforced by the points of order contained in Section B) above.

#### TITLE 3.—LIMIT THE GROWTH OF ENTITLEMENTS TO THE GROWTH RATE OF SOCIAL SECURITY

(A) The Balanced Budget Implementation Act adopts President Bush's proposal to limit the aggregate growth of all entitlements other than Social Security to the growth rate formula of Social Security for the period FY 1996 to FY 2002: The aggregate growth of all entitlements other than Social Security is limited to the growth rate formula of Social Security, which is the consumer price index and the growth in eligible population.

(B) The Balanced Budget Implementation Act provides flexibility in the growth rate of entitlement programs: An individual entitlement program can grow faster than the overall entitlement cap as long as the aggregate growth in all entitlements (other than Social Security) does not exceed the entitlement cap.

(C) From FY 1996 to FY 2002, the aggregate spending growth cap on entitlements will be enforced by an entitlement sequester: The Balanced Budget Implementation Act provides that if aggregate spending growth in entitlements exceeds the total growth in consumer prices and eligible population, an across-the-board sequester to eliminate excess spending growth will occur on all entitlements other than Social Security. A 3/5ths vote point of order lies against any effort to exclude any entitlement from this sequester. This sequester would be in effect until Congress passes legislation which brings the entitlement program back within the cap, and the President signs the bill.

#### TITLE 4.—ESTABLISH FIXED DEFICIT TARGETS, RESTORE AND STRENGTHEN GRAMM-RUDMAN, AND REQUIRE A BALANCED BUDGET BY 2002

(A) Restore the fixed deficit targets of Gramm-Rudman (GR) enacted by President Reagan: The Balanced Budget Implementation Act modifies the existing GR maximum deficit amounts and extends the GR sequester mechanism to balance the budget by FY2002 and annually thereafter.

The Fixed deficit targets established for the next seven fiscal years will result in a balanced budget by the fiscal year 2002:

Fiscal year:	Billions
1996 .....	\$145
1997 .....	120
1998 .....	97
1999 .....	72
2000 .....	48
2001 .....	24
2002 .....	0

The new maximum deficit amounts will be enforced by the existing GR deficit sequester. After reaching a balanced budget, the

GR sequester mechanism will become permanent to ensure the budget stays in balance.

(B) Strengthen the GR points of order: The Balanced Budget Implementation Act requires the strengthening of the existing GR budget points of order.

#### Specifics

A point of order will lie against all actions that 1) increase the deficit or 2) increase the limit on national debt held by the public beyond the deficit levels required in Section A & B (above). This point of order will lie in both Houses, and may be waived only by a 3/5ths vote of the whole membership of each House. An appeal of the point of order can only be waived by a 3/5ths vote. No rule in either House can permit waiver of such a point of order by less than 3/5ths affirmative vote of the whole membership of such House nor can such point of order be waived for more than one bill per vote on such point of order.

Once the budget is balanced, all points of order will become permanent to ensure the budget stays in balance.

(C) Protect Social Security: Social Security will be protected fully by 1) preserving the existing points of order to protect the Social Security trust fund; and 2) providing expedited procedures in 2002 for consideration of additional legislation to balance the budget excluding the Social Security Trust Fund.

(D) Extend the Discretionary Spending Caps: President Clinton proposed extending the existing caps on total discretionary budget authority and outlays to cover the fiscal years 1999 and 2000. That cap will be extended to also apply to the fiscal year 2001 and 2002, at the same level of President Clinton's proposed extension.

#### Outlays

Fiscal year:	Billions
1998 .....	\$542.4
1999 .....	542.4
2000 .....	542.4
2001 .....	542.4
2002 .....	542.4

(E) Look Back Sequester: In the last quarter of every fiscal year, a "look back" sequestration is required to eliminate any excess deficit for the current year. This look back sequester will guarantee that the actual deficit target set for that year is achieved.

#### Specifics

On July 1 of every fiscal year, the Office of Management and Budget (OMB) will order an initial look back sequester based on the most recent OMB deficit estimates. On July 15, the OMB Mid-Session Review will update and finalize the sequester order. The final order will stay in effect unless offset by appropriate legislation to bring the deficit into compliance with that year's target.

#### APPOINTMENTS BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted on April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from West Virginia [Mr. BYRD] as minority administrative co-chairman; and

The Senator from Georgia [Mr. NUNN] as cochairman for the minority.

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



The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Bill Roth, J.M. Inhofe, Paul D. Coverdell, Bill Frist, Slade Gorton, Olympia Snowe, Spencer Abraham, Rick Santorum, Bob Smith, Jon Kyl, Dan Coats, Craig Thomas, Conrad Burns, Phil Gramm, Thad Cochran, Mitch McConnell, Richard Shelby, Fred Thompson.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, although progress has been made today, there are still approximately 30 amendments on the list to be considered. The managers say many of those approximately 30, at least some of them, will not be offered. But until they are formally stricken from the list, there is still the risk they could each be called up. The majority leader has made it very clear. He has been very patient in trying to work through this bill and the amendments thereto. The bill's managers certainly have been working very assiduously to try to reduce the amendment list and bring this to closure.

Also, the leader has made it clear he intends for us to complete this bill this week. In order to do that we have to work through this list, either have them stricken or acted on. If we do not get them completed tomorrow at a reasonable time, then it would go beyond that.

I understand there are only a few issues that still really need to be resolved. However, if they cannot be resolved amicably then it may be necessary to close off debate. If cloture is invoked, I am not sure exactly how many of these amendments are not germane, but those that are not germane would then be dealt with through the cloture motion and we could move on to the remaining amendments.

If going through cloture appears to be necessary tomorrow afternoon, it will be agreeable to this side of the aisle to waive the intervening day and have the cloture vote tomorrow. But I know there would be discussion between the majority leader and the minority leader before that would be done. I just wanted to put that out on

the RECORD tonight. Perhaps we can get this thing really moving tomorrow, and it will not be necessary. But in order to deal with the time requirements, it was essential we put the cloture motion down at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the hour is late. I do not plan to debate this. In fact, there is no debate on a cloture motion, obviously. It can be filed at any time.

I am sorry it has to be filed or the majority feels it has to be filed in that I think we have had a very productive day here. We have worked very hard all day today. I just asked staff to total up what we had done today. We had five amendments accepted, one was withdrawn, and one was set aside. In that breakdown of five that were accepted, three were Democratic ones and two Republican. We had one amendment debated that was put over for vote tomorrow, and that vote will occur tomorrow morning. And we had three amendments tabled.

That is 11 effective actions on this bill today. I think that is rather good progress. I would say to my friend from Mississippi—we will not go into the whole litany of how we got to where we are—but we lost the first several days working on this bill basically because of what happened in committee, where we had actions taken in committee to speed this to the floor that prohibited any amendments. We were guaranteed once this reached the floor there would be plenty of time for all the amendments, to take them up on the floor. Now we get to the floor and the attempt is made to restrict or at least discourage amendments from coming up. That violates at least the spirit of what we were told in committee.

In committee also, the action there that caused us to lose quite a bit of time was the action wherein there was not a committee report sent. For those who are not familiar with how important a committee report is, it is what in layman's language explains to all the Senators and their staffs what the technical legalese language is in the bill itself. So on something like this that really is landmark legislation, that report was very important. We objected to the bill being filed without the report. We were voted down on that, and that was the issue that Senator BYRD took up—and quite successfully. On that issue alone, we spent some 2 or 2½ days.

Then we are finally told we can get the report, but then when the time came for the report to be filed it was not filed and we lost another day. Then we found out the Budget Committee, which also has jurisdiction over this, had not filed their report and that took another day.

So about the first 5 days, in fact the first week that this legislation was up, I submit we lost that time basically because of the actions that were taken in committee that I have never seen—in

my 20 years here, I have never seen actions like that, where the minority was denied a report.

I know I chaired the Committee on Governmental Affairs for some 8 years, and the only time we ever sent a bill to the floor without a report was with the complete acceptance of that move by the minority. So I think the first 5 days we can mark off as being days, rancorous though they were here on the floor, that were caused by the attempt to bypass the normal procedures of the Senate.

I think with all that behind us, we are back on track now. We are dealing with this. I want to move as forcefully and as fast as possible. We had a good day yesterday. I do not have a summary of what happened yesterday, but today we have had 11 effective actions and I just hope we can continue moving tomorrow and I hope we do not have to exercise a cloture motion. I just wanted to spell that out.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, I want to say again I know the distinguished Senator from Ohio has worked very hard to try to move it forward. I know it has not been easy. I know he worked on it last year and great progress was made last year. That effort made it possible for us to have a bill this early in this session. I acknowledge that, and I want to take this opportunity on behalf of all his colleagues to commend him, and certainly our distinguished colleague from Idaho, Senator KEMPTHORNE, who has really been very diligent in trying to work through this, also.

But I do want to point out a couple of things. This is the 9th day that we have been on this bipartisan, I thought relatively noncontroversial, bill. There have been some actions that have been taken that have added some language to the bill. I believe the Senator would say he has made some improvements as he has gone along.

Mr. GLENN. Will the Senator yield?

Mr. LOTT. Sure.

Mr. GLENN. As I pointed out a moment ago, 9 days is correct that we have been on this bill. The first 5 days we lost, as far as effective action on the bill goes, because of what happened in the committee and the speed of putting in the bill in the Senate one day, having a hearing the next day, the markup the third day, no report, and over our objections in the minority. We had repeated votes in committee, and it was a wrangle over that here on the floor—my distinguished colleague from West Virginia was involved. It was that wrangle on the floor about the filing of reports that were not filed when they were supposed to be, even after agreement they would be filed—it was that issue alone that caused us to lose the first 5 days.

The last 4 days, where we have really been operating on this bill, especially the last 2 days, we have made excellent progress. As I said—we read off the list