

night is to stop the bickering and to show that we can get together. This Senator would say, in the extreme, of course, let's continue the bickering because, with the bickering, we are bound to get, under a unified budget, the Government back into the black. Stay the course.

In fact, I offered an amendment earlier this year to not cut any taxes and not increase any spending. Now, what has been done in this particular agreement? Well everybody admits we are spending more than \$100 billion more than we are taking in. If that's the case, what you want to do is cut spending and increase your revenues. Instead, we increased spending some \$52 billion, under this agreement last night, and we cut the revenues—instead of \$85 billion, we cut the revenues some \$90 billion.

So, as a result of the 1993 budget agreement and enactment, we are momentarily on course, having reduced the deficit each year for 5 years. Yet you are hearing shouts in the halls that, "this is the first tax cut since 1981." We ought to say we got the first tax cut since the disaster of 1981, because the result of 1981, of Reaganomics, is that we are still spending over \$100 billion more than we are taking in. So we are still in the red. The debt increases, the interest costs increase. So, under this so-called balanced budget agreement, the debt continues to grow, and our Government continues to borrow more and more money.

We are talking now about how we helped families with the child credit and by cutting taxes, but, in actuality, we have increased the taxes for children because we, the senior citizens, are going to move right along and leave them with the bill.

My distinguished chairman is here. I will be able to elaborate, Mr. President, in a more appropriate fashion at an appropriate time. I think there ought to be a note of sobriety with the "Santa Claus in July" that we are now experiencing here this morning that everybody won. The truth of the matter is that we have changed course, once again, to cutting taxes and increasing spending. Under a budget of that kind, there is no way for us to get really into the black and start reducing that debt and the carrying charges that are some \$285 billion more than back in 1981. We are spending \$285 billion more in interest costs than we were in 1981 for absolutely nothing.

As the chairman of the Appropriations Committee, the distinguished Presiding Officer, would realize, if we had that \$285 billion, we could satisfy every subcommittee chairman on the 602(b) allocation, we could build many bridges, we could do all the research at NIH we need, we could double the President's request on education; we could have better housing, highways, and everything else of that kind. So that is not the case. I think what we ought to do is look at the reality.

I yield the floor.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 1024 THROUGH 1031, EN BLOC

Mr. GREGG. Mr. President, I send a managers' package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], proposes amendments numbered 1024 through 1031, en bloc.

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

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

The amendments are as follows:

##### AMENDMENT NO. 1024

(Purpose: To improve the bill)

On page 77, line 16, strike "\$1,995,252,000" and insert "\$1,999,052,000".

On page 77, line 16, after "expended", insert the following: ", of which not to exceed \$3,800,000 may be made available to the Secretary of Commerce for a study on the effect of intentional encirclement, including chase, on dolphins and dolphin stocks in the eastern tropical Pacific Ocean purse seine fishery".

On page 77, line 26, strike "\$1,992,252,000" and insert "\$1,996,052,000".

On page 100, line 24, strike "\$75,000,000" and insert "\$105,000,000".

##### AMENDMENT NO. 1025

(Purpose: To improve the bill)

At the appropriate place, insert the following:

Notwithstanding any other provision of law and pursuant to the fiscal year 1997 Emergency Supplemental Act (Public Law 105-18) Subsection 2004, funding for the following projects is to be made available from prior year carryover funds: \$200,000 for the Ship Creek facility in Anchorage, Alaska; \$1,000,000 for the construction of a facility on the Gulf Coast in Mississippi; and \$300,000 for an open ocean aquaculture project and community outreach program in Durham, New Hampshire.

##### AMENDMENT NO. 1026

(Purpose: To require the Attorney General to submit a report on the feasibility of requiring convicted sex offenders to submit DNA samples for law enforcement purposes)

At the appropriate place in title I of the bill, insert the following:

#### SEC. . REPORT ON COLLECTING DNA SAMPLES FROM SEX OFFENDERS.

(a) DEFINITIONS.—In this section—

(1) the terms "criminal offense against a victim who is a minor", "sexually violent offense", and "sexually violent predator" have the meanings given those terms in section 170101(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a));

(2) the term "DNA" means deoxyribonucleic acid; and

(3) the term "sex offender" means an individual who—

(A) has been convicted in Federal court of—

(i) a criminal offense against a victim who is a minor; or

(ii) a sexually violent offense; or

(B) is a sexually violent predator.

(b) REPORT.—From amounts made available to the Department of Justice under this title, not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include a plan for the implementation of a requirement that, prior to the release (including probation, parole, or any other supervised release) of any sex offender from Federal custody following a conviction for a criminal offense against a victim who is a minor or a sexually violent offense, the sex offender shall provide a DNA sample to the appropriate law enforcement agency for inclusion in a national law enforcement DNA database.

(c) PLAN REQUIREMENTS.—The plan submitted under subsection (b) shall include recommendations concerning—

(1) a system for—

(A) the collection of DNA samples from any sex offender;

(B) the analysis of the collected samples for DNA and other genetic typing analysis; and

(C) making the DNA and other genetic typing information available for law enforcement purposes only;

(2) guidelines for coordination with existing Federal and State DNA and genetic typing information databases and for Federal cooperation with State and local law in sharing this information;

(3) addressing constitutional, privacy, and related concerns in connection with the mandatory submission of DNA samples; and

(4) procedures and penalties for the prevention of improper disclosure or dissemination of DNA or other genetic typing information.

##### AMENDMENT NO. 1027

(Purpose: To express the Sense of the Senate that the Federal government should not withhold universal service support payments)

At the appropriate place, insert the following:

#### SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT MANIPULATE UNIVERSAL SERVICE SUPPORT PAYMENTS TO BALANCE THE FEDERAL BUDGET.

The Congress finds that:

(A) it reaffirmed the importance of universal service support for telecommunications services by passing the Telecommunications Act of 1996;

(B) the Telecommunications Act of 1996 required the Federal Communications Commission to preserve and advance universal service based on the following principles:

(1) Quality services should be available at just, reasonable, and affordable rates;

(2) Access to advanced telecommunications and information services should be provided in all regions of the Nation;

(3) Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advance telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services;

(4) All providers of telecommunications services should make an equitable and non-discriminatory contribution to the preservation and advancement of universal service;

(5) There should be specific, predictable, and sufficient Federal and State mechanisms

to preserve and advance universal service; and

(6) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services;

(C) Federal and state universal contributions are administered by an independent, non-federal entity and are not deposited into the Federal Treasury and therefore not available for Federal appropriations;

(D) the Conference Committee on the Balanced Budget Reconciliation Act of 1997, is considering proposals that would withhold Federal universal service funds in the year 2002; and

(E) the withholding of billions of dollars of universal service support payments may result in temporary rate increases in rural and high cost areas and may delay qualifying schools, libraries, and rural health facilities discounts directed under the Telecommunications Act of 1996;

Now, therefore, it is the Sense of the Senate that the Balanced Budget Reconciliation Act of 1997 should not manipulate, modify, or impair universal service support as a means to achieve a balanced Federal budget or to achieve Federal budget savings.

Mr. DASCHLE. Mr. President, I commend my colleague from North Dakota for highlighting the case against including the Universal Service Fund in our budget reconciliation process. This is bad public policy. It is unfair to the residents of rural America. I hope that today the Senate will take a strong stand against it.

The Universal Service Fund is comprised of private fees assessed to our Nation's telecommunications carriers. Over the last 60 years, this fund has made it possible for every resident in the United States to have access to telecommunications services. It represents a national guarantee that wherever you decide to live and work and raise a family—even if it is in one of the most remote areas of our country—telecommunications services will be affordable.

Although universal service is a Federal guideline, there are no Federal tax dollars involved in the Universal Service Fund. Moreover, the fund is administered by a nongovernmental agency that operates on the simple notion that carriers in low cost urban areas contribute more so that carriers who serve residents of high cost rural areas can provide affordable service. The administration of this fund has worked so well that most Americans do not even know it exists and take for granted the low rates for basic telephone service we all currently enjoy.

The principle of universal service represents one of our Government's most sacred and successful agreements with the American people. It guarantees those who live in rural areas the same access to telecommunications services as those who live in urban areas and is a major contributor to the rapid development and growth our rural areas are currently experiencing. Many parts of my home State of South Dakota, quite frankly, may not have been settled were it not for this guarantee, and I am very concerned that

the budget deal may inadvertently undermine the Universal Service Fund.

Under the budget agreement concluded last night, the Universal Service Fund will be used to mask a \$2 billion hole in the Federal deficit in fiscal year 2002. This sets a dangerous precedent. This private fund should not be incorporated into the Federal budget process, and the affordable rates it guarantees should not be left vulnerable to budget whimsy.

Throughout the past year, I have worked closely with Senator DORGAN and many other colleagues to impress upon the administration the value of ensuring equitable and affordable access to telecommunications services in rural areas. While administration officials have been largely receptive to this argument, the decision to put the USF on budget raises questions about some policymakers' understanding of rural concerns.

I am greatly troubled that placing the Universal Service Fund on budget will create a dangerous precedent that could raise rates in rural America and endanger our Government's 60 year promise of affordable telecommunications service to all areas of this country. The principle of universal service represents a sacred agreement between the Government and its citizens. It must not be undermined by budget games.

The Dorgan amendment puts the Senate on record that the use of these funds in the budget process is wrong, and I strongly urge its approval.

Mr. KERREY. Mr. President, I rise in support of the Dorgan Amendment, which expresses the view of the Senate that the universal service support system which keeps telephone service affordable; should not be turned into a piggy bank which can be raided to produce an illusory deficit reduction.

The Conferees working on the Reconciliation Conference report are considering legislation which for the first time would manipulate the universal service support system for budgetary gains. This would be a terrible precedent which could drive up phone rates, especially for rural Americans.

In 1996, the Congress enacted dramatic reform in the laws which govern the organization of America's telecommunications markets. The law was intended to introduce competition into all telecomm markets and preserve universal service.

The bargain was that competition would replace regulation but that all carriers would share the responsibility for providing universal service.

The idea of Universal Service is profound. It is one of the most fundamental principles of telecommunications law and economics. The concept was introduced in the original Communications Act of 1934 which promised "to make available to all Americans a rapid, efficient, nationwide and world-wide wire and radio communications service . . ."

From 1934 to 1996, regulation and monopoly were the primary means of en-

suring telephone services to all Americans. In 1996, the Congress embraced the idea that competition would best deliver telecommunications services to all Americans at affordable rates.

The Congress also recognized that there were some markets which competitive companies would not serve and some areas where costs are so high that rates would drive citizens off of the phone network. In those markets, universal service support would keep comparable services and comparable rates available in rural and urban areas.

The principle of universal service is that all Americans should have modern, efficient and affordable communications services available to them regardless of where they live.

In the aftermath of the break-up of AT&T, a system of intercompany payments were established to assure that competition in long distance services did not drive prices for local phone service through the roof, especially in rural areas.

Universal service support is not a subsidy, and it is not a tax. It is a shared cost of a national telecommunications network.

What makes the American phone network valuable is that almost anyone can be reached. Affordable phone service is not just important to the citizens of rural America, it is of value to the citizens who live in urban areas who need and want to reach Americans in rural areas.

The basic bargain of the Telecommunications Act of 1996 was that the gates of competition would open, provided all telecommunications carriers contribute to the support of universal service. Under the act, support would be sufficient, predictable, and the burdens would be shared in a non-discriminatory manner.

To assure that all Americans shared in the benefits of the information revolution, the Congress also adopted the Snowe-Rockefeller-Exon-Kerrey amendment which provided for discounts to schools, libraries, and rural health care facilities. The bottom line, Mr. President was that no American would be left behind.

If certain budget negotiators have their way, many Americans will be left behind.

The precedent that the reconciliation conferees have under consideration is dangerous because it attempts to undermine the promise of sufficient and predictable support for universal service. It does so to gain a mere book-keeping advantage in the effort to reach a balanced budget by 2002.

If the universal service support system is manipulated for this purpose, consumers lose. They will get higher rates and lower service.

By adopting the Dorgan amendment, the Senate can send a clear message to conferees that affordable phone service is important to all Americans. The very system which assures affordability

should not be jeopardized by an attempt to avoid the real choices necessary to produce a balanced budget by the year 2002.

Thank you, Mr. President.

AMENDMENT NO. 1028

(Purpose: To improve the bill)

At the end of the section in title I regarding the "WAIVER OF CERTAIN VACCINATION REQUIREMENTS", insert the following new subsection:

"(b) REPORT.—The Attorney General, in conjunction with the Secretaries of Health and Human Services and State, shall report to Congress within 6 months of the date of enactment of this Act on how to establish an enforcement program to ensure that immigrants who receive waivers from the immunization requirement pursuant to section 212 of the Immigration and Nationality Act comply with the requirement of that section after the immigrants enter the United States, except when such immunizations would not be medically appropriate in the United States or would be contrary to the alien's religious or moral convictions."

AMENDMENT NO. 1029

At the appropriate place, insert the following:

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

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) for fiscal year 2001, \$4,355,000,000; and

"(8) for fiscal year 2002, \$4,455,000,000.

Beginning on the date of enactment of this legislation, the discretionary spending limits contained in Section 201 of H.Con.Res. 84 (105th Congress) are reduced as follows:

for fiscal year 2001, \$4,355,000,000 in new budget authority and \$5,936,000,000 in outlays;

for fiscal year 2002, \$4,455,000,000 in new budget authority and \$4,485,000,000 in outlays.

Mr. BIDEN. Mr. President, this amendment extends the crime law trust fund through 2002 at the funding levels of the budget agreement.

This amendment has the same effect as the Biden-Gramm-Hatch amendment passed by the Senate 98 to 2 on June 27, 1997.

Let me point out just one practical effect of my amendment. The Senate Judiciary Committee reported major youth violence legislation last week—this Hatch-Sessions bill calls for \$1.5 billion from the crime law trust fund in 2001 and 2002—this is almost one-half of the dollars to fund a new Republican youth violence block grant.

Now, I do not agree with many of the specifics of this block grant and I look forward to debating these issues on the floor.

But, the bottom line is real simple—if we do not pass this amendment, there will be no trust fund in 2001 and 2002, and so, there will be no youth violence block grant in 2001 and 2002—no matter what form this block grant ultimately takes.

And, it is the same for prisons, 100,000 cops, and violence against women. If

we do not pass my amendment, there will be no trust fund in 2001 and 2002, and there will be no more funding for prisons and no more to fight violence against women.

I also want to point out to my colleagues that I believe that there are Budget Act points of order which could be lodged against my amendment. I say that just so all of us are clear about my amendment. I would move to waive such a point of order were it raised. I just want my colleagues to understand this fact as we pass this amendment.

I urge my colleagues to support my amendment.

AMENDMENT NO. 1030

(Purpose: To provide funding for the Community Policing to Combat Domestic Violence Program)

On page 29, line 18, insert "That of the amount made available for Local Law Enforcement Block Grants under this heading, 10,000,000 shall be for the Community Policing to Combat Domestic Violence Program established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968: *Provided further*," after "*Provided*,".

AMENDMENT NO. 1031

On page 65, on line 25 after "expenses" insert the following: *Provided further*, That the number of political appointees on board as of May 1, 1998, shall constitute not more than fifteen percentum of the total full-time equivalent positions at the Office of the United States Trade Representative."

Mr. GREGG. Mr. President, I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Withholding, and I do not intend to object, I understand it is pretty well worked out, but there was one language inclusion.

Mr. GREGG. It is all done.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 1024-1031), en bloc, were agreed to.

Mr. GREGG. Mr. President, we are going to have some further discussion on this bill, the Commerce, State, Justice appropriations bill, and I understand there are at least a couple of votes. This package of amendments has eliminated four of the votes. In fact, I ask unanimous consent to withdraw amendments Nos. 992, 996, 997, and 998.

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

The amendments (Nos. 992, 996, 997, and 998) were withdrawn.

Mr. GREGG. Mr. President, just for the information of the Members, we are now down to what appears to be final passage, plus potentially four votes. Hopefully, we can reduce that further. We are certainly going to work on that. And then we can complete the bill. I understand we are going to proceed to these votes and final passage around 3:15. That is the plan presently.

**THE BUDGET AGREEMENT**

Mr. GREGG. Mr. President, let me speak briefly on the budget agreement

which was reached late last night, and mention my thoughts on this. This agreement is obviously not everything that everybody wanted. But it is a giant step in the right direction. It is especially a giant step on the issue of cutting taxes for the working American family, or that group of Americans in the middle-income brackets who are struggling with the costs of raising children and sending those children to college.

For a family whose income is in the range of \$32,000 or \$35,000, this tax cut could well represent a tax cut of almost 50 percent for a family of four. That is a big tax cut. For that same family, should they have a child who is headed off to college, this could represent a tax cut of up to 75 percent. That is a huge tax cut.

In addition, if you are in a working family situation and you are trying to make ends meet, you are going to be able to take advantage of this child credit coming to you to help you support the cost of raising your children—\$500 per child. And all of these tax cuts that I am talking about are directed at middle-income Americans. In fact, almost all of them phase out as you get into incomes over \$100,000.

Further, if you are a family where one of the spouses is staying at home to try to raise your children, under today's law, you can't have an IRA account that is deductible. That stay-at-home spouse can't have an IRA account that is deductible. Under this bill, the mother that is home raising the children will have the opportunity to have an IRA account that will be deductible and safe for her retirement. That is a major step forward.

In addition, there is a significant estate tax savings, especially for small business people and for farmers. Estate tax savings, which means that when somebody works all their life to build up a grocery store, a restaurant, or a gas station business, or some other small business, they are not going to lose that business to taxes when they die. They are going to be able to pass on that business to their children. That is very important.

So this is a major step forward. It is the first significant tax cut—it is the first tax cut for middle-income Americans in 16 years. It should have been done a long time ago. But it has taken a Republican Congress and a commitment of a Republican Congress to have this as our No. 1 goal, and a commitment to accomplishment. While we have accomplished this tax cut, we have at the same time put in place a spending pattern which controls the rate of growth of Federal spending so that we can reach a balanced budget by the year 2002. We may even reach it before that, according to present estimates. But that was another major goal of this Republican Congress—to balance the budget.

So we have done two very significant things here. We have balanced the budget, and we managed to cut taxes