

A decision on whether or not to deploy the NMD is scheduled for the next few months. The tests that have been conducted or are planned for the period fall far short of those required to provide confidence in the "technical feasibility" called for in last year's NMD deployment legislation.

The American Physical Society is the premier professional group for physicists in this country. They take no stand on national missile defense itself. They deserve our bi-partisan attention.

In recent weeks, former senior officials have counseled delay. Listen to President Reagan's former National Security Advisor, Robert McFarlane: "Still more work is needed before a decision on deployment is made."

Listen to President Carter's former National Security Advisor, Zbigniew Brzezinski:

The bottom line is that at this stage there is no urgent strategic need for a largely domestically driven decision regarding the deployment of the national missile defense.

The issue should be left to the next president—to be resolved after consensus is reached with our allies both in Europe and in the Far East, after more credible evidence becomes available regarding the technical feasibility and probable costs of the national missile defense, and after compelling intelligence estimates are aired regarding the origin, scale and timing of likely new threats to the United States and its allies.

In a forthcoming article, former Secretary of Defense Harold Brown writes: "deployment of the present NMD system should be deferred." He is joined in that recommendation by two former Deputy Secretaries of Defense, John Deutch and John White.

Former Secretary of State Henry Kissinger says: "In the light of recent ambiguous test results and imminent electoral preoccupations, it would be desirable to delay a final technical judgment until a new administration is in place."

As we all know, the motivations behind these bi-partisan recommendations are often very divergent.

Many Republicans fear that President Clinton will purposely strike a deal with Russia to limit U.S. missile defenses to an ineffective system, hoping that such a deal will make it politically untenable for a Republican president, were one to be elected, to go beyond it.

I do not share those fears. The Administration has made clear to Russians and Republicans alike that its proposed ABM Treaty protocol would be only a first step.

My fear is rather that the President will be sandwiched: between Russia, which doubts both our intent to deploy a missile defense system and our willingness to limit it; and Republicans, who have tried to make this a partisan campaign issue and have even urged Russian officials not to negotiate with the President of the United States of America.

My fear is that the President—in order to show Russia that he is serious, and under pressure from Republicans accusing the Administration of being

"soft" on the issue—will order the Defense Department to proceed with the deployment of a system that all of us know is the wrong one to build.

The time has come to set our fears aside. The fact is that, whatever our views on the wisdom of putting our trust in a national missile defense, many of us oppose the system proposed by the Pentagon.

Whatever our views on the larger issues, many of us would be content if the President were to defer both a deployment decision and the choice of a missile defense architecture, and let his successor grapple with those issues.

It is also a fact, however, that the President has been under political pressure to proceed with deployment, despite the technical and strategic concerns that many of us share.

If missile defense supporters maintain that pressure, they increase the risk that a poor system will be deployed, rather than one that meets our country's needs by any rational measure.

I therefore call on the two major presidential campaigns—that of Gov. Bush and that of Vice President GORE—to agree not to seek partisan advantage if the President defers a missile defense deployment decision.

I call on all of us in the Congress to give the President the freedom of action to make his decision without political sniping.

I also call on both campaigns to agree that negotiations for a path-breaking START III agreement should continue. Gov. Bush stated that he would:

... ask the Secretary of Defense to conduct an assessment of our nuclear force posture and determine how best to meet our security needs . . . [and] pursue the lowest possible number consistent with our national security.

He added that "the United States should remove as many weapons as possible from high alert, high-trigger status, another unnecessary vestige of Cold War confrontation."

There is no reason to defer these two ideas until next year.

The Joint Chiefs of Staff has said that it cannot go below the Helsinki target of 2,000 to 2,500 warheads for a START III agreement unless the President changes the nuclear targeting guidance.

Gov. Bush has implied that he would seek the Pentagon's advice on alternatives to that guidance, however, and President Clinton should do the same.

In summary, the longest-lasting foreign policy debate is not likely to be settled any time soon. There is widespread agreement, however, that we should not let this debate lead us into unwise decisions.

With goodwill on both sides, we have an opportunity to suspend the partisan wrangling and let our current and future leaders make their decisions in a rational way. Let us all work together to achieve that shared objective.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Wyoming.

#### CONGRESSIONAL ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the things we have accomplished in this last session of the Congress, the first year, which is over. We are into the second year of this 106th Congress.

We are having a little problem moving along, of course, and we are trying to find a way to avoid holding up progress after the filing of unrelated amendments that have turned out to be filibusters. I hope we can get around that and move forward with the 13 appropriations bills we have.

We ought to recognize this has been a productive session. We have done a great deal. But there are a number of things I think are of particular importance to the American people. One, obviously, is to do something with the Social Security retirement system. We have done a great deal with that over the last year. Although there still needs to be some systematic changes made to the program, we can ensure that the program will be there over time.

We have made a very significant movement by providing that the 12½ percent of our earnings paid into Social Security by everyone who works in this country is, in fact, used for Social Security. Historically, over a very long time, those dollars have been used for many non-Social Security programs. Because of this Republican Congress, because of the lockbox idea, we have put that money aside. It is not being spent for other items. That is very significant.

I hope we can proceed and look at alternatives to ensure that the young people who are now just beginning to pay into the program will have a program of benefits when the time comes for them to be eligible for the benefits. Frankly, the program has changed in terms of the profile of people. When we began, there were some 20 people working for every one drawing benefits. Now it is less than 3 and will be down to 2.

Obviously, things have to be changed. There are some options: We can raise taxes. I don't know of anyone excited about that. We can reduce benefits. The same is true with that. Or, indeed, we can take a portion of those dollars and make them individual accounts for each person—2 percent out of the 12 percent is what we are talking about—and let that money be invested in their behalf, invested in equities, let it be invested in bonds, let it be invested in a combination of their choice, for their retirement, or as part of their estate if they are not fortunate enough to live.

The issue most talked about is education. Only about 7 percent of the finances of education in this country, elementary and secondary, are provided by the Federal Government. There is a great deal of discussion about how that is allocated and how it is made available. The big debate, and the reason we haven't gone further with elementary and secondary reauthorization, is there is a difference of view.

My friends on the other side of the aisle believe if the Federal Government is providing the money, it ought to also provide the rules as to how it is used. We think that is not the most effective way to use the money.

I come from Wyoming. We have some very small towns in our relatively small State. In Chugwater, WY, where I attended a graduation ceremony this week, with 12 graduates from high school, they have different needs than Pittsburgh, PA.

We need to have the flexibility. We say let's help make education stronger, but let the local people decide how that is done. We have been working on that.

Another area is economic opportunities for all Americans. We have done that in terms of tax relief. Unfortunately, the bill that was passed in this Congress was vetoed by the President, denying relief for hard-working Americans. However, we were successful in passing a Republican bill that eliminated the penalty on earnings in excess of Social Security income. Instead of having to pay taxes on \$1 out of \$3, we have removed that, to encourage people to continue to work and earn money.

Another is national security. I suspect there is nothing more important. There is no more logical role for the Federal Government than defense. No one else can do that. Over the last several years, this administration has not adequately funded defense. Now we have to do that, particularly since we have a volunteer service. There has to be some attraction to that. There has to be an attraction to get men and women to go into the service and, maybe even more difficult, once they are trained to doing things, to work as pilots or mechanics or whatever, to keep them there. That is very difficult. So we have made some progress in that area.

I think there are a lot of things that have been done. I mentioned Social Security and taking care of the surplus. I think that is a real plus for this Congress, that we have a budget surplus. For the first time in probably 40 years, we have a budget surplus. We are not spending Social Security money. Indeed, this time there will be, hopefully, more money than is necessary to conduct the business of the Federal Government.

Of course, several things can happen with that money. One, we can make sure we start to pay down the debt. I mean pay down the debt with real dollars, not simply putting in Social Security dollars there as well. We stopped the raid on the Social Security fund and began to make some reduction in the debt that we have. The interest on that debt has been almost the second largest item in the Federal budget for a very long time. We can change that. Of course, if that is done, and done properly, we can move on to some tax relief, which I think is something we ought to do.

I mentioned our efforts on elementary and secondary education. We also

were able to take the first step in passing the Ed-Flex program which, again, provides more opportunities for local people to use those Federal dollars as they need them. Some schools need capital construction, some need computers, some need more teachers or smaller classrooms, but each school district has a little different need. We want to make sure they have an opportunity to make that decision. We also need to ensure the money is not spent by the bureaucracy in Washington but in fact finds its way to the schools on the local level.

Overall tax relief is still something we need to do. We have done a great deal on that so far and can do substantially more.

I mentioned what we did on Social Security, and we need to go further.

On national defense, the Senator just before me was talking about missile defense. Certainly, we need to continue to explore that. We need to continue to have a strong military. In my view, that is our best chance for peace in the world—to continue to have a strong military.

I had the good fortune a couple of weeks ago to visit the Space Command in Colorado Springs. I am impressed with what they are doing to find a way to have a missile defense program that will allow us a deterrent so we can move forward with other kinds of things. We were successful, and I believe we acted properly, not ratifying the Comprehensive Test Ban Treaty so we could continue to test our weapons and make sure they are as they should be.

We have made some real progress in trade. The African trade bill is out there. It was signed into law in May. We can do something with that. Yesterday, the Permanent Normal Trade Relations for China was passed by the House and will be over here now. I happen to be the chairman of the subcommittee on Asia and the Pacific rim. I do believe certainly we have to verify the things happening in that area of the world, but there is good evidence we can make more progress bringing about change by being involved as opposed to isolating and seeking to stay away from that. So certainly there is a great deal to be gained there.

We have made some progress in high tech. The Y2K bill was an important piece of legislation, and the Satellite Television Improvement Act, particularly for rural States where people do not have access to cable. It has not yet been completed, but we have made some real movement on that. We hope to have that completed so people all across the country can have the same opportunities, both in satellites and TV, and also, of course, in infrastructure for high-tech broadband coverage. We are moving forward on the opportunity to do that. We must move in that direction.

Health care is an area on which we have to move forward. This Senate has passed a Patients' Bill of Rights that

would provide for patients in HMOs to have some immediate referral, so if there is a question about the procedures, rather than having to go to court or having someone in an office far away decide what you can do, you have an appeal to a physician as to what that ought to be. Unfortunately, that bill is still in conference, but we think it will be out very soon.

One of the things we have done in this Congress that was particularly important was the Welfare Reform Act—of 1996, actually. This Republican Congress passed that. We have helped people find jobs, helped people move into opportunity instead of dependency. That is something I think has been very useful to all Americans.

We have a ways to go, of course. We constantly have things to do here, as we should. On the other hand, we have also moved forward and made a good deal of progress in this Congress. We have an opportunity to do more. As I mentioned, unfortunately, we have come to kind of a slowdown here, using the techniques, using the process to force issues. What it really does is slow down everything we do.

There is clearly an opportunity for differences of view; that is what this place is for, to talk about differences, to disagree, if you please, as to the role of Government and what ought to be done. But the idea of using irrelevant issues to hold up progress on the things we all know we have to do—and I am particularly talking about the appropriations bills that obviously have to be passed. Frankly, we are anxious to get them done early so we do not run into the same problems we had several years ago where we could not get it done and had to put it all in one package at the end. The President then used that as leverage on the Congress. He threatened and, indeed, did shut down the Government to be able to force things through this Congress that the Congress did not want to do. We should not let ourselves get into that position again, certainly not this year.

Mr. President, I am expecting other Senators to come for this time period. In the meantime, 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. KYL. 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. KYL. Mr. President, I want to follow my colleague's remarks with some thoughts of my own concerning the appearance that the Senate is not getting anything done these days, and talk a little bit about the reasons why. Anybody watching the Senate proceedings over the course of the last couple of weeks would probably wonder what we were accomplishing and would have some reason to criticize the Senate for not getting a lot of business done.

What is the reason for that? I think it is very important, and that is why I wanted to come to the Senate floor to talk about it because I am becoming very frustrated at the tactics of many people on the other side of the aisle, the Democratic minority, in attempting to preclude the Senate from doing its business, the people's business.

We have important legislative initiatives that the majority leader has tried to bring before the Senate repeatedly, and repeatedly he has been thwarted by the minority which seems intent on bringing the Senate to an absolute stop, to a standstill, to prevent it from doing any business unless the majority accedes to the minority's request that they be permitted to offer amendments which are nongermane, irrelevant, to the subject matter of the Senate.

When people reflect on the organizations to which they belong and their understanding of things as basic as Robert's Rules of Order, they appreciate that almost any organization has to have certain rules under which to live.

In the House of Representatives, as the Presiding Officer is well aware, both of us having come from the House of Representatives, there are pretty strict sets of rules to apply. There are 435 people in the House, and if they all did what they wanted to do, they would never get anything done. We pretty much have to talk about things that are germane and relevant to the pending business, and if we do not, someone can make an objection that this is out of order, and everybody knows under Robert's Rules, one can say: Mr. Chairman, that's out of order; that's not relevant to the subject we are supposed to be discussing.

In the Senate, the rules are much more liberal. Members generally work together on things and do not enforce the rules as strictly as they are enforced in the House. Nevertheless, the Senate has essentially always had rules respecting germaneness and relevancy, and until very recently, we could make an objection that a proposed amendment, for example, on an appropriations bill was not germane or was irrelevant, and in order to continue to debate that amendment, the proponent would have to get 60 Senators to agree to do that, to overrule the ruling of the Chair that the amendment is not germane or irrelevant.

I know this is all somewhat procedure and it may make some eyes glaze over, but it is an important foundation for my point. We decided if we were going to do the business of the people, we had to ensure we could get on with it and not have a lot of riders on these appropriations bills and, therefore, we would begin enforcing rule XVI, which says if a Senator is going to debate something, it needs to be relevant or germane to these bills. That is the basic issue that has members of the minority upset.

How dare you gag us, they say. Gag them? Nobody is being gagged. We are

simply going to enforce the rules that say if you are going to propose an amendment, it needs to be relevant or germane. Everybody in the country understands that—the organizations to which they belong. Why wouldn't the minority want that? Because they want to accomplish two objectives apparently: One is to prevent the majority from accomplishing anything this year so they can call us a do-nothing Congress; in other words, create a self-fulfilling prophecy. By preventing us from doing anything, they will criticize the majority leader for not doing anything.

The other objective apparently is to be able to debate their agenda, things such as gun control and the minimum wage, maybe prescription drugs, and so on, on their timetable. So whatever bill we bring up, they try to attach to it an irrelevant or nongermane amendment relating, for example, to gun control.

We have had lots of gun control debates. I remember 2 weeks last year when the majority leader finally said: OK, we will have the debate; it will be on the juvenile justice bill. We voted on lots of amendments, including some the minority really liked. We had that debate; we had those votes; but that was not enough. It appears we have to talk about these things all of the time because that is what is going to be politically popular in this fall's elections.

That is wrong. To tie up the people's business, to tie up the Senate for political gain is wrong. If any of the members of the minority are engaging in this procedure for that purpose, they clearly ought not to.

We have accomplished a lot this year, notwithstanding these tactics. I note things such as repeal of the Social Security earnings test, something Republicans wanted to do for a long time, and the Presiding Officer and I have been working on for a long time; the budget resolution, which maintains a balanced budget—we got that done; bills such as the African-Caribbean free trade bill; financial services modernization; the FAA reauthorization—a lot of different pieces of legislation that are good, that help maintain a part of our economy or ensure we are going to have a balanced budget, for example.

There are many other pieces of legislation we want to pass. We want to pass the marriage tax penalty relief bill to do away with the marriage penalty in the IRS Code. The minority will not let us bring it for a vote. They say they are for it, but they are not going to let us vote on it.

It is the same thing with the reauthorization of the education bill. This is a bill that needs to be reauthorized because it deals with all of the rules under which the Federal money goes to the States to support primary and secondary education. The minority will not let us vote on it.

Appropriations bills: We have to pass 13 appropriations bills to keep the Government running. People get mighty

upset when the Government cannot continue to operate. Who is stopping us from acting on these appropriations bills? The Democrats in the Senate will not let the majority bring these appropriations bills up, except one. We can bring up the legislative branch appropriations bill, the bill that provides the money to run the Congress. They will let us bring that one up but none of the others.

We have a very important agricultural supplemental appropriations bill to help out farmers in this country. Democrats will not let us bring it up. When I say they will not let us bring it up, people say how can they stop you? Under the rules of the Senate, one Member can object to any piece of legislation being brought up for its consideration or being voted on, and in order to override that person's objection, you have to get 60 Members of this body to agree to override that and proceed to a vote or proceed to consideration of a bill. That is called invoking cloture.

There are 55 Republicans and there are 45 Democrats. On these procedural matters, the Democratic Members tend to vote in a block, the net result of which is we can never get 60 votes to proceed with business. Because of the party loyalty and the partisanship that has gotten involved in our legislative agenda, we are not able to move matters forward because there is an objection to proceeding. That is why I say members of the minority preclude us from moving forward and doing the people's business.

We wanted to pass a very important amendment to me, and I note to the Senator from California, Mrs. FEINSTEIN, who is on the floor now—the crime victims' rights constitutional amendment. Frankly, parliamentary tactics were used and threatened to make it clear that we would be debating that bill for weeks, something that obviously we did not have time to do if we were going to do the other important business of the Senate. Senator FEINSTEIN and I had to pull that bill down.

Since I am being critical of members of the Democratic minority, let me say that there have been some Members, such as Senator FEINSTEIN, who have worked very closely with me and others to try to move some of these important bills forward.

We all get caught up in our own partisan battles here. That is to be expected. It is a political year, after all. It seems to me we can and ought to agree there are some things so important that we ought to get together as Democrats and Republicans and move the legislation forward.

One of them clearly is the education bill. Another is the repeal of the marriage tax penalty. Another is the appropriations bills. For the life of me, I do not see why there have to be objections to bringing forward appropriations bills, and I do not subscribe to the notion that it is wrong for us to

bring those bills forward if members of the minority cannot seek amendments which are nongermane or irrelevant.

We all know what Robert's Rules provide. Those are not the rules of the Senate, but we all understand why we have to have rules such as that, and that is to keep the process moving along so that we can do the important business we have to do.

I am very frustrated today, Mr. President. It is obvious because I do not ordinarily come to the floor, and I do not like to criticize in a partisan way. But people have to understand today or tomorrow we are probably going to begin the Memorial Day recess, which means there will be another 12 or 13 days of nonaction in the Senate, the net result of which will be we are way behind getting our business done, especially the appropriations bills to run the Government.

The danger is that there are not very many opportunities for us to get these bills done before the Senate has to adjourn for an election this year, and we will end up, instead of focusing on each of the appropriations bills, in turn having to put it all into one giant appropriations bill.

What happens when we do that? Every Member comes back to the Senate months later and says: I didn't know they put that in the bill. Nobody has a chance to read these giant omnibus bills. So we vote on bills we haven't even had an opportunity to read. Staff gets all kinds of things inserted. People on the inside get all kinds of things inserted in the legislation. We find out weeks later about the mistakes we have made. It is impossible to have a good, informed vote on a bill.

The other danger, of course, is that it is easier; that instead of resolving disputes and prioritizing spending, by off-setting this spending with this savings—for example, in those last days to put together these giant omnibus appropriations bill—you don't make those hard decisions; you just add more money. So you resolve the dispute by saying: we are taking care of you, and we are taking care of you. And pretty soon we have busted the budget. Most importantly, we may make the mistake of spending Social Security surplus money.

This past year, we did not spend a dime of Social Security surplus money. The previous year, we saved most of that Social Security surplus from being spent. Republicans, this year, are committed not to spending any of the Social Security surplus. But, unfortunately, I will make this prediction: If we get into this giant omnibus appropriations process at the end because we could not do our business during the weeks we have now to do that business, we are going to end up spending Social Security surplus money. I will never vote for such a bill. I think, therefore, we ought to be very careful about getting ourselves into that box.

Mr. President, I appreciate the opportunity to speak to this issue. I hope

people with goodwill can work it out, so when we come back from our recess, we can begin to get the people's business done and get it done on time. It is important for the future of this country.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2603) making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Mikulski Amendment No. 3166, to express the sense of the Senate commending the United States Capitol Police.

AMENDMENT NO. 3166

The PRESIDING OFFICER. There are 10 minutes available for debate on the pending amendment.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, yesterday I offered an amendment to the legislative branch appropriations bill commending the Capitol Police, and all the employees of the legislative branch, and recommending that we keep the Senate funding levels in conference.

I also complimented the outstanding leadership provided by Senator BENNETT, the Chair of the legislative appropriations subcommittee, as well as Senator FEINSTEIN, the ranking member of the subcommittee, who really moved this legislation in a way that I think meets the responsibilities we have to the American people.

The best way we can show our responsibility to the American people is to really let them know that the men and women who work at the U.S. Capitol are needed and valued.

My amendment is not about money, it is about morale. We want to say to the men and women who work at the U.S. Capitol that we know who you are and we value what you do. You are the men and women who work in this building for the American people. You serve the Nation.

The Capitol Police protect this building, which is a symbol of freedom and democracy the world over. The Capitol Police ensure that everyone who comes to the U.S. Capitol is safe and secure, including Members of Congress and staff.

The Capitol Police are brave. They are resourceful. They are tough. They are gallant. They protect you whether you are a foreign dignitary, such as Nelson Mandela, or a member of a Girl Scout troop from Maryland.

We need to make sure they have their jobs, they have their pay, they

have their pension, and they have our respect. That is what my amendment is all about: To support the Capitol Police and the other employees of the legislative branch.

I was deeply disturbed at the House bill which cut over 1,700 employees of the legislative branch. This isn't about bureaucracy. The people we are talking about are the 117 people from the Congressional Research Service. That is the body that is absolutely dedicated to giving us unbiased, unpolitical, accurate information so we can make the best decisions in our approach to forming public policy. We turn to them for models for the Older Americans Act and for ideas on new technology breakthroughs to be pursued. We have to make sure we have the Congressional Research Service and that they have the staff they need to do their job.

Also under the House bill, 700 jobs would be cut from GAO. Every Member of the Senate who is fiscally prudent knows we need the GAO. It is not about keeping the books, but it is about keeping the books straight. We continually turn to the GAO to do investigations of waste and abuse, to give us insights on how to better manage and be better stewards of the taxpayers' funds. People with those kinds of skills could leave us in a nanosecond and move to the private sector. They could be "dot.comers" with no hesitation.

If we are going to be on the broadband of the future, we need to make sure we have the skills to run a contemporary Congress. We need to make sure they have security in their jobs and security in health benefits and in their pensions. We need to be sure we let those workers know we are on their side.

In addition to that, we want to make sure we acknowledge the role our own staffs play in constituent service and in helping us craft legislation.

Two years ago, we all endured a very melancholy event here in the Congress. Two very brave and gallant police officers literally put themselves in the line of fire to protect us. Their names were Officer Chestnut, from Maryland—his wife still lives over there at Fort Washington—and Detective Gibson, of Virginia, father of three—teenagers, college students. We mourn them. We consoled their families and said a grateful Congress will never forget.

We should not forget the men and women who work here, but the way we remember is with the right pay, the right benefits, and the right respect.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take about 2 minutes in support of the Mikulski amendment to say how proud I am to be an original sponsor. I have probably given 15 or 20 speeches about this, so I do not want to take any time except to emphasize two points.