

maybe not that program. We started off and we only exempted seven programs. Then, one day, it was 21 programs. And in spite of already exempting 21 programs from an across-the-board cut of sequestration, as it was called, we got up to the "lick log" when we were going to actually have the programs cut across the board. Guess what Congress did. Changed the date. They said, oh, gee, we will move it a year.

Congress will always find a way to avoid the tough decisions, unless it is in that revered document, the Constitution. So we have tried laws, we have had good men and women in Congress and in the Presidencies saying we are to go do it, and we have not done it. It is not easy. It takes courage, like I know the Senator from Connecticut has. He would do what we need to do to encourage growth in the economy. He would step up and cast the tough vote to control the growth in spending in some of these programs—all of these programs.

Everybody has to ante up and kick in. But I haven't seen it. I don't like the idea of amending the Constitution. I voted to do it a few times, and probably if I could take back some of those votes, I would do so. But this is not an insignificant thing. This is our children's future. I have a 29-year-old son, a young entrepreneur who is working hard. He employs 55 people. He sells pizzas. Today, I won't give the label of the pizza, but he is what the American dream is all about. He is out there working hard, making money, creating jobs, and paying a lot of taxes. He figured it out recently. He said, "Dad, I am paying over 50 percent of everything I make in taxes." You know, that is terrible. It is terrible. A young, 29-year-old man, whose work hours usually are the toughest between 5 p.m. and 2 o'clock in the morning. He is having 50 percent of it go to State, local, and Federal Governments.

That is not the American way. I have a 26-year-old daughter, a young professional woman, who works hard and promotes our State of Mississippi, promotes tourism. She does a great job. I am proud of her. But I am saddling that son and daughter with an incredible burden, because I have not been able to help find a way to stop the deficit spending, to control the debt—yes, to reduce the debt of the country, and the \$340 billion in interest on the national debt. Only Social Security exceeds the cost of interest on the national debt. If we don't do something and do it now and do it tough, there will be over another trillion dollars added to the debt by the year 2002.

So I think this is something that is worth amending the Constitution for, because we are talking about the future of the country, the future of our economy, the future of our children and their children. If we don't do it now, who will do it? When will it be done? So we should amend the Constitution to require a balanced budget.

And if we don't, the American people will know truly that we are not serious about it when we say we want to balance the budget.

I have gone back and looked at the arguments over the years—even this year—as to why we should not pass a constitutional amendment for a balanced budget. There is no end to the things that have been suggested. Some are absolutely hilarious, and some are purely political. Amendments have said basically that we should not do it until a Republican President submits the balanced budget, or maybe we should say we should not do it until the Democratic President submits the balanced budget. That is ridiculous. Then they said, well, it's because the escape hatch in times of recession or national emergency is too high—three-fifths. We should not have to have 60 votes. Just about everything we do around here takes 60 votes. Just about everything. And if it is easy to get out from under a balanced budget requirement, do you think Congress won't take advantage of that? We are masters. We have done it over and over and over again.

Capital budgeting has been talked about. Oh, they do it in the States. Great. Let us take everything off the budget. Let's take out all the trust funds. I have been an advocate of that on occasion. But it is just a red herring.

Social Security. Oh, that is a good one. We can always rely on Social Security to scare the bejeebers out of folks. So that is a great cover. Oh, yes, if we don't find some special way to deal with the Social Security requirement, oh, this would destroy the system. My mother, 83 years old, bless her heart, counts on Social Security. She knows I am not going to do anything to endanger that for her. I would not do that. If we don't do that, that is what will endanger Social Security.

I could go on. I will speak again next Tuesday to try to help put this thing in a proper perspective from the beginning to the end with a quote from Thomas Jefferson and some modern quotes about why we need to do this and why we should have done it. I wanted to take a few minutes this morning to say to the American people that it is up to them. If they really want this, a way will be found to get one more vote—just one more vote. Is it a Senator from Nevada or South Carolina? Maybe it is a Senator from South Dakota, or maybe even New Jersey. Somewhere, there will be a Senator who will say: This does matter, and I am going to make the difference.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

NOMINATION OF ANTHONY LAKE

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise this morning to

discuss the status of the President's nomination of Anthony Lake—Tony Lake—to be the Director of Central Intelligence.

Mr. President, I read from the New York Times this morning, which reports in its lead story, "Leaders in the Senate demand FBI files on CIA nominee." I quote from the lead paragraph:

Chairman of the Senate Intelligence Committee said today that unless he received all of the FBI files on Anthony Lake, he would not hold confirmation hearings for Mr. Lake.

Later, in that same story, the author says:

It is reported that two senior Republican members of the committee, Senators Lugar and Chafee, said today they would probably vote for Mr. Lake, barring some devastating disclosure at the confirmation hearings.

Senator LUGAR, our distinguished colleague and friend from Indiana, says that he strongly disagrees with the demand for the opening of these files and the delay of the hearing. According to Senator LUGAR, "The whole confirmation process becomes more and more outrageous. People feel it is their duty to engage in character assassination or to cause the nominee's defeat, or to discourage and demoralize them. The FBI files are raw files," Mr. LUGAR said. "They may contain rumor, gossip, hearsay, or innuendo. They may be true, they may be false, they may be scandalously defamatory, but they should not be the basis of evaluating someone's character."

Mr. President, I come to the floor to appeal to the leadership of the Intelligence Committee to move forward with the hearing on March 11 and to treat this nominee fairly, because the process is becoming unfair. Every time a hurdle is erected for Mr. Lake and he jumps over it, another one seems to be erected in its place. Continuing with the sports analogy, every time Tony Lake moves the ball toward the goal line, the goal line is pushed back. And the process is beginning to look more like a fishing expedition than like a process of congressional evaluation of a Presidential nominee—one who has served his country with distinction over the course of many years—that is fair and proceeding expeditiously and with a sense of due process.

Mr. President, in speaking about Tony Lake's nomination, I think it is important that I share my belief of what our role is when we advise and consent here in this Senate to nominations of the President. I faced this question early in my time here, in 1989, on several occasions regarding the nominations of President Bush. I supported almost all of them. It seemed to me then, as it does now, that our role here is not to substitute ourselves for the President. The President is elected to make these nominations. I decided that the standard I would impose is not whether I would have nominated this individual. That is what Presidents are elected for. The Senate's role is to advise and consent. I think that means the standard we should follow is to determine whether the President's nominee is within the acceptable range for

the particular job for which that person is nominated, not whether we would have nominated that person.

Mr. President, on that standard, it seems to me that Tony Lake more than meets the qualifications for being a superb Director of Central Intelligence at a very, very critical time for the intelligence community in the history of our Nation.

As I indicated a few moments ago, Mr. Lake has served our country in various capacities with great honor over many years. He has been a student of government and a teacher of government in universities, and returned to government again to serve for the last 4 years with dignity and, I think, great effect as the National Security Adviser.

What standards do we hold up for this particular nomination? I am pleased to be able to find a good source to rely on. That is an article written by Robert Gates, CIA Director under President Bush, published in the Wall Street Journal on January 29 of this year. Bob Gates held up three standards for judging a nominee for Director of Central Intelligence.

No. 1, is that person recognized as a man of integrity and principle, a man prepared to stand up for what he believes is right?

No. 2, is that person knowledgeable about foreign affairs?

No. 3, does that person have the confidence of the President and know well the rest of the President's national security team?

On all three counts, Bob Gates, a distinguished public servant with an excellent record of service to our country, found Tony Lake qualified with a lot to spare.

I quote from that article in the Wall Street Journal. First, Bob Gates says, Tony Lake is "broadly recognized as a man of integrity and principle, and as a man with courage to stand up for what he believes is right. This offers reassurance that he will be independent of the White House in which he served and will be directed by a moral grounding most Americans would find admirable."

It is hard to convey this in a few moments on the floor. But I have known Tony Lake for a number of years. And I do not agree with everything he has ever done in his career. But, believe me, this is a person who has always been animated by a desire to do the right thing for his country. And that is why Bob Gates says accurately that Tony Lake " * * * will be directed by a moral grounding most Americans would find admirable."

Second, whether or not one agrees with him on the issues, he is thoroughly knowledgeable about foreign affairs. That is self-evident based on the enormously successful record he has made over the last 4 years sitting at the center of America's foreign policy during a difficult time, and one in which I think most observers agree has seen America remain strong and recog-

nized as not only the one superpower in the world but a superpower that has used its power effectively and ethically and morally.

Third, does he have the confidence of the President? I suppose that is self-evident since the President appointed him. He does. And, of course, he knows the rest of the people that comprise the national security team in this administration. That is important, not just for matters of friendship, but because the intelligence functions should be at the heart of our foreign policy. Because of the personal relations Tony Lake has with the President, the Vice President and others in a foreign policy apparatus of this Government, he will bring intelligence to the center of their deliberations, where it clearly belongs.

I have said that in this process of evaluating Tony Lake's nomination, at every point where a hurdle was established he jumped over it, and then more hurdles were erected. Some of these questions have been fair. The questions about how he handled stock holdings were examined by the appropriate oversight bodies and he was cleared. And I have some personal knowledge on questions about how he handled the shipment of arms from Islamic countries through Croatia to Bosnia because, along with the former majority leader, Senator Dole, and other distinguished colleagues here, I worked for a long time to lift the arms embargo against the Bosnians.

The question was, did Tony Lake do anything in response to messages from our Ambassador to Croatia indicating that the Croats were wondering how we would react to shipments of arms across this country to Bosnia? Tony Lake responded that there were no instructions. Some critics have seemed to suggest that there was a point in these deliberations where, although Tony Lake clearly said there were no instructions, somehow his body language conveyed a different message. Now, if we are getting to the point where we are beginning to question the capacity of people to be Directors of Central Intelligence because of their body language, we are heading down a very unusual road.

I think questions about this incident have been well handled. Not only was the no-instructions policy not covert, but it was not an action within the meaning of relevant statute. And, in my personal opinion, because our European allies were taking a position against lifting the arms embargo and letting these poor Bosnians defend themselves, I think Tony Lake's decision to give no instructions successfully resolved a very difficult situation and was the absolutely moral decision to make.

OK, so he jumped those two hurdles. But now, as the process goes on, it seems that every accusation made against the White House, that every question of criticism about foreign policy, is being put on his desk. He is being held up to a standard that is im-

possible to meet and fundamentally unfair. One day, somebody says, we will have to ask him questions about the administration's policy on Haiti. Another says that we have to check to make sure he had no involvement in any of the political fundraising going on in the White House. He seems to have kept himself very, very far from all of that.

Now, there is the question of the FBI report. Knowing Tony Lake as I do, knowing his desire to cooperate with this Congress, I agree with Senator ROBERT KERREY, the ranking Democrat on the Senate Intelligence Committee, when he says in the newspaper today that Tony will try to work out some agreement by which the members of the Intelligence Committee can see the FBI report. In some substantial sense, I regret that. Senator KERREY has seen the report in full. I asked him for his judgment. I trust him totally. He said that there was nothing he saw in that report which would alter his decision to enthusiastically support Tony Lake's nomination.

So I appeal to the leadership of the Senate Intelligence Committee. The Senator from Alabama, the chairman, is a good friend and an honorable, standup individual.

I understand that some people may oppose this nomination, but, please, go ahead with that hearing on March 11. Let the man have his day. Ask him the tough questions. Then let the matter go to a vote in that committee. Bring it out to the floor. We can debate it out here. Let us vote on it. But let us not subject this fine man, this great public servant, this patriot to a kind of water torture where we keep dripping water on his head and do not treat him with the respect and dignity that he and the agency that he is nominated here by the President of the United States to lead both deserve.

Mr. President, Senator JOHN MCCAIN, distinguished colleague and friend from Arizona, usually a pretty good guide to what is right around here—I say usually because he has a few gaps in logic with regard to the submarine construction program, but I leave those aside for now—sent a letter to all of us on January 29 in which he said:

I support the nomination of Tony Lake to be the next Director of Central Intelligence and will introduce him to the Senate Select Committee on Intelligence when it holds hearings on this issue. I have worked frequently with Tony Lake over the years, and I agree with Bob Gates—

Referring to the earlier article I mentioned—

that he is a knowledgeable man of principle and integrity who can be expected to work well with other members of the President's national security team and with Congress.

End of the quote from the Senator from Arizona, the Honorable JOHN MCCAIN.

Mr. President, let me just add this one word about the intelligence community. I just do not think it is in the interest of the intelligence community

or the country to permit Tony Lake's nomination to be unfairly delayed or to get mired in partisan politics. This nomination should be judged on its merits. That is all the nominee, that is all the Commander in Chief, that is all any of us who support him are asking. Delay and political warfare risks doing serious damage not only to Tony Lake's honor and good name but also to an agency that has traditionally enjoyed and still fundamentally and seriously deserves bipartisan support. The CIA and the intelligence community are at a crossroads. They need a principled and strong leader now, and that man is Tony Lake.

Mr. President, at the end of the column he wrote for the Wall Street Journal, Bob Gates summed it up very well, and I quote finally from that article. Bob Gates says:

As the last CIA Director, nominated by a Republican President and confirmed by a Democratic controlled Senate, I strongly believe that hard questions should be asked of Mr. Lake and then he should be confirmed expeditiously with broad bipartisan support. This would be in the best interests of the country and of the intelligence community.

I thank the Chair and I yield the floor.

Mr. BYRD addressed the Chair.

THE PRESIDING OFFICER (Mr. ROBERTS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, first I wish to thank the distinguished Senator, Mr. CRAIG THOMAS, for his consideration in allowing me to go ahead of him. He has been patiently waiting in the Chamber to be recognized, but he has generously acceded to my request that I be permitted to proceed in that I have an important appointment to meet. I will be very brief.

WAIVING DIPLOMATIC IMMUNITY

Mr. BYRD. Mr. President, I commend the President of the Republic of Georgia, Mr. Eduard Shevardnadze, for the unusual but very appropriate action that he has recently taken regarding the actions of one of his nation's diplomats in Washington.

As has been widely reported, President Shevardnadze broke with longstanding international precedent and waived diplomatic immunity from prosecution in the case of a Georgian diplomat who was arrested for a particularly outrageous incident of drunken driving, resulting in a high-speed crash and the death of a 16-year-old girl.

Diplomats have a special responsibility for representing their countries in all manner of civil societies and all manner of governmental regimes. To prevent their being subject to harassment, punishment or other actions which would interfere with their representational functions, immunity from prosecution has been a time-honored protection.

Now, we have to think of our own diplomats, those who represent the

American Government who are abroad in countries that do not have the due process principles for which our country is noted and working under the Constitution which we have and which protects citizens.

Mr. President, somebody ought to call attention to this, and it just seems to me that more of us ought to take notice when something like this happens. And we should not only speak out against the heinous crime that was committed but also we should compliment the head of the foreign government that exercises and demonstrates high purpose and responsibility in a situation such as this.

However, diplomats also have a special responsibility for exemplary personal behavior, given their favored status. The tradition of immunity is not a license to behave in any but the most commendable manner. Immunity was not designed to protect loose living, risk taking or unlawful activities. Therefore, the action by President Shevardnadze in removing diplomatic immunity so that his diplomatic representative can stand trial for his outrageous behavior does not erode the traditional protection of diplomats but, rather, reinforces the need for diplomats to act properly and lawfully.

I hope our own diplomats abroad would act properly and lawfully. I could not condone any action that was not proper and lawful, and our government should not condone it on the part of our own diplomats.

President Shevardnadze is a highly respected leader in a very difficult part of the world. The Caucasian states of the Caspian region have been subjected to continuous, sometimes very heavy-handed pressure from the former Russian overlords who resent their independent, sovereign status as new nation-states. Georgia, Azerbaijan, and Armenia all fall into this category. The leaders of these nations have upheld their independence under great pressure. We have to commend them for demonstrating that kind of courage. They have good independent judgment, and they deserve the support of the United States. The action of waiving immunity in this flagrant, flagrant case that I have referred to is a good example of the sound independent judgment of President Shevardnadze, and I highly commend him and am proud to stand on the floor of the Senate today to recognize the wisdom he has shown and the courage he has demonstrated.

Mr. President, I thank my friend, Senator THOMAS, again, and I yield the floor.

THE PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming is recognized to speak for up to 30 minutes.

THE MEDICARE PAYMENT EQUITY ACT

Mr. THOMAS. Mr. President, I will not, myself, use 30 minutes.

I rise today to talk about a bill we introduced this week, introduced the

day before yesterday, along with several of my friends from rural areas, including the Presiding Officer and Mr. GRAMS, who joins me, the Senator from Minnesota. We will talk a little bit about the Medicare Payment Equity Act.

I come from a place called Wapiti, WY. It is actually a post office between Cody and Yellowstone Park. This is a rural area. So, the unique problems of rural medicine are near and dear to my heart.

We have in the Senate what is called a rural health caucus which, actually, 77 Senators have shown an interest in. I do recall the rural health group in the House, as well, which was very active and, as a matter of fact, the Senator from Kansas, now presiding, was co-chairman of that group.

So, we have a bill that deals with rural health care. And there are unique problems in rural health care. Other sponsors include Senator BURNS from Montana, Senator GRASSLEY from Iowa, and Senator KEMPTHORNE from Idaho.

Basically, it is a question of fairness. All Americans pay the same rate into the payroll tax for Medicare, and I believe, as I think all would believe that each, then, deserves the same kind of health care and the same kind of health care choices, the same kinds of services for having paid that. But that is not the case. The payments for Medicare, managed care within Medicare, are greatly different throughout the country. They are greatly different largely because they were put into place, as a matter of history, as a matter of utilization in the fee-for-service area. So they vary a great deal.

This chart will give some idea of what they are. Remember, each of these folks who receives these benefits has paid in similarly. However, the payments for managed care in Medicare, in Arthur, NE, are \$221 a month. On the other hand, in Richmond County, NY, \$767 a month. You can see the changes that exist here, and they are basically the highly utilized areas, the Floridas, the New Yorks and others who, in history of payments, have had high utilization so have a history of higher payments. The costs are not necessarily the same, but they are not that much different. What has happened is these risk contracts have basically been set on history and give enough additional services to take up that additional dollar. Not only do they get more money but they get more services.

Here, in Blue Earth County, MN, the yearly payment is \$600. Portland, OR, had \$500; the beneficiary has to pay additional money, as is shown in the yellow. However, in Dade County, in Florida, the payment is \$8,200 dollars a year. Not only do they get the additional payment, they have unlimited prescription drugs, a \$700 credit for hearing aids, and have a great deal of additional benefits. Remember, all of them pay the same into the program.