

Mr. KENNEDY. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I have the floor. We will speak very shortly so the Senator from Illinois can be recognized.

Mr. DORGAN. The Senator from Illinois should be recognized. If I could ask for forbearance, I wanted to ask the Senator from Massachusetts a question. Since he doesn't have the floor, let me at least propound the question.

Mr. FITZGERALD. Mr. President, I would like to have unanimous consent to speak for a couple of minutes on our departed colleague, John Chafee, after which I have to preside. I will just take a couple minutes.

Mr. REID. I say to the Chair, I am happy to yield my time for 2 minutes to the Senator from Illinois. I will reclaim the floor.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized.

#### IN HONOR OF SENATOR JOHN CHAFEE

Mr. FITZGERALD. I take this opportunity to express my great sense of personal loss on the passing of our colleague from the great State of Rhode Island, John Chafee.

I have only been in the Senate for under a year now. I got to know Senator Chafee while I was running for the Senate about a year ago. Even in that short period of time, I came to have great admiration and respect for Senator Chafee. I can only imagine the great sense of grief my colleagues and others who have known him several decades feel at his passing.

Of all the people I have known in my lifetime, I have to say that Senator Chafee had more of an aura of goodness, kindness, gentleness, and of fineness than just about anybody I had ever encountered in my life.

In many ways, he was a quintessential New Englander. He was modest; he was often taciturn. He did not complain about the health problems he had in the last few months. In fact, he didn't wish to talk about that. He was very hard-working. Others have spoken about his distinguished career in the Senate, as Governor of Rhode Island, and as our Secretary of the Navy. But for all of us who knew him personally, he was a great and fine gentleman. He embodied the best of his State, of his region, of our country, and certainly of this institution.

I just wanted to say now how much I appreciated John Chafee for the warm welcome he gave me as a freshman Senator. I regret that I did not have the chance to thank him while he was still with us. We used to share the elevator rides after we voted. We were on the fifth floor of the Dirksen Building, and we would be riding up to that top floor together after practically every rollcall vote in the Senate. I got to know Senator Chafee quite well in the last few months. He was always very

kind and interested in me as a freshman. He was always offering to help. When I took a trip earlier this year to give a speech in Rhode Island, he wanted to know beforehand exactly where I was going and my itinerary in his State, and he quizzed me about it afterward.

He was a Theodore Roosevelt Republican who was concerned about the preservation of our environment, enhancing it for future generations, and he did a marvelous job as chairman of the Environment Committee.

I express my condolences to his wife Virginia, his five children, and most especially to his staff. Senator Chafee's office is right next door to my office in the Dirksen Building. I know that he had a very loyal staff who loved him dearly. Many of his legislative assistants had been with him for 10 years or more, which bespeaks the sense of loyalty and affection they had for him. I know they have suffered a great loss, and we extend our condolences to them. John Chafee will be missed by me and by all of us in the Senate and by the great State of Rhode Island and by our country.

I yield the floor.

#### SENATE AGENDA

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Mr. President, I extend my appreciation to the Chair. I yield now to the minority leader, with the agreement that I will have the floor when he completes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank my colleague, the assistant Democratic leader, for his willingness to allow me the opportunity to talk a little bit more about why we are here.

We are stalled for one reason: The majority leader has again, for the seventh time now, filled the tree, precluding 45 Democrats from offering amendments. That is why we are here. And on two other occasions this year, the majority leader preemptively filed cloture on measures immediately after calling them up—and then proceeded to other business in order to prevent amendments or debate. So nine times so far this year, the majority leader has said, well, we are going to decide which amendments are offered, we are going to decide which amendments are passed, we are going to decide what kind of role you as Senators ought to have, and we will tell you that you are not going to be able to offer amendments. We are going to decide, in other words, whether to gag you and to lock you out of the legislative process to which you were elected as a representative of the people.

It began on March 8, 1999, on the so-called Education Flexibility Act. The bill was offered, the majority leader was recognized, and the tree was filled, locking out every single Democrat

from their right to offer amendments to the Education Flexibility Act.

He chose to do it again on April 22 on the Social Security lockbox. He said: We are going to have an up-or-down vote, and it is going to be our lockbox or none at all. We said: What about Medicare? What about locking up the Medicare trust fund? They said: No, you can't offer that amendment; we are going to fill the tree and preclude you from offering amendments on the Social Security lockbox. And, again, the issue was shelved.

On April 27, 1999, the Y2K Act, an extremely complex and very difficult issue, the majority leader came to the floor and filled the tree, precluded Democratic amendments, and said it is take it or leave it.

April 30, again he apparently tries to make the point that Social Security lockbox is important to Republicans—as long as Democrats don't have the opportunity to offer an amendment. Again, we said: We would like to offer an amendment on Medicare. Again, our Republican colleagues said: It is our bill or no bill. At that point, it went from becoming the Republican lockbox to, as our colleague from Maryland, Senator MIKULSKI, said this morning, the Republican "squawk box."

On June 15, 1999, the "squawk box" was debated again. Again, the majority leader offered the bill, filled the tree, precluded Democratic amendments, and the lockbox was shelved.

On July 16, Republicans used the "squawk box" approach again, claiming to be interested in getting the bill passed, precluding Democratic amendments on Medicare.

On June 16, in a similar situation, they did it again. They called up a House bill, the Social Security and Medicare Safe Deposit Act, filed cloture, and went off the bill to other business. And then, on September 21, the most recent effort by the majority leader and the majority to lock out Democratic amendments, they brought up the bankruptcy reform bill, filed cloture, and moved on to another bill, precluding Democratic amendments.

I only recite the litany of occasions when the majority leader filled the tree in order to make clear how objectionable this coercive tactic really is. For those who are not familiar with parliamentary jargon, "filling the tree" is a procedure that the leader can use to offer multiple amendments and thereby fill all of the available amendment slots that a bill has under the Senate rules, precluding any Senator from offering an amendment. That is what filling the tree is all about. Together with the practice of preemptively filing cloture, which has the same effect, it has been done now on nine separate occasions. The sad thing about it being done on this bill is that it plays right into the hands of the opponents of the legislation.

The opponents are very grateful to Senator LOTT and the majority for filling the tree because it certainly makes

it easy. It turns the issue away from whether or not one supports CBI to whether or not one supports a Senator's right to be a full participant in this Senate Chamber on this or any other bill. It ceases to become substantive and becomes a matter of individual Senator's rights.

Well, because I want this bill passed so badly and because I know it is one of the highest priorities for the administration, because I think this legislation has languished too long, because I think there is a real chance we can get this legislation passed and signed into law, going into conference with our House colleagues, I made an offer yesterday that was unprecedented since I have been leader. I said to the majority leader that if he would agree to allow us to offer on other legislation some of the amendments contemplated on this legislation, I would be prepared to work with him to table amendments on this bill. That is remarkable. It wasn't without a great deal of concern for protecting Senators' rights that I offered this latest proposal.

I draw a distinction between protecting a Senator's right to offer an amendment and supporting whatever amendment a Senator chooses to offer. I might not support an amendment on this particular bill, as important as some of these issues might be, but I will fight to protect every Senator's right to offer it. But there is a very important caveat here, and I think it needs to be emphasized. I insisted that we must have the opportunity to at least offer these amendments on another bill.

We have to have an opportunity, for example, to offer minimum wage on the bankruptcy bill when it comes up. The majority leader again said no. The problem, as we have said on so many occasions, is that there are those on the majority side who want this Senate to be a second House of Representatives. They want this body to act and to proceed as if it were the House of Representatives. That is the problem.

The amazing irony is that our Republican colleagues never dreamed of asking for this kind of procedural constraint, this kind of enslaved approach to legislation, when they were in the minority. They had no trouble offering extraneous amendments that were not necessarily relevant to a particular bill when they were in the minority. Of course not. The amazing thing is Democrats did not insist on a procedural constraint of the magnitude our Republican colleagues are now demanding.

Why? Because we had the confidence when a bill came to the floor that we would have a good debate, we would take all comers, we would table amendments that we didn't support, and we would offer second-degree amendments that we thought would be approved. We used all of the tools available to us. And this Senate acted like a Senate.

This Senate isn't acting like a Senate today. This is a sham. This is a ter-

rible excuse for this body. This should not happen. We should not have to come pleading for the right to do what we were elected to do. And it happens over and over—almost once a month this year.

I am telling you, we are losing some of the institutional tradition here. We are seeing the erosion of an extraordinarily important body and the rights incorporated within that body. Who today could, without smiling, argue that this is the most deliberative body? Who could say with a straight face, yes, this is still the world's most deliberative body? I daresay no one could say that. There is nothing deliberative about the Senate today. They want to make this a legislative assembly line. You take something up, you vote it up or down, and you move it along.

I am surprised we don't have a conveyor belt somewhere on the lower part of the floor where we just kind of say yes and no, yes and no, as bills on the conveyor belt come through—no debate, no deliberation; let's move them out.

This isn't what our Founding Fathers expected of us. They expected more. They put the rights in the hands of Senators to say: No, let's slow down on the legislation; or, I want to be able to offer an amendment. And I don't care whether it is a farm bill to a peace treaty. We want to have the opportunity to deliberate in the most deliberative body. Rubber stamping doesn't work around here. We have only had a handful of amendable vehicles—just a handful.

The response from the majority leader to my offer suggests that there may never be another amendable vehicle in this session of Congress—with no amendments on this bill, no amendments on any other bill. That is what the Republicans want. The results of doing business this way is remarkable.

We talk about a legislative landfill. I am telling you, I have never seen a legislative landfill of the magnitude we have today. We keep throwing bills into the legislative landfill, and that landfill keeps getting larger.

This has been the biggest legislative graveyard I have seen since coming to Congress. Republicans get elected to prove government doesn't work, and they prove it every day. When they are in control, they prove that government doesn't work because they don't want it to work. They don't want minimum wage. They don't want a Patients' Bill of Rights. They don't want good gun legislation. They don't want a Medicare prescription drug bill. They don't want legislation that moves this country forward. They don't want it. They don't want to admit it. They ought to admit it.

We are not going to be a part of this. We are going to stick up for our rights. We are going to amend legislation when it comes to the floor. We are going to go back into that legislative landfill and one by one we are going to recycle, because I am telling you that

is what this Senate and this country needs. We are going to recycle the Patients' Bill of Rights until it is done right. We are going to recycle minimum wage. We are going to recycle the gun legislation. We are going to recycle farm legislation. We are going to recycle every single bill the Republicans insist on burying, and we are going to keep coming back because that is what we were elected to do. That is what we are going to do. That is what we believe in doing.

I have to say I am disappointed. I am about as patient a person as I think I can be, but I lose my patience, and I get angry and frustrated at the level of duplicity and the extraordinary encumbrances that the majority demands of this body each and every day we legislate. This is wrong.

I am not proud to be in the Senate when I can't legislate as a Senator. I am not proud when we tear away the pillars of the Senate institution. I am not proud when I can't go to the public and say, yes, I am one of the 100 Members of the greatest deliberative body in the world. I am not proud about that. For however long I am here, I would like to be proud of the fact that, as a Senator, I lived up to the traditions and the practices and the extraordinary honor that comes with being a Senator. But that isn't happening today.

I left the House of Representatives 12 years ago for a good reason. I thought I could do more here. I thought I could play a bigger role here. I thought the Senate was where a Senator could really legislate. It was true in 1987. It was true in 1992. It was true all the way up until recently when slowly but most assuredly date by date, bill by bill, in filling the tree and using other devices, this majority leader said no. No. We are going to be a House of Representatives. Forget regular order. Regular order says you can offer amendments. We are not going to have regular order in the Senate. We are going to have narrow order, or no order at all, as the case may be.

What order is there when Senators can't offer amendments and we are stymied for 2 days? Do you realize how many bills we could have finished, or how many amendments we could have finished in just the last couple of days? We probably could go to final passage with the number of Senators who support this legislation by the end of the week. But here we are stymied once again.

We haven't passed the Social Security lockbox. That is part of the legislative landfill because we have filled the tree.

We haven't been able to pass anything where the majority leader has filled the tree until he has torn the tree down. That is the case here as well.

We will never let this legislation pass if we can't offer an amendment, not because we don't support it—I strongly support it—but because I also even

more strongly support the right of every single Senator to be partners in the legislative process.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. DASCHLE. I would be happy to yield to the Senator from California.

Mrs. BOXER. I thank my leader for his comments and his spirit because it is the spirit we need in this country, which is the can-do spirit. We can take care of the people's business, even if it is difficult for my friend. I know it is because I know the kind of goodness he has in his heart. This isn't his favorite moment to come down to the floor and have to express his feelings of dismay and his anger, frankly. My friend listed bills that are in the landfill, the graveyard. I want to ask the Senator about three other issues that I think are in danger of joining in that Republican graveyard: The 100,000 teachers, the 100,000 police, and decent, qualified judges who have been waiting for years to get a vote.

I wonder if my leader would comment on those three areas, as well.

Mr. DASCHLE. The Senator from California puts her finger right on the issues I omitted, and rightfully so. One year ago, we all had a bipartisan agreement and celebrated the fact we were going to reduce class size. How ironic it is now, after all the celebration, that in just 12 months Republicans have had a change of heart. Now, apparently, class size is no longer an issue. Now, apparently, it is OK to have kids in classrooms with 35, 40, 50 children. It doesn't matter. The Senator is right about that.

The Senator is also right about judges. I don't know how anyone can look Judge Paez in the eye and say he got a fair deal. I don't know how Members tell anybody who has had to wait for more than 3 years that this system is fair. I don't know how Members tell the Hispanic community we are being equally as fair with them as we are with all non-Hispanic judges when that simply is not true. If one is in a minority, that person has a bigger contest in getting confirmed. That is a fact. I won't deal with all the perceptions that creates, but it is wrong. Hispanic or non-Hispanic, African American or non-African American, woman or man, it is wrong not to have a vote on the Senate floor.

What are they afraid of? What are they afraid of? What is wrong with a vote? There is something wrong in our system when somebody has the right to tell somebody who is willing to commit him or herself to public service that we are going to make that person wait 3½ years just to get a vote. We are not going to tell them what is wrong. We are not going to say if there is something wrong in their background. We are not going to debate whether they have qualifications or not. We are going to make them wait, and hopefully they will go away. Hopefully, they will go away.

What does that say? What does that say about the intentions of people on

the other side? Go away. Don't make any noise.

That is wrong. That is worse than a legislative landfill.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. KENNEDY. I commend the Senator for his very eloquent and accurate assessment of what has happened to this institution. I have been here for some period of time, and I say this is absolutely a unique set of circumstances. The leader has, I think, accurately described the current system.

I think it is important, as our friend from California pointed out, what it means in terms of people's lives. We can talk about the tree and blocking amendments, but let's take one bill, the Patients' Bill of Rights.

This chart lists in white all the provisions that were in the Senate bill, which our Democratic leader managed so well, and which was submitted in the Senate. All of these provisions represent the best judgment of a bipartisan commission set up by the President. They unanimously made these recommendations. They had to be unanimous in order to make the recommendations. They didn't make the recommendation to put them in law, but they said: This is what is necessary to protect the people. Or by the insurance commissioners, that are neither Democrat or Republican organizations; or, in other instances, in Medicare.

This side of the chart represents what happened in the House of Representatives with a bipartisan group of House Members, 68 Republicans and the Democrats. These full dots indicate the House of Representatives has effectively agreed with the legislation advanced by the minority leader.

I ask, since this was a bipartisan program and the leader had the overwhelming support of the Democrats, whether the Senator would not welcome the opportunity this afternoon to go ahead and pass what was passed in the House of Representatives so we would not have the kind of circumstance we have every single day we are delayed: 35,000 Americans delayed or denied specialty care; 31,000 forced to change doctors; 18,000 forced to change medicine indications; 59,000 Americans with added pain and suffering; 41,000 with a worsening condition; and 11,000 with permanent disability.

That happens every single day.

As I gather from what the leader has said, the kind of legislative trapeze that has been set up by the majority leader denies this minority the opportunity to take action that can make a difference in the lives of the families of America. I think it is worthwhile, as we talk and listen carefully to the Senator's concerns, to know the result of the inaction. Real families are being hurt in America. They don't have to be hurt. Republicans and Democrats alike

got together to provide some protection, but this leadership in this body is denying the American people the ability to receive the kind of protections they should.

Mr. DASCHLE. The Senator from Massachusetts is absolutely right. He gave a perfect illustration of how they are being hurt on health care. I think he is also right that it is important to try to put this in terms the American people understand. This has to do with more than just procedure. We are talking procedure, and sometimes I may get too engrossed in my own procedural frustration to try to ensure that we talk about this in ways the American people fully understand.

If anyone out there today has been ripped off by an insurance company or has been denied care by a hospital or doctor because they are being told by the insurance company they cannot do it, those people are affected by what is happening this afternoon on the floor, one of the thousands of people who have been adversely affected by our inability to have a good debate. Anyone out there who has a child in a classroom with 35 or 40 kids is affected by what is going on right now.

If anyone out there has been affected by some crime in the neighborhood because we haven't fully funded the COPS Program, then, by golly, those Americans are affected dramatically by what has happened right now. If anyone is out there working at lousy minimum wage and can't make ends meet, they are affected by what is happening right now because the other side doesn't want a minimum wage increase—not this year, not ever. If they did, they would have supported it a long time ago. If anyone out there wonders why this is all going on, turn the pages of the calendar back 2 weeks and find out it was their side that defeated campaign finance reform and we are affected by what is happening right now. Don't let anybody out there, I don't care what issue, think this is not relevant.

The assistant Democratic leader probably made the best illustration. I think our people are in greater danger today than they have ever been before to the exposure of greater nuclear proliferation because of what the Senate did 3 weeks ago. You are affected by it. You are affected by it.

This is more than procedure. This is what is going on here and how affected we are by it. This has everything to do with why we got elected in the first place, because we wanted to come down and fight for these issues. It is more than whether we can offer an amendment, it is whether we pass the amendment. It is whether we do something good for this country, for whatever limited time we are here. That is what this is about.

We came to fight. We came to fight for the things in which we believe: A better minimum wage, more teachers, a good health care system, an end to nuclear proliferation, a safer neighborhood, a better minimum wage—things

about which people today can only dream. That is what we came to fight for. There are opportunities for debates about things; there ought to be.

We have to decide what kind of body this is going to be. Those who wish for the rules of the House ought to go to the House. To understand the 200-year tradition of the Senate, pull open this drawer. I see some wonderful names, names in some cases that have been there for generations. These people, the people in my drawer, fought for the same things I am fighting for right now. These people fought for health care, these people fought for better working conditions for families, these people fought for a safer neighborhood, these people fought for the arms control agreements of their day. They fought. They were not handcuffed. They were not gagged. They were not confined to a legislative straitjacket. They fought valiantly, and today we sing their praises as the legislative leaders and giants of old.

We want to fight. We want to be part of this process. We want to be able to pass this institution onto the next generation of Senators and say: Welcome to the greatest deliberative body in the world.

Mr. DURBIN. Will the Senator from South Dakota yield?

Mr. DASCHLE. I am happy to yield.

Mr. DURBIN. I want to make sure those who are following this debate understand what we are talking about. When we use terms such as "fill the tree," which we are talking about, we are basically talking about a gag rule here which says Members of the Senate can't offer amendments.

Some critics say: We know what you mean; the old Senate filibuster. You want to go on forever offering amendment after amendment after amendment so you can never get anything done around here.

Can the leader on the Democratic side tell us, have we offered to the Republican side to limit the debate on the amendments, to limit the number of amendments, to require they be published in the RECORD so we know the parameters of the debate and so we know it will come to an end at a certain time, we know there will be an up-or-down vote? Has that been part of the bargaining?

Mr. DASCHLE. The Senator from Illinois has raised an important question. On the issue of bankruptcy, the answer is absolutely yes.

My initial position on bankruptcy was, we ought to have the opportunity to offer amendments, relevant or non-relevant. We ought to use regular order—I should say that. We ought to use the regular order of the Senate in taking up a bill. That is what my suggestion was.

The majority leader said: No, we cannot do that.

So I said: What about offering at least five amendments that may not be directly related to bankruptcy but are important to Democrats?

He said: No, we can't do that.

I said: What about offering three amendments that are important to Democrats that may not be directly related to bankruptcy, requiring that all Senators file all relevant amendments prior to a certain time?

I am told now the majority leader cannot do that.

So, inch by inch, step by step, the majority wants to rob you and rob every single Member on this side of the aisle of your right to be a full partner in the Senate.

We all want to be able to move legislation. I will agree with some, disagree with others. Ultimately, if the Senator from Illinois is right and we are able to close the gap on bankruptcy with some good amendments, I will be supportive of that legislation. I expect to be. But I also expect you will have a right to offer an amendment.

Mr. DURBIN. Will the Senator from South Dakota yield?

Mr. DASCHLE. I will yield for a question.

Mr. DURBIN. Will the Senator agree with our former friend, late departed Mike Synar, Congressman from Oklahoma, who is quoted as saying: If you don't want to fight fires, don't become a fireman, and if you don't want to come to Congress and vote on tough amendments, don't run for the House or Senate.

Mr. DASCHLE. The Senator from Illinois recalls and I recall our wonderful colleague very well. No one was sharper, more energetic, brighter, better liked in our caucus in the House than Mike Synar. He said that and a lot of other truthful things. He was right.

It makes me wonder what people are afraid of. What in the world are Senators afraid of, bringing up and debating an amendment? We used to do that all the time. I can recall so many occasions when we had to come down to the floor and table an amendment that might have had immediate popularity but was not good for the country. We did that. We tabled amendments. We second-degreeed them.

Again, I am getting into "beltway speak" here, but the bottom line is, we respected Senators' rights to fight for the things they cared about, to fight for the things for which the people sent them to fight.

The Senator from Illinois has done that on an array of issues. Every Senator on this floor has come with a certain agenda and a belief they could make a difference. But how do you make a difference if you do not have a voice? How do you make a difference when you do not have an opportunity to legislate? How do you make a difference when you are really shoved back into the mentality and the constraints of the House of Representatives when you are a Senator? That is not what the people of our States and this country sent us to do.

Mr. HOLLINGS. Will the distinguished leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the stand the distinguished leader takes is one of a fundamental nature. It is one of principle and not politics, and I am in the best position to comment upon it, for the simple reason, the distinguished Senator from South Dakota favors the Finance Committee bill. He would favor throttling me and getting rid of me and having a quick vote. But he understands, better than any, there is more to the Senate than a gymnasium for political gymnastics whereby, on parliamentary positions, you can just cut everybody off.

I cannot see Senator Mansfield for a second going along with this nonsense. I could not see for a second Senator Dirksen even suggesting it. There has always been an unwritten rule of comity and understanding and friendship and the strength of feeling. Sometimes, when Senators have that feeling, it is respected by the other 99 Senators.

Here, the Senator from South Dakota, our minority leader, has been very eloquent on the position taken as a matter of principle. His politics are otherwise. He could go along with Senator LOTT and say: The dickens with it, fill up the tree, tomorrow we'll vote, we'll have cloture, and this bill will be over with, and everything else of that kind.

But the opposite is the case. He has taken a stand for the Senate majority and minority. It is a Senate stand. I commend him for taking it.

Mr. DASCHLE. I thank the Senator from South Carolina.

I know the assistant Democratic leader has been very patient, waiting to speak. For that reason, I yield the floor.

Mr. REID. Before the leader leaves, on behalf of the Democrats in the Senate and the people of the United States of America, we congratulate and applaud his statement. The Senate stands for what our Constitution was set up to do. We are not the House of Representatives. We are not elected every 2 years. We are to be a deliberative body, and the leader spoke so well in that regard. I, as I said for all Democrats and for the country, respect and appreciate his position.

I would like to ask a question of my friend from North Dakota. I say to my friend from North Dakota, does he remember—I see at least five Senators, here coincidentally on the floor, all of whom agreed to oppose the rush by the Republicans to have a constitutional amendment to balance the budget. We opposed that, the five of us on the floor today: The Senator from California, Mrs. BOXER; the Senator from Massachusetts, Mr. KENNEDY; the Senator from South Carolina, Mr. HOLLINGS; this Senator; and the leader walking out to his office.

Do you recall we all opposed the constitutional amendment to balance the budget that was presented by the Republican majority? Do you recall our opposing that?

Mr. DORGAN. In response to the Senator from Nevada, when we had the debate in the Senate on the constitutional amendment to balance the budget, one of the questions we raised was about writing into the Constitution of the United States a practice of using Social Security trust funds for the purpose of balancing the budget; in other words, taking trust funds that were designated for Social Security, which came from the taxpayers' paychecks and put into a trust fund, and using them as other revenue, just as if it was any other dollar of tax revenue. We raised the question: Do you think it is appropriate to weld into the U.S. Constitution a practice as dishonest as that? These are trust funds, after all.

Mr. REID. What was their answer to that question?

Mr. DORGAN. Their answer was: We insist on doing it this way; we demand we change the U.S. Constitution by requiring that Social Security trust funds be counted as any other form of revenue for the purposes of computing our budget balance. We demand it, they said.

One of the meetings was in this Cloakroom, another back there, another on the floor. We said: But that is not an honest way of budgeting. If you did that in private business—if you have a company and you want to show how much profit you made last year, and in showing how much profit, you want to bring your employees' pension moneys into the bottom line and say that is the profit, if you do that, you are going to get 10 years of hard time in some prison.

We said: It is not appropriate to use Social Security trust funds and certainly not appropriate to lock it into the Constitution.

They said: We have to use them; it is the only way we can balance the budget. They said, back in the Cloakroom, to Senator CONRAD and myself: We will make a deal with you. We want to write into the Constitution that we can use the Social Security trust funds to balance the budget, just as other revenues, just take them out of the trust funds and use them as other revenues, and we will stop doing it in the year 2012.

Mr. REID. Does the Senator remember that was put in writing by one of the Republican Senators?

Mr. DORGAN. The year 2012 was not put in writing. We said that doesn't make any sense.

They have two stages of denial. First, we are not using Social Security, they said. Second, if we are, we will stop by 2012.

Then they said: If you don't buy 2012, we will actually put in this constitutional amendment that we will stop using the Social Security trust funds in 2008. And that is what they put in writing. I still have that deep in the bowels of my desk somewhere with their handwriting: We propose we stop using Social Security trust funds by 2008, but we insist on the right to do it

until then. In fact, we want to put it in the Constitution of the United States.

Mr. REID. Does the Senator recall that the Senators on the floor offered our own constitutional amendment to balance the budget that said we want to balance the budget the hard way, the honest way, and we do not want to use Social Security surpluses? We offered that amendment and the Republicans, all but two of them, voted against it; is that right?

Mr. DORGAN. The Senator is correct on that. We offered that amendment, in fact, on a couple of different occasions. They wanted nothing to do with it.

The reason this is an important issue, if I can respond to the Senator from Nevada, is because we have the majority party running television ads across the country at the moment.

Mr. REID. I wanted to give a lead in to my friend from North Dakota. North Dakota is a State sparsely populated, somewhat similar to Nevada. The State of North Dakota has a single congressional district; is that right?

Mr. DORGAN. That is correct.

Mr. REID. Republicans have been running ads, I have been told, in that congressional district, which is that whole State, saying Democrats are bad because we are using Social Security surpluses to balance the budget. Are they running ads like that? And if they are, will the Senator from North Dakota comment on what is going on?

Mr. DORGAN. In our State and others, the majority party is running ads, and the ads are fundamentally dishonest. In political dialog, you have a right to say what you want to say even if it is fundamentally untrue. The ads in North Dakota by the Republican Party are saying the Democrats are stealing, taking Social Security trust funds, they are spending trust funds. In fact, just the opposite is the case. It is the majority party that is taking the trust funds. They demanded they be taken back in the debate on the constitutional amendment. In fact, they demanded the opportunities to take them and put it in the Constitution.

They are doing it and denying they are doing it and charging others. It is akin to the big bully on the schoolyard playground who blames somebody else: No, ma, those aren't my cigarettes; I was holding them for two other guys who were fighting. It is that approach.

Let me read a letter to the Senator from Nevada from the head of the Congressional Budget Office.

Mr. REID. Dated today?

Mr. DORGAN. Dated today.

Mr. REID. Will the Senator explain for those within the sound of his voice what "CBO" is?

Mr. DORGAN. The Congressional Budget Office is an office that has historically been a nonpartisan office. It is supposed to be the scorekeeper. This would be the referee keeping score on numbers and budgets. What happened previously—this is very interesting—is the majority party wrote to the Congressional Budget Office, and they said—

Mr. REID. The Republicans wrote; is that right?

Mr. DORGAN. That is right. They said they wanted to have certain directed scoring adjustments. Let me give an example of what is a directed scoring adjustment. They were writing to the Congressional Budget Office to get comfort for what they were doing. Directed scoring adjustment is, if I went to an accountant and said: All right, I want you to certify for me what my checkbook balance is, but I direct you not to count the last 10 checks I have written in determining the balance. That is a directed adjustment.

Or I say: I want you to tell me whether there are any hills on the Earth, and for that purpose, will you assume that the Earth is flat. That is a directed assumption.

The Republicans used these directed assumptions and said to CBO: Using these directed assumptions, tell us, are we in good shape?

CBO: Yes, using those assumptions, you are in fine shape. Not using Social Security money, you are in good shape.

This is what Mr. Crippin, the head of CBO, says in response to Congressman Spratt who wrote to him:

As you requested, these estimates reflect the Congressional Budget Office's assumptions and methodology and exclude these directed scoring adjustments.

That is the little funny money put in—

Mr. REID. The last 10 checks; they can count everything.

Mr. DORGAN. Right. This is an honest look. There are no games here; they haven't jimmied up the estimates on the baseline based on a request by anybody. Here is the honest look, and what they say is: Having done your 13 appropriations bills, Republicans in Congress, you have now spent \$17 billion of the Social Security trust funds this year, and you will require a nearly 6-percent, across-the-board reduction in all spending—all spending—veterans' health care, senior citizens, the WIC Program for infants and low-income women, the Head Start Program—you will require a nearly 6-percent, across-the-board cut in all spending in order to avoid your continued use or misspending of the Social Security surplus.

This is today's letter. I want to make this point: Those who are spending the money to put the dishonest ads on television this afternoon in my State ought to be ashamed of themselves. They ought to be ashamed. They know it is dishonest. This proves it is dishonest. But money in today's politics is speech. If money is speech, there are a lot of speechless people in this country, and that is regrettable. But the folks with the money can put a television ad on and say down is up, black is white, grass is purple—whatever they want to say, and they can, as they have done, ask somebody with directed scoring adjustments, tell me my bank balance if you don't count the last 10

checks; or tell me the Earth is flat if I insist the Earth is flat in the assumption.

They create a dishonest brand of politics in this country. Shame on those who do it.

Mr. REID. I say to my friend from North Dakota, what you are saying is the majority party, the Republicans who run this place—they have the majority, they are passing these appropriations bills—and the CBO has said they have already used—they, the majority party who gets bills passed here—they have used Social Security surplus moneys this year and they are running ads in the State of North Dakota and around the country saying Democrats are using Social Security money? The Senator has been very discreet in his description. To me, where I come from, that is a falsehood; that is a lie; that is dishonest. Am I misinterpreting what you have said?

Mr. DORGAN. No; the Senator has stated it exactly as I said. Let me mention one additional point that relates to something about which the Democratic leader spoke.

One could say: Well, if you know this to be true—we know it to be true by the Congressional Budget Office today—why don't you do something about it? Why don't you bring an amendment to the floor of the Senate?

The point is, we can't bring an amendment to the floor of the Senate. The Senate is tied up, deliberately. We have what is called a legislative tree that has been created that would prevent those on our side from offering amendments.

If I might just take one additional minute. I grew up in a town of 300 people. We had an elderly widow in my town, kind of a disagreeable elderly widow. She had a huge crab apple tree in her front yard. And she was disagreeable enough to demand, although she had so many crab apples—she could have fed the whole town; they dropped on the ground—she demanded that children never pick her crab apples. So, of course, we had to wait until after dark to pick her crab apples. But she was only disagreeable with those she did not want to pick crab apples. Her friends, she would usher them in, and they would pick her crab apples.

I was thinking about the majority leader today and the tree. It is kind of like that disagreeable elderly woman in my hometown. He says: I want to create a tree here and decide—standing right over there on the floor—who can come in and pick the fruit from this tree. By the way, that doesn't include anybody from the Democratic side of the aisle—nobody. No one on that side of the aisle is going to pick any of my fruit.

Why? It is partisan. Everybody says: Well, this is all partisan with you. It is not partisan with us. It is partisan with those who want to run the Senate in a manner that says our friends are going to have full opportunity to bring their ideas to the floor of the Senate—

and, after all, that is the only currency in this kind of institution: An idea, a good idea. The majority leader will say: The way I want to run the Senate is my friends have an opportunity to bring their ideas to the floor of the Senate; and we are going to have votes; but you in the minority will not, and may not, have that opportunity.

That is why we cannot allow that to continue. It is unforgivable to allow that to continue.

Mr. REID. I direct a question to my friend from California.

You have heard the dialog, the discussion, the colloquy between the Senator from North Dakota and the Senator from Nevada. I would like the Senator to comment on something that was killed here a couple weeks ago, and that is campaign finance reform. Why is it needed? I would like the Senator to comment on that. Especially in light of all these false ads that have been running all over this country, why do we need campaign finance reform in our country, which the Republicans have killed?

Mrs. BOXER. I think one of the reasons people are disillusioned today and do not participate in the greatest democracy in the world is that they believe their voice does not count. They believe money talks. And listening to the debate we had on this floor, with the Senator from Kentucky on their side of the aisle leading that fight, I am sure they have concluded they are right. The Senator equates money with speech. It was, to me, one of the saddest debates I have ever heard around here.

People do not vote, they do not participate, because they believe they do not count. Ordinary people, average people, they can't make the \$1,000 contribution, or the \$5,000, or the \$10,000, or the \$20,000 contribution, or, frankly, the \$100,000 and \$200,000 contributions of soft money that come into play here.

I think it was a very sad situation when the Republicans, defying a majority of this Senate—and we had a majority vote for campaign finance reform—took that piece of legislation and threw it into the graveyard, along with all the other things our Democratic leader and our assistant Democratic leader have talked about—all the important things: The HMO reforms, the teachers, the policemen, the Comprehensive Test Ban Treaty, and a number of other issues that they have thrown into that graveyard, the last one being campaign finance reform.

Mr. REID. We have been so impeded in progress around here.

Does the Senator also recognize we have done nothing with important environmental issues facing this country?

Mrs. BOXER. Yes. I have been waiting 3 days to see us get into a debate on the things that matter to people—things such as the minimum wage and environmental protection.

Mr. REID. The minority leader has mentioned, and the Senator from California has just mentioned, minimum

wage. Does the Senator from California understand that over 60 percent of the people who draw minimum wage are women, and of those 60 percent, for 40 percent of them that is the only money they get for their families? So, in short, would the Senator agree that the people who need minimum wage are not teenagers at McDonald's flipping hamburgers?

Mrs. BOXER. Absolutely. My friend is right. We held a number of press conferences before the last increase of the minimum wage—which now seems like history, it was so long ago—where we brought that point out that 60 percent of the people on minimum wage are adult women who are supporting their families. They work very hard. If they work full time at a minimum wage job, I say to my friend, they are way below the poverty line. They are earning about \$11,000 a year. For a family of three or four, they can barely make it. They can't feed their kids, pay their rent, or buy many clothes at all.

So the bottom line is, my friend is right. When we talk about minimum wage, we should get behind what that means. What that means is, if we do not raise it, people in this country will be hungry, children in this country will be hungry. We already have many children living in poverty. That is the largest group of our citizenry living in poverty.

I want to ask my friend to comment on something here, if he would do me that favor. I am so proud of his leadership and that of Senator DASCHLE today in framing the issues.

When I heard the Senator from North Dakota go back and forth with my friend from Nevada on the Social Security issue, I was very glad they raised this issue on the floor. Because of the fact that we have a social safety net for seniors in this country, we have seen that the people in poverty no longer are the senior citizens. We should all be proud of that. But I want to read just a few lines from an editorial that ran in the San Diego Union Tribune. It was written by a man named Lionel Van Deerlin who, for many years, was in Congress.

Mr. REID. From California.

Mrs. BOXER. Correct, from the San Diego area. He is now a senior citizen himself and quite sharp, as you can tell from this.

I am going to read probably just 2 minutes worth of his words, and I would love my friend to comment. It is called "Trusting the GOP to 'save' Social Security."

For anyone who just fell off the turnip truck, Republicans in Congress have a new rallying cry—"We won't let them raid Social Security!" . . .

[Tom] DeLay [who is the Republican whip in the House] asks us to believe that the Social Security trust fund is under assault by Democrats, and we must trust his party [the Republican Party] to protect it.

I'd sooner entrust a lettuce leaf to a rabbit. Credibility surely matters. In probing the violence at Grandmother's house in the woods, whom do we believe, Little Red Riding Hood or the wolf?

Here is one of those demonstrable facts of history:

And he goes on:

Had it been left to the Republicans in Congress, we'd never have had Social Security in the first place. Nor Medicare.

He says:

GOP House and Senate members invariably lined up in opposition to these social programs.

Mr. REID. Would the Senator pause from finishing her statement?

Mrs. BOXER. Yes.

Mr. REID. I carry with me in my wallet, because I think it is hard for people to comprehend this is true—here it is. Just to show Lionel Van Deerlin is not too old to remember what really happened, I have here what I carry in my wallet: GOP leaders on Medicare and Social Security.

Let me read to the Senator what some of the leaders have to say.

House Majority Leader DICK ARMEY, with whom we both served when we were in the House, said:

Medicare has no place in a free world. Social Security is a rotten trick. I think we're going to have to bite the bullet on Social Security and phase it out over time.

I could read a statement from former leader Bob Dole, from House Speaker Gingrich.

The point is, Lionel Van Deerlin is right on target because Republicans did not vote for Social Security to begin with. And they still hate it.

Mrs. BOXER. I am glad you carry that around because if you were to listen to these ads on TV, you would think the Republicans thought of the idea of Social Security and Medicare, when, in fact, they fought it every inch of the way.

Just a few years ago, in 1994, DICK ARMEY, in addition said if he were here, he wouldn't have voted for Social Security.

So this is what Lionel Van Deerlin writes.

GOP House and Senate members invariably lined up in opposition to these social programs.

As Casey Stengel would advise, you could look it up.

He writes further on:

Yet when President Roosevelt's original Social Security bill neared passage the following year, every Republican present voted to "recommit" the measure. To send it back to committee, that is, to kill it.

He goes on:

Today's GOP generation offers little more to warm one's hands on. House Majority Leader Dick Armey, a one-time economics professor, has openly urged the phasing out of Social Security. And no less a prophet than ex-Speaker Newt Gingrich tipped his hand upon taking the gavel in 1995.

"Let it wither on the vine," was his chilling suggestion for dealing with a system vital to the support of nearly 45 million Americans.

He continues:

I offer the foregoing compendium from public records, not to belittle or embarrass decent, often likable leaders of past and present. They did not climb the ladder with subnormal IQs, nor by ignoring ordinary folk

in their respective states and districts . . . no matter how earnestly Armey, DeLay, [and the Republicans] ask us to trust them in regard to Social Security, I offer this advice:

Don't.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from which I just quoted.

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

[From the San Diego Union Tribune, Oct. 27, 1999]

TRUSTING THE GOP TO 'SAVE' SOCIAL SECURITY

(By Lionel Van Deerlin)

For anyone who just fell off the turnip truck, Republicans in Congress have a new rallying cry—"We won't let them raid Social Security!"

Those of us past 65 are expected to feel relieved. Final budget negotiations are underway between Congress and the White House. Listen to those Sunday talk shows and you'd believe a profligate president is poised to riddle the retirement system that has served America since before those guys were born.

A bone of contention concerns the willingness of either side to rely on a portion of the Social Security trust fund in balancing the Treasury's books. Though this has happened often in the past, it's a crutch that should not seem necessary in light of record surpluses.

But resolving the question hardly seems worth another government shutdown. Nor, I'd add, letting one side escape nearly seven decades of some pretty telling history.

My understanding of actuarial tables and most financial matters is no sharper than average. I sometimes lose my way in a maze of bookkeeping totals. But the years have not impaired my memory. And when someone like Republican Whip Tom DeLay, the ex-termite mogul from Texas, impersonates Horatio at the Bridge. I cringe in wonderment.

DeLay asks us to believe the Social Security trust fund is under assault by Democrats, and we must trust his party to protect it.

I'd sooner entrust a lettuce leaf to a rabbit. Credibility surely matters. In probing the violence at Grandmother's house in the woods, whom do we believe, Little Red Riding Hood or the wolf?

Here is one of those demonstrable facts of history: Had it been left to the Republicans in Congress, we'd never have had Social Security in the first place. Nor Medicare. GOP House and Senate members invariably lined up in opposition to these social programs.

As Casey Stengel would advise, you could look it up.

Midterm elections in the Depression year 1934 had reduced GOP ranks in the House to fewer than 90 members. Yet when President Roosevelt's original Social Security bill neared passage the following year, every Republican present voted to "recommit" the measure. To send it back to committee, that is, to kill it.

It was much the same with Medicare nearly 30 years later. In July, 1962, only five Republican senators supported President Kennedy's plea for this historic expansion of Social Security—which then failed on a 52-48 vote. The eventual enactment of Medicare had to wait three years more.

Almost always, top GOP leaders were slow to embrace or to improve the sort of social insurance system long in place among other industrial nations. Sen. Barry Goldwater, the GOP's 1964 presidential candidate, may have doomed his chances in the New Hampshire primary by saying:

"I would like to suggest that Social Security should be made voluntary—that if a person can provide better for himself, let him do it."

And Ronald Reagan? The conservative magazine Human Events in November, 1966, quotes the future president saying "Social Security ought to be voluntary . . . so those who can make better provision for themselves are allowed to do so."

Ten years later Reagan was telling The New York Times: "Don't exchange freedom for the soup kitchen of compulsory insurance."

The soup kitchen? It goes without saying that noting in the law prevents any recipient from making better provision for him or herself, as most do. But without the total involvement of all wage earners, Social Security would quickly slip into a massive welfare system for the improvident and unlucky. And higher taxes for the rest.

Today's GOP generation offers little more to warm one's hands on. House Majority Leader Dick Armey, a one-time economics professor, has openly urged phasing out Social Security. And no less a prophet than ex-Speaker Newt Gingrich tipped his hand upon taking the gavel in 1995.

"Let it wither on the vine," was his chilling suggestion for dealing with a system vital to the support of nearly 45 million Americans.

I offer the foregoing compendium from public records not to belittle nor to embarrass decent, often likable leaders of past and present. They did not climb the ladder with subnormal IQs, nor by ignoring ordinary folk in their respective states and districts.

Dr. Kevorkian, too, seems an intelligent and genial fellow. It's never unreasonable to seek a second opinion.

Meanwhile, no matter how earnestly Armey, DeLay, et al. ask us to trust them in regard to Social Security, I offer this advice:

Don't.

Mr. REID. I say to the Senator from California, we came to the House together in 1982. I had never seen you before until the day we had our orientation. We have served together in the House of Representatives and the Senate. You and I have been involved in some very tough campaigns over the years. I have always been so proud of the Senator from California, because it doesn't matter if you are speaking to the League of Women Voters or to a high school class, whoever you are speaking to, you say the same thing in response to the same question.

You have had tough, hard campaigns, but you have never deviated from what you believe in. It has caused you some heartache and heartburn because they have been tough decisions. That is why I am so upset and feel so oppressed, put upon, and don't know what to do about these ads running all over the country.

You can have tough campaigns. A person can run against BARBARA BOXER. A person can speak out against BARBARA BOXER on an issue because they disagree with how you feel on that issue. That is what government is all about. That is what governing is all about. But not to come up with, we love Social Security and the Democrats are trying to destroy it. That, I am sorry to say, is not fair. It is not right. It is dishonest. It is wrong. This is what a totalitarian government is all about. If you tell a lie long enough, people might believe it.

I hope the American people will not believe the lie being perpetrated around this country by the Republicans saying Democrats are trying to destroy Social Security. We founded Social Security. Just as Congressman Van Deerlin said, we did it on the votes of Democrats. We have saved Social Security. We are the ones who stopped it from being placed in the constitutional amendment to balance the budget, where they would raid the funds more. What is happening around the country is distasteful. It is wrong. It is dishonest. It is repugnant. Somebody should speak out against it. That is why you are here today.

Mrs. BOXER. I am so proud of the Senator's leadership today on this issue and so many others. I think these ads are going to backlash. In the end, the truth will come out. The American people are fair people. The American people are going to judge us, and they are going to judge us harshly on what we say and what we do. But they want the truth.

I do believe that with this kind of writing by Congressman Van Deerlin, who left the Congress a long time ago but still carries a tremendous amount of respect, his being, in his own conscience, unable to let this go and writing such strong words with a sense of humor—and editorials are popping up all over the country—I think the Republican Party is going to find a backlash across this Nation. I believe in my heart people will understand what they are doing.

It is fair to attack a candidate, a Senator, a Presidential candidate, a President on an issue. It is fair to do that. It is not fair to make up a story, make up a scenario because you have taken a poll and you know you are on the wrong side.

As I said today, the Republicans say they created a lockbox for Social Security. They forgot to tell us, they have the key. They already opened up that lockbox to give \$18 billion to the programs they want. It is similar to the crab apple analogy before. They are taking out those apples, \$18 billion, and then they hold the key.

The bottom line is, to say we are not protecting Social Security doesn't pass the smell test or the laugh test or the test of time or the test of history.

I am, again, proud of my friend for taking the floor.

Mr. REID. In closing our dialog, I have confidence in the sense the Senator has, that this will all come out. I hope the Senator is right. My concern is—based upon what Senator DASCHLE a few minutes ago, when he said they have put in the landfill, the graveyard, campaign finance reform—money can sure confuse a lot of things. When they are spending millions and millions of dollars on these false and misleading ads, I hope we can right the ship. We need to speak out. I again tell the Senator from California how much respect I have for her for standing up, always, for what she thinks is right.

Mrs. BOXER. We will fight for the truth.

Mr. REED. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator from Rhode Island.

Mr. REED. I wonder if the Senator from Nevada shares my same frustration that the Republicans are distorting the record of Social Security and their efforts to protect it. Like you, I lived through the days of the Republican revolution back in 1995, when they literally were talking about dismantling the Social Security system. Their current track seems to be entirely bogus. But at the same time they are distorting Social Security, they are also turning their backs on the need in our country for some important legislation.

Many of them have been mentioned, but there is one, I think, that warrants particular emphasis. That is hate crimes legislation. After the tragic death of Matthew Shepard in Wyoming, of James Byrd in Texas, the tragedy at Columbine, and arsons at synagogues in Sacramento, it is high time we took a very simple step to provide the full ambit of our civil rights protection for those crimes that are hate oriented, that have been based upon gender or disability or sexual orientation. Yet that, too, is in, as our leader said, the landfill of legislation that has become this Congress to date.

I wonder if the Senator shares my frustration about that?

Mr. REID. Mr. President, the Senator from Rhode Island has mentioned three of the most dramatic and most publicized incidents, but they are happening every day in America, tragic events where someone is being hurt, maimed, killed, because they are a Jew, because their skin is a different color—it may be black; it may be brown. The fact is, somebody may have a different lifestyle with which someone doesn't agree. People every day are being hurt in America.

There may be people who disagree with what we want to do with this hate crimes legislation. But in the light of the Senate, couldn't we have a debate on it? I know the Senator from Rhode Island would agree on a very short time limit. I think we could do all we have to do in 2 or 3 hours, debate this issue and have an up-or-down vote on it. Doesn't the Senator think the American people deserve a debate and a vote on this issue?

Mr. REED. I do, indeed, agree with the Senator. What also strikes me as particularly ironic is, when one of these incidents occurs, across the spectrum of political thought, across the spectrum of this body, there is unanimous condemnation. There is a lot of moralizing, a lot of talk about isn't this horrible. Yet we have it within our power, as the Senator suggests, to bring this legislation to the floor, to have a debate, to constructively engage, to compromise, not on principles but on details, so we can fulfill our legislative responsibilities.

Yet what frustrates me, and I believe also the Senator from Nevada, is the fact that none of this is taking place, that all of this is being shoved off to the sideline so that we are not able to do our jobs. And while we are being frustrated, I should say that, as the Senator pointed out so accurately, these hate crimes go on day in and day out. Some are very publicized, some are not getting attention. It is frustrating and it is wrong. All we are asking for is a very simple remedy. Let's make the protections of the hate crimes bill within the ambit of our civil rights laws. Let us be able to give our enforcement authorities the power to deal with crimes that are based upon disability, gender, or sexual orientation. If we do that, then I think we will advance the cause of justice in this society.

(Mr. GORTON assumed the chair.)

Mr. REID. Mr. President, we are talking statistics and we are talking about names of people whom we don't know, such as Matthew Byrd, the young man in Wyoming. But the fact is, every day in America, someone's husband, son, daughter, or wife is being hurt—a real person—and we in the Senate and this Congress have the power to make their lives a little better, to make sure that an example is set when somebody commits a despicable act, and that it will become a crime that should be—in the greatest country in the world, you should not be able to oppress people because of race, color, creed, religion, or their lifestyle. Does the Senator agree?

Mr. REED. Absolutely. One thing that resonates throughout this entire dialog this afternoon is the fact that our inaction costs individual Americans; it costs them better health care, it costs them better education, it costs them the right to have a Federal judiciary that is fully staffed by competent and committed judges, and it costs many literally their lives because our indifference to hate crimes can do nothing to stop them. In fact, one could suggest they create an environment that does not discourage them and therefore might encourage them. But, in any case, our inaction means that Americans are bearing the costs, and these costs can be avoided simply by bringing to the floor legislation and by moving with respect to this legislation in a prompt and purposeful way. I thank the Senator.

Mr. REID. Mr. President, I am about to yield the floor because I know the Senator from South Carolina has had time to have a breather and the Senator is now rejuvenated and ready to go on for a while longer.

Mr. HOLLINGS. I think now is the time that a record should be made that this isn't a question of consuming time in the sense the majority leader wants to move in an expeditious fashion to the legislation. He doesn't want to hear it, and he doesn't want anybody else to discuss these items. Let's look at the facts.

This bill was called on Friday and we had a motion to proceed since everybody was leaving town. I wanted to discuss it and wanted to have someone to talk to. I objected to the motion to proceed. I guess it was a week ago Thursday night when they discussed and voted on other matters on Friday. It was set again for Monday's discussion, but then we lost our wonderful colleague, Senator Chafee. In respect to him, we didn't debate anything. Instead we all expressed our sympathy and deep sense of individual loss of such a wonderful colleague, who was so considerate and so moderate in the sense of listening to both sides, and willing to discuss issues. On Tuesday, we made opening statements again—Senator MOYNIHAN and Senator ROTH and myself. I had to leave, but it was thoroughly discussed all day Tuesday. On Wednesday, I was prepared, having returned early in the morning. I had to testify before a council meeting back in my own hometown on Tuesday evening. But I was back here early.

Mr. REID. That was because your house burned down.

Mr. HOLLINGS. That is exactly right. What happens is, on Wednesday morning, we didn't have the side agreements about NAFTA. We were being told this was good because of NAFTA and that NAFTA worked—at least NAFTA had side agreements on environment, labor, reciprocity, and otherwise. Even though I was gone, my staff worked on the legislation.

When I took the floor on Wednesday morning, I was not recognized to have the floor. I said I just wanted to discuss these amendments but the Senate was conducting a quorum call. The leadership waited for an hour and a half for the leader to come and did not allow any discussion. I had gotten up twice and they would not even give me consent to talk about the amendments, which is really what I had to mind.

Then the leader comes in and he so-called filled up the tree, but really he put it on the fast track. Namely, I could not, or you could not, or anybody on this side of the aisle could not offer an amendment. Now, on the other side of the aisle, the Senator from Illinois can get his amendment in at the committee hearing. He can get his amendment in when the leader puts down the managers' amendment. He can get that taken care of there. Or you can do as Senator ASHCROFT of Missouri did. He got the leader to call down the last amendment, come to the floor and put up his agricultural amendment and, in the same breath, say the amendment of the Senator from Minnesota is irrelevant. That is how gauche, arrogant, and unsenatorial this thing is. I never heard of such a thing. They just lock you out and say, as has been pointed out, we filled up the tree, and only Members on that side of the aisle can enjoy the fruits of the tree.

Here we are. So don't have the majority leader come back and have the audacity to say these are important mat-

ters; you all want to filibuster. He is the one. I told him, up or down, I would take five minutes to a side on amendments and we will have a roll call. He doesn't want to have this subject up.

We ought to have Members on that side have at least the courage to get up and say, wait a minute, these are important subjects. I would think somebody on the other side of the aisle would like to talk about the minimum wage. They say 83 percent of the people of America favor it. We know what the situation is. Yet they won't even broach the subject. They don't want the subject to come up. All we are hearing when the leader comes is this is a tough job and these are the things we have to do, and I would be glad to take two or three amendments. I said, wait a minute. I would be glad to offer two amendments right now, with five minutes to a side, and have a vote, or have 20 minutes to a half hour of discussion and then vote, and we will be through with it.

Instead of doing that, it is a closeout of discussing important subjects for the American people. From Friday of last week until tonight, Thursday night, the majority was absolutely opposed to you getting the floor whatsoever to discuss it. All of these subjects—Social Security, education measures, the Patients' Bill of Rights, health matters—the majority said was irrelevant. We are going to try and complete our spending bills and try our dead level best to do it without using Social Security. This comes at the very same time that even their own Congressional Budget Office says Congress has already spent \$18 billion of Social Security monies.

Mr. REID. Let me say this to the Senator from South Carolina before I give up the floor. We have talked today about a couple of very important items, separate and apart from this underlying legislation, to show what we have been unable to accomplish because they have put stuff in the graveyard, the dump yard. The Senator from South Carolina has spoken out more vividly and clearly than anybody else in this body about the need for campaign finance reform, and I have supported the Senator from South Carolina with the constitutional amendment. That is the only way I think we can solve the problem once and for all. Does the Senator agree?

Mr. HOLLINGS. Yes, sir. I have tried my best. I would like to bring it up. I am a realist. Let's bring up Shays-Meehan, which passed by a strong bipartisan vote over on the House side. You would think it could be voted upon, but it has not even been further discussed. We could have 30 seconds to a side and vote. They won't let you vote.

Mr. REID. I also say to my friend, we have had a lot of talk today about Social Security. I want the RECORD to be spread with the fact that the Senator from South Carolina has been one of the leaders who has been there every step of the way on making sure that we

do not use Social Security surpluses to balance the budget.

The Senator from South Carolina and I attended meetings at the Sheraton Hotel when there were just a few of us. The Senator will remember that we were fighting this onslaught to have a constitutional amendment to balance the budget. The Senator recalls the grief and the editorials written about us because we said it is wrong to use Social Security surpluses.

Does the Senator remember that?

Mr. HOLLINGS. I remember it very vividly. The truth is that I finally said: Let's cut out the charade. Let's go to Social Security itself. So, I asked the Administrator of Social Security: You folks write the bill so that rather than using Social Security monies for IOUs and the debt, we put it up in a lockbox. I want to make sure it is a truly, honest-to-goodness lockbox.

So he wrote the measure, and I introduced it back in January. It went to the Budget Committee, on which I serve. I asked for a hearing but couldn't get one. They do not want to hear about a true lockbox.

Mr. REID. The Senator from South Carolina could be the ranking member, and in the majority he would be chairman of that committee.

Mr. HOLLINGS. Yes. I was the chairman under President Carter.

Mr. REID. It is not as if the Senator from South Carolina is a junior member of the Budget Committee. He is a senior member of the Democratic Party, and he can't even have a hearing on the bill in the Budget Committee.

Mr. HOLLINGS. I worked on the bill with Senator Muskie; we wrote the law. I have been on the Budget Committee ever since it was created. I think Senator DOMENICI and I are the only two Members who have been on the committee since its inception.

Mr. REID. Finally, I say to my friend from South Carolina that the debate here is not over. The Senator from South Carolina is not the reason this bill isn't going forward. The reason this bill is not going forward is that they will not allow the Senator from South Carolina to offer an amendment. I don't know, but I assume the Senator might want to offer an amendment on minimum wage, or he might want to offer the Shays-Meehan bill. He would agree to 5 minutes to each side to speak on each one of those. We have had 7 days. If we had those with 20 minutes out of 6 days to speak, that isn't much time, is it?

Mr. HOLLINGS. Not at all. That is what we ought to emphasize. It isn't a matter of time and holding the process up or any of those kind of things. It is that these important subjects will not be touched upon politically because all that is being done is geared toward the next election, the polls, and everything else of that kind. The majority doesn't want to make unpopular votes. So you are protected with this arrogant kind

of thing of filling up the tree, instituting fast track, and blocking amendments except those checked through the Majority Leader's office. And I hope this is publicized. I hope they have a conscience and will quit this nonsense so we can save time, discuss the subjects, vote up or down, and move on like an orderly body.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I would like to take a moment or two to respond to some of the charges that have been leveled on the floor.

After listening to the colloquy that has gone on for some time, the only thing I think is accurate out of it is that I would agree that my friend from South Carolina has fought for years to ban Congress from plundering the Social Security trust fund. He has been a leader in that fight. But the one thing I would point out is that the whole other side of the aisle has been voting time and time again this year against doing just that—locking up the Social Security trust fund so it can't be spent on other programs.

Ever since the Social Security program was created, all the money that has been poured into it that is over and above that necessary to pay current Social Security benefits has been taken out and spent on other programs. That is not right. I and my friend from South Carolina agree with that.

I know Senator HOLLINGS, as he has said before—if somebody in the private sector were to reach into an employee's pension fund and take that money out and spend it for some other purpose than the employee's pension, they would go to jail under laws that we in Congress have passed.

My understanding is as well that a few years back Congress made it illegal for anybody in State or local governments to raid one of their pension funds.

It is important that Congress move forward now to once and for all ban the plundering of the Social Security trust fund so we are setting aside money and are in a better financial position come the year 2015 to pay the Social Security benefits of the baby boomers as they retire.

I have to say that if, indeed, my friends on the other side of the aisle are in favor of banning Congress and the Government in Washington from spending Social Security trust funds on other programs, why has it been that they have voted against cloture on our Social Security lockbox proposal time and time again this year?

It is for that reason I disagree with my friend from California, who said she thought the criticism was unfair in some of those television ads she was talking about. I don't think it is unfair. How can you vote against a Social Security lockbox but then say you really want to protect Social Security? I think it is a very fair point that Republicans have been making. It is a fair criticism of the other side of the aisle.

Furthermore, I point out that the other side of the aisle has proposed one new spending bill after the other, and we have no surplus other than the Social Security trust fund. If we want to have more money for spending, where are we going to get that money? The only place to take it, unless you are proposing a tax increase, is to take it out of the Social Security trust fund.

Isn't it intellectually dishonest to stand here and say we support protecting Social Security but at the same time get up and propose a whole bunch of new spending bills that there is absolutely no way to pay for without either a tax increase or another raid on Social Security? To my friends on the other side of the aisle, I have to say I think the criticism has been fair.

The Senator from South Carolina has said, as my friends from California and Nevada have said, that Republicans have put some of your proposals in what you call the "legislative graveyard." But don't forget those times this summer and before this summer when, time and time again, my Democratic friends put the Social Security lockbox program in the graveyard, from which it still has not emerged. It has only been with repeated pressure that this side of the aisle, on the administration and on the appropriators, has largely been able to set aside the money that is in surplus in Social Security so it will not be spent on other programs.

I am hopeful that someday I can work with Senator HOLLINGS to get the strongest possible protection for those Social Security trust funds. Right now, when we are talking about a lockbox, we are really just talking about using that money to pay down the Government debt—the debt that is now in the hands of people who own Government bonds. We are really still not at the point where we can talk about creating a real trust fund that has real money in it that is available to pay benefits. I think someday we need to make that trust fund a real trust fund.

But the problem with that is, in order to cross that line, we have to have the great national debate as to where we are going to invest that money because if we are going to make the Social Security trust fund a real fund—I favor doing that—we are going to have to cross a threshold on this issue of what we want that real money to be invested in.

Until we have had that debate and reached consensus on that issue, it is appropriate that we take that \$3.5 trillion in debt we now owe to people who own Government bonds in this country and all around the world and use the Social Security excess to pay down that debt. That is absolutely the best use of the money. It is far superior to taking it and frittering it away on other programs and leaving our external debt at such high levels.

I, again, compliment my friend from South Carolina. He has been the one person I have found in this Senate who

agrees with me on this issue that it is wrong for Washington to be telling the American people we have a budget surplus when, in fact, the national debt is still going up. It will go up almost \$100 billion.

The biggest adjustment I have had coming to Washington, as a first-year freshman coming from a private sector background in banking, is getting used to the Washington math. When I looked at the first budget proposal that said we will have trillions of dollars' worth of surpluses between now and 2015, and I looked at the back of the budget and it had a schedule of the national debt which is going up every year, I asked, how can the national debt be rising if we are running surpluses? Obviously, that doesn't make any sense. That is an accounting trick. If anybody in the private sector used that kind of accounting, they would be in jail. They would have ankle bracelets on. That is a disgrace. It is misleading.

I thought the President's address, when he told the country we were going to pay off the national debt by 2015, was very reckless. It was reckless of him to so mislead people. He was talking about one of only two components of our national debt. There are two components of the national debt: debt we owe to people who own government bonds and debt we owe to pension and trust funds, such as the Social Security trust fund and the Federal employees pension fund.

We have a President who has a well-deserved reputation for choosing his words carefully. I looked at his statement and couldn't find anything he said that was inaccurate. He said we were going to pay down the debt owed to the public by 2015. What he did not tell the American people, and what Congress has not told the American people, is that the other portion of the national debt, that portion owed to government pension and trust funds, is going to quadruple between now and 2015.

Senator HOLLINGS has used the analogy of a family who has a Visa and a MasterCard. In our own families, we would not go home and uncork the champagne when paying down the Visa by putting more debt on the MasterCard. Such dubious refinancing is no cause for celebration. Yet all over Washington they are uncorking the champagne because they are paying down one portion of the national debt; they are not telling anybody the other portion is continuing to skyrocket.

I yield for a question.

Mr. REID. The Senator talked about the lockbox bill before the Senate. Does the Senator agree it would be appropriate that the Democrats, the minority, should be able to offer one amendment on your lockbox proposal?

Mr. FITZGERALD. I have no problem with offering an amendment. I am happy to vote on it.

Mr. REID. I say to my friend from Illinois, I appreciate his candor. I appreciate the Senator indicating he doesn't

think there is anything wrong with it. Either do we. That is what this is about.

The majority, the Republicans, have a lockbox proposal; and we do, too. What we think should happen is the Republicans offer their proposal, we offer ours, we have a debate. That is what this body is all about.

I have followed the short career in the Senate of the Senator from Illinois. I have acknowledged and appreciated some tough votes the Senator has cast against the majority in opposition to most of the people on the Senator's side of the aisle. I think that is good.

The Social Security debate is one where we should be honest with one another. There are ads running around America sponsored by the Republican Congressional Campaign Committee and the RNC, Republican National Committee, that say with this Congress, this year, the Democrats are spending Social Security money.

We have done our best to make the point that is simply not true, and I believe there are people of good will, of which I think the Senator from Illinois has the ability to be one of those, to speak out against those ads. They add nothing to the political process. They only take away from it.

That is the point we have been talking about today. The ads are disingenuous. They are wrong.

Mr. FITZGERALD. I want to follow up on that. I said earlier I think the ads are fair in light of the fact that Democrats have voted against the lockbox several times this year.

Certainly the Senator would agree the Senator's party has run ads. I was the recipient of \$3 million worth of soft money ads that accused me of wanting to do everything except take away Christmas from the people in this country.

What has mainly come out in this colloquy on your side of the aisle is that the Senator has stated a good case why it is better to be in the majority than in the minority.

Mr. REID. My friend from Illinois learns quickly. The fact is, that is not how this body has run in the past. For over 200 years, this body has been able to survive in comity. We recognize the minority has rights. There was a time not long ago when the Democrats had a veto-proof majority in the body but the Republicans were not treated badly.

I say to my friend from Illinois, Democrats have voted against no lockbox provision. We have voted to sustain our rights to be able to offer an amendment to the Senator's lockbox proposal so there could be a debate. If, in fact, the Senator thinks those ads are running because we voted against lockbox, I respectfully submit the Senator needs to study the issue more.

Mr. FITZGERALD. I say to my friend from Nevada, I wonder if there are any Senate rules that have changed from the time the Democrats were in the majority and now when the Republicans are in the majority that the Sen-

ator could identify that he thinks have unfairly cut off the rights of the minority. Have any rules changed?

Mr. REID. That is the whole point. The rules have not changed.

The fact is, however, the majority is not treating this body in the senatorial tradition. The rules have held that we in the Senate have the right to offer amendments. This body is being treated like a House of Representatives where a bill comes upon the floor, there is a rule offered, and that is it. The so-called tree is filled up, we can offer no amendments, and we are locked out of offering amendments.

That is what the Senator from South Carolina has been saying. All we want is to offer amendments. Shouldn't the Senate of the United States be able to have a debate on minimum wage?

Mr. FITZGERALD. I think we have already, to some extent. We have had one or two votes that I can recall earlier this year. But the question is, How many times will Members keep bringing up the same issues?

Mr. REID. I have the greatest respect for my friend's intellect. We have had just one vote this year on minimum wage. We didn't have one last year. Or the year before.

We want to have a debate. We want to have an amendment offered where we raise minimum wage. We have not had the opportunity to do that. If the majority doesn't agree, fine. The Senator from South Carolina said he would agree to a 10-minute time limit on minimum wage. I am not sure I can agree to 10 minutes, but I certainly agree to 2 hours.

I say to my friend from Illinois, picking that one issue, doesn't the Senator think it would be appropriate this body debate minimum wage?

Mr. FITZGERALD. Absolutely, and I am sure we will at some point. I do know we had some votes, whether they were procedural or actually substantive, on minimum wage because I talked to Senator KENNEDY about it. He was very pleased with my vote earlier this year on that. We have had some votes that touched on that area.

I was not in the Senate before this year, so I can't comment on how it was run when the other side was in the majority. My impressions from speaking to some of my senior colleagues on this side of the aisle is that they felt it was always very difficult for them to be in the minority. I think they probably often felt the frustrations that the Senator is feeling now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, for the last several hours on the floor of the Senate, we have discussed basically the business of the Senate over the last year. A lot of us focused on Social Security. It is a curious thing that this program, which once was so controversial, has now become so universally lauded and acceptable that both political parties are determined to be por-

trayed as the guardians of Social Security.

Coming from the Democratic side of the aisle, the party of Franklin Roosevelt, I think our party has good claim to the authorship of the original program of Social Security and the fact it has been sustained, now, for some 62 years primarily because of Democratic support.

Having said that, though, I will concede over the years what started off as Republican opposition to Social Security has mellowed to some extent, and they now embrace it where once they called it socialism and big government and the New Deal and Franklin Roosevelt run amok. They now have come to a different conclusion since millions of Americans and their families rely on Social Security to live independent and decent lives after their retirement. The debate now seems to focus on, what are we going to do with the excess money collected—for instance, in payroll taxes for Social Security? Should the Government be allowed to borrow that money and the money then be used for some other purpose and paid back to Social Security with interest? Or should the money be held sacred and apart, untouchable? That seems to be where the debate is.

The television ads, which have been the source of a lot of debate on the floor, relate to an effort by the Republican Party, soon to be answered by the Democrats, to blame us for somehow spending the Social Security trust fund.

It is an interesting claim to make for several reasons. First, we are the minority party. We do not pass bills here; the Republicans pass the spending bills. So to blame us for a spending bill which reaches into the Social Security trust fund just defies arithmetic and common sense. If there has been a bill passed, a spending bill, it has been initiated by the Republican leadership. It has come forward and been sent to the President primarily with Republican votes. For them to suggest one of these bills went over the line and reached into the Social Security trust fund and blame the Democrats for it is really a stretch.

But I will tell you what we can point to, and it is not in the area of spending bills. It was a project by the Republican Party just a few months ago initiating an idea of a massive tax cut. The party, the Republican Party, which had bemoaned deficits for years, to the point of calling for a constitutional amendment to balance the budget, now, when they heard of the possibility of a surplus at the Federal level, answered by suggesting we should have a tax cut of some \$792 billion given primarily, if not exclusively, to the wealthiest people in America. They thought this was going to be a big winner. It was an echo of Senator Robert Dole's Presidential campaign where, when he could not get traction against President Clinton, he came up with the Dole tax cut.

It did not work for Senator Dole then. It certainly did not work for the Republican Party a few months ago. They took this idea back to the States, and people universally said: What are you talking about? Why would you, after years and years of deficits, be giving a \$792 billion tax cut primarily to wealthy people? If you are going to do anything, take the money and pay down our national debt which costs us \$1 billion a day in interest. If we have a surplus, make sure Social Security is sound and solid for decades to come. Put the money into Medicare, make certain it is there for generations to come, for our parents and grandparents who will need it.

In fact, those who analyzed the Republican tax cut said, incidentally, of the \$792 billion, at least \$83 billion of that has to come out of the Social Security trust fund.

So the Republican Party that is pointing its finger at Democrats and saying we are raiding the Social Security trust fund had a tax cut package primarily for the wealthy which dipped its hand into the Social Security trust fund for \$83 billion. That is a fact.

Now let's take a look at the spending bills, the Republican spending bills, keeping in mind the Republicans control both the House and Senate and Appropriations Committees and have now broken from the tradition of Congress which used to call for bipartisan meetings of the Appropriations Committees. They are very partisan now. I am a member of the Appropriations Committee here in the Senate, and I was in the House. For years, we worked on a bipartisan basis in an effort to try to pass bills. I am sad to say, now, many times we are not even called for meetings. The Republicans author these bills and put them together, bring them to the floor, and basically the Democrats are not part of that process.

What do we make of the claim by the Republicans that the Democrats are reaching into the Social Security trust fund? The most recent thing we have to point to is a letter from the Congressional Budget Office. This is one of the two offices we turn to for answers to questions such as: If we initiate a certain program, how much will it cost us? How much will this program cost us each month? Will it add to the deficit or to the surplus? All of the basic questions that need to be answered to be responsible in budgeting.

The Congressional Budget Office has today sent a letter—yesterday, I believe—to Congressman John Spratt, the ranking Democrat on the House Budget Committee. Congressman Spratt, a friend of mine and former colleague, asked the Congressional Budget Office whether or not the spending bills already passed by the Republicans and sent to the President, reached into the Social Security trust fund. The Congressional Budget Office, which enjoys a reputation primarily for being non-partisan, replied that the Republicans have already spent \$17 billion of the Social Security trust fund.

They then asked the Congressional Budget Office, in the same letter, What about the proposed 1-percent across-the-board reductions in spending which the Republicans now propose as a way to solve all our problems and go home? It was the conclusion of the Congressional Budget Office that, if the Republicans really wanted to keep their hands off Social Security and not reach in the trust fund, certainly 1 percent across-the-board was not going to do it; they had to find some \$17 billion to be made up that they have already reached into the trust fund for. They said it would take another 4.8-percent cut across the board for that to happen, meaning 5.8 percent would have to be cut from all budgets of the Federal Government to avoid touching the Social Security trust fund, just with appropriations bills already enacted by the Republican majority in the House and the Senate—5.8 percent.

Then they went on to say—and this is important considering the realities of politics in Washington—if you take off the table the defense budget, saying our national security cannot stand the 5.8-percent cut, military construction—part of the same argument, and veterans programs, which both parties hold dear, everything else will have to be cut 11.8 percent.

Here we are, deep into the next fiscal year. We do not have our appropriations in order. In order to balance the books and not touch Social Security, the Republicans would have to cut almost 12 percent across the board in budgets for things such as education; Head Start; Women, Infants and Children; Meals on Wheels—things on which senior citizens rely.

What a curious state of affairs that only a few weeks ago Republicans told us we were so awash in money, we could give out a \$792 billion tax cut to the wealthiest people in this country and now have come back to tell us we are in such dire straits that they, frankly, have to be cutting education by 10 or 11 percent in order to balance the books. That, to me, shows the basic emptiness of this argument that has been made against the Democrats and so many others.

The sad reality is that we come to the end of the session and find ourselves bereft of accomplishment. Having been sent to Washington to respond to the needs of America's families, we have dropped the ball. I have said repeatedly, if you held a gun to the head of any Senator in this body and said I am going to shoot you unless you tell me what you have done to help average American families lead a better life and have more opportunity, I would have to say: Fire away. I can't point to a thing.

What did we do on minimum wage? Nothing, absolutely nothing; turning our backs on the millions of people who go to work every day in this country stuck at a minimum wage of \$5.15 an hour. The Republicans will not even allow us to debate the issue. The

greedy big-business interests that will not give working families a decent living wage have prevailed over those who get up and go to work every single morning—primarily women, many minorities—working at minimum wage, showing they believe in the work ethic, and hoping this body and the House of Representatives will be sensitive to their need for more resources for their families.

**The Patients' Bill of Rights:** How many times have I been across Illinois and met families, sat down with them, and doctors, and nurses? They have told me horror story after horror story of trying to provide quality medical care for people in need only to be turned down by insurance companies; Doctors on telephones debating with insurance company clerks about surgeries and hospital admissions and different medications that the doctor thinks are necessary, and losing the debate every single time.

We want to stop these faceless bureaucrats in the insurance companies making life-or-death decisions without any medical training. We want families across this country to be able to sit down across the table from a doctor when someone is seriously ill and be treated in an honest, competent, professional way.

We lost that fight on the floor of the Senate. No, let me take that back. We did not lose that fight; America's families lost that fight here. Do you know to whom we lost it? Another special interest group. The health insurance lobby prevailed big time in this bill, and America's families lost big time, and that is another failure of this year we have spent here on Capitol hill.

**Campaign finance reform:** This is truly a bipartisan issue. Senator JOHN McCAIN, a Republican candidate for President from the State of Arizona, and Senator RUSS FEINGOLD, who sits behind me, a Democrat from the State of Wisconsin, came forward with a bipartisan way to clean up this mess of campaign financing that has everybody across America so cynical about our process.

The President supports it. In fact, a majority of Senators support it. Fifty-five voted in favor of it. That is not good enough for the Senate; we need 60 votes. We could not dislodge some 45 Republicans who are bound and determined to keep this miserable system in place. This is another failure of this Congress.

**Sensible gun control:** How many times, walking into the Cloakroom right behind the Senate floor, have I been startled to hear a news flash on CNN that in another high school in America, there is more violence, kids being shot, teachers being shot, the grief of parents, and the visits by the President and the Vice President, news magazines and shows on television just focusing for days and weeks on violence in schools.

People across Illinois and across America say: Senator, what are you

doing to make this a safer place to live, to protect our kids?

We work up all kinds of speeches in this Chamber, but what do we do? We have one bill, a sensible gun control bill, which says if you want to buy a gun at a gun show, we have a right to ask whether or not you have a criminal record or a history of violent mental illness. That bill passed the Senate with the vote of Vice President GORE breaking a tie. It went over to the House and disappeared. Sensible gun control. Nothing is going to happen this year. The Republican majority in the House and the Senate do not want to act on that issue.

I pray to God there is never another school tragedy in America, but if there is, each of us will be held accountable as to whether we did everything we could to keep guns out of the hands of kids and those who would misuse them, criminals and those with serious background problems.

This Senate passed a bill, barely; the House Republicans killed it. The National Rifle Association, another special interest group, won and America's families and schoolkids lost again.

100,000 teachers: This is a program the President has proposed for one simple reason. He believes, and I agree with him as a parent who has raised three kids, that if you can have fewer kids in a classroom, you have a better chance of paying attention to their needs.

I went to Wheaton High School and met with a teacher who had 15 kids in her class. She was part of the President's program. She said: Thank you; I can help the kids who are falling behind and the gifted kids; it really works better when I have a smaller class size.

What parent would not agree? I remember how tranquil life was with one child in our house and how hectic it became when the second and third arrived. Imagine a classroom of 20, 30 kids. The President said: Reduce the size of that class and I bet you have more kids who can read, learn basic math, and have a better chance for their education.

The Republicans want to kill it. They do not agree. Last year, they voted for it; this year, they want to kill it. This is a partisan battle. The losers are the families across America who expect us to do something in Washington to make education better for our kids and give them a chance.

Cops on the Beat Program: I see my friend, Senator LEAHY, from the Judiciary Committee. I am proud to serve with him. He was one of the leaders on the President's program to send 100,000 police to local communities and reduce crime.

Do my colleagues know what happened when we sent policemen out to the cities of Chicago, and Cairo, IL, and across America? The crime rate came down. The people who wanted to commit a crime looked around and saw there were a few more cops and squad

cars and decided not to do it. Thank goodness. It meant fewer victims and less crime perpetrated on the people in this country.

The Republicans fought us tooth and nail. They do not want to continue this program despite its proven success. They have put partisanship ahead of reality. The reality is we all want to be safe in our neighborhoods. We want our kids safe in school. The President has a program that works, and they want to kill it, stop the 100,000 COPS Program. That is so shortsighted.

The Medicare prescription drug program: Here is one where seniors across America tell us—Senator DODD from Connecticut, Senator LEAHY, and others—that this is a very real concern, paying that bill every single month for these prescription drugs that Medicare does not cover. The President has a plan to move us forward. The Republicans say: Oh, here comes a brand new program.

They have a self-financing mechanism, as they should, to make certain we do not cause any more problems to the fiscal picture in the Medicare program. The fact that we cannot move forward on this Presidential suggestion of a Medicare prescription drug program is going to be a serious problem for seniors across America.

So we come to the end of this session with an empty basket, with nothing to show to families across America. Oh, we have drawn our paychecks, we punched our time cards for our pensions, and we are headed home looking forward to the holidays, and we have nothing to show for it.

My basic question to the Republican leadership is, Why are you here? Why do you want to be called leaders if you do not want to lead? Why do you ask to serve in the Senate, which was formerly known as the greatest deliberative body in the world, if you do not even want to deliberate these questions? Why are you afraid to debate these questions? If your position is so sound and solid, for goodness' sake, stand up and defend it. Let me argue my best point of view, you do the same, and let's have a rollcall vote up or down, yes or no. Let it be printed in the CONGRESSIONAL RECORD to be seen by the United States and the world.

That is why we are here. That is why we ran for these offices—not for a title but to do something for America's families. We have not done it this year. We have not done anything substantive to help these families lead a better life.

We have lost opportunities, and I hope we do not continue to lose opportunities. We have given in to special interests time and time again. We have forgotten the interest of America's families.

I sincerely hope Senator DASCHLE, who took this floor earlier, prevails; that he can convince Senator LOTT, the Republican leader, to finally let Senators roll up their sleeves and get down to work. Goodness' sake, in the last 2 weeks, let's do something substantial.

Let's have courage to vote on the issues. To stop debate and put a gag rule on Senators so we cannot offer amendments on all the issues I mentioned, frankly, is a travesty. It is a travesty not only on those who serve here, but on the history of this great institution of which I am proud to be a part. I sincerely hope Senator DASCHLE can prevail, and we can have the debate which the American families deserve.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

#### RETIREMENT OF LONG-TIME SENATE EMPLOYEE, KATHY KEUP

Mr. DODD. Mr. President, on Friday, October 29—tomorrow—the Senate will say a fond farewell to one of its longest serving employees, someone who has been with me almost 19 years, Kathy Keup.

Kathy Keup began her Senate service almost 34 years ago. She is one of the longest serving employees in the Senate. She began her service November 1, 1965. On that date, Kathy Keup joined the staff of her home State Senator, Ed Muskie of Maine. After nearly 6 years of service with Senator Muskie, Kathy Keup served on the staffs of Senator Warren Magnuson of Washington and Senator John Culver of Iowa. She also served for several years in the 1970s on the Democratic Senatorial Campaign Committee.

Some of our colleagues who have been here a few years will recall, back in those days, it was not uncommon for Senate staff, both Republican and Democratic, to serve for temporary stints on their caucus' campaign committees. As a historical note, the campaign offices were actually located in this building. That practice is long since over, but 25, 30 years ago, that was not an uncommon practice.

As I mentioned at the outset, for the past 18 years and 9 months, it has been my very good fortune to have Kathy Keup as a member of my staff. In fact, she joined my office just a few days after I was sworn in as a new Member of this very body. I can say without any hesitation that each and every day of her time in my office has been marked by a consistent, thorough, and outstanding commitment on her part to serving not only me and the people I represent in Connecticut, but the public at large across this country.

As a fellow New Englander, perhaps the highest compliment we can bestow on any individual is to say they are a true Yankee, and Kathy is a true Yankee, in all the wonderful meanings of that word. She epitomizes the very best values of our region of the country. She is very diligent and hard-working, and respectful of others, no matter their station in life. She is modest and discreet, a person of few