

product upheld the public's best interests. The Secretary of the Treasury, Larry Summers, and his predecessor, former Secretary Rubin, also played key roles in ensuring that this legislation protected the interests of American consumers.

I must also commend the Chairman of the Banking Committee, Senator GRAMM, for his recognition of the need for compromise and bipartisanship in producing a bill that deserves the signature of the President of the United States.

Mr. President, this legislation deserves the support of an overwhelming bipartisan majority of our colleagues, and I urge them to vote for it today.

The PRESIDING OFFICER. The hour of 3:30 having arrived, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (When his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—90

Abraham	Enzi	Lott
Akaka	Feinstein	Lugar
Allard	Frist	Mack
Ashcroft	Gorton	McConnell
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Murray
Biden	Crassley	Nickles
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Breaux	Hatch	Robb
Brownback	Helms	Roberts
Bunning	Hollings	Rockefeller
Burns	Hutchinson	Roth
Byrd	Hutchison	Santorum
Campbell	Inhofe	Sarbanes
Chafee	Inouye	Schumer
Cleland	Jeffords	Sessions
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voivovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wyden

NAYS—8

Boxer	Feingold	Shelby
Bryan	Harkin	Wellstone
Dorgan	Mikulski	

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

McCain

The conference report was agreed to. Mr. SARBANES. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. SANTORUM. I ask unanimous consent there be a period of 30 minutes for morning business, with the first 10 minutes allocated to the Senator from Washington and the second 5 minutes to the Senator from Mississippi.

Mr. GRAHAM. Mr. President, I ask unanimous consent the third period be allocated to the Senator from Florida.

Mr. SANTORUM. Fifteen minutes for the Senator from Florida.

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

WASHINGTON STATE TRAGEDY

Mrs. MURRAY. Mr. President, this is a difficult day for the people of my home State of Washington. I spent a lot of time last night talking with my neighbors, my family members, and local officials in Seattle. Like me, they are all trying to make sense out of something that makes no sense—yesterday's act of violence which killed two people, injured two more, and brought fear to my own neighborhood.

I wasn't sure if I should come to the floor today because I kept asking myself, What is there left to say? That once again, Americans are mourning after yet another deadly shooting? That once again, our families and our neighbors are gripped with fear because someone with a gun has decided to act violently? That once again, these outbreaks of violence aren't going away—they are just becoming too common?

I decided I should come to the floor to offer first my condolences to the families who have been involved and to talk to the people of my State and to thank the law enforcement officials who have responded and to talk to my colleagues about what we can do. My heart goes out to everyone who walks along the Burke-Gilman Trail, a trail I have walked on so many times. My heart goes out to every child who was held in school until they got home safely last night and into their parents' arms. My heart goes out to everyone who works and lives and knows this neighborhood. On Tuesday, it was safe. Today, it is gripped with fear.

Do we see what is happening? Or have these crazy acts become so common that we think we just cannot do anything about them? Can't we see it was someone else's neighborhood yesterday? It was my neighborhood today. Tomorrow it could be your neighborhood. What can we do? Why haven't we done something already? Are we too gripped with partisanship? Are we too tied to special interests to act? Are we

too afraid to change the status quo or to even question our own rhetoric? Are we asking the right questions? Are we really posing the right answers?

I know it is in our spirit as Americans to hope for the best and to believe things will get better. That is usually the way it is. But how many shootings will it take before we realize things aren't getting better on their own? They are getting worse, and it is up to us to take action.

It seems to me we, as a nation, have not dealt with the mentally ill. We don't want to pay for costly services. But don't we all end up paying later at a far higher cost? It seems to me, as a nation, we have not spoken out against violence in a strong and consistent manner. Can't we find a way to speak out without violating our freedom of speech? Can we have this conversation without falling into the traps of the far right and the far left?

Every time we turn on the news and we are gripped by fear, guns are involved. What tragedy will it take before we act? How many people have to die? How many shootings is it going to take? How close to home do they have to strike?

We had a shooting here in the Capitol, in the heart of democracy, and we still have not acted. Can't we make commonsense rules about keeping guns away from those who shouldn't have them?

I personally am tired of the old rhetoric. From the far left they say: Take all the guns away. From the far right they say: It is not the guns, it is lax law enforcement.

Give me a break. We are the greatest nation in this world; can't we come up with some commonsense ideas about how to protect our own people? I think we can.

This Congress has failed miserably. Here we are, in the same year as the Columbine tragedy, with no juvenile justice bill, no background checks for guns sold at gun shows, no resources for our communities to help those who are mentally ill, and no afterschool activities for our kids. That is shameful.

I hope my colleagues will stop and think for a minute and realize this is not happening to someone else. It is happening to all of us. It was Hawaii on Tuesday. It was Washington on Wednesday. It could be your State today. Those are just the mass shootings that get a lot of media attention. We should not forget, on the average, 12 children a day die from gunfire.

I say to my colleagues, I would love to work with anyone from either side of the aisle who wants to take the time to really talk about what our country is facing. There are many factors. People are overstressed; violence is pervasive; weapons are easy to get. It is a flammable combination that has exploded too often.

Our country is looking for leaders who will work together on this. I say it is time to try. I invite anyone who wants to work with me to let me know.

I certainly am one mom who has had enough.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

#### NATIONAL MISSILE DEFENSE AND THE ABM TREATY

Mr. COCHRAN. Mr. President, recent comments by several Russian Government officials about the Anti-Ballistic Missile Treaty and our plans to deploy a national missile defense are very troubling to me. For example, the Russian Foreign Minister, Mr. Ivanov, was quoted last week as saying:

There . . . cannot be any bargaining with the Americans over the anti-ballistic missile defense.

This may be a clever negotiating tactic, but it is not a very productive one. It unnecessarily pushes the United States to make a choice between defending ourselves against limited ballistic missile threats and withdrawing from the Anti-Ballistic Missile Treaty. We have already decided, by the adoption of the National Missile Defense Act, that we will defend ourselves as soon as technologically feasible against limited ballistic missile attack. We should not be forced to withdraw from the treaty.

The Russians should understand that our system is directed at rogue threats and will not jeopardize their strategic deterrent force. We have an opportunity to work cooperatively to ensure that we are protected, both Russia and the United States, against emerging ballistic missile threats without undermining strategic deterrence.

The ABM Treaty needs to be changed to permit the deployment of defenses against limited ballistic missile threats and to allow the parties to utilize new defensive technologies. There should be no restrictions, for example, on the use of sensor capabilities such as the space-based infrared system and cooperative engagement capability. We should also be able to take advantage of new basing modes and advanced technologies such as the airborne laser.

The ABM Treaty must be interpreted to allow the parties to use the best technologies that are available in their own defense against rogue threats. The strategic deterrent of each nation can be preserved at the same time limited missile defenses are permitted and considered acceptable under the ABM Treaty.

Another Russian Foreign Ministry spokesman said last week:

Russia does not see as acceptable such an "adaptation" of this treaty. Russia will not be a participant in destroying the ABM Treaty.

The Russian Government's contention that adapting the ABM Treaty to modern realities is akin to destroying it is unfortunate. In fact, the opposite is true. To refuse to adapt this treaty to the new realities is to guarantee its irrelevance.

One reality is the new ballistic missile threat. The other is that the United States is going to respond to this threat and protect itself by deploying a missile defense system. The sooner the Russians understand our commitment to defend ourselves, the more likely it is we can agree to sensible modifications of the ABM Treaty for our mutual benefit and safety.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 5 minutes in morning business.

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

#### SAVING THE SOCIAL SECURITY SURPLUS

Mr. GRAHAM. Mr. President, the beginning of this congressional session was filled with hope and promise. A strong economy and improvements in the Federal budget gave us a wonderful opportunity to make important investments in our Nation's future. A portion of these surpluses could be used to extend the solvency of the Social Security program. A portion of the surplus could be used to restore solvency to Medicare and to modernize its benefit structure to reflect current medical practices. A portion of the surplus could be used, as was urged in the full-page ad in the Washington Post of October 28, "to use this opportunity to preserve our parks and open spaces forever." This could be accomplished by such things as fully funding the Land and Water Conservation Fund, and a portion of the surplus could be used to fund tax relief and economic stimulation.

Instead of devoting the surplus to these important matters, Congress is dribbling away the surplus with a combination of get-out-of-town spending and budgetary trickery. Our actions—emergency spending, scorekeeping adjustments, administrative directives—have one simple result: They are spending our surplus. Once current revenues are spent, the non-Social Security surplus will be spent and the Social Security surplus will be spent. If Congress continues on this gimmick-potholed path, we will be harshly judged by the American people for our shortsightedness.

On October 4 of this year, the Washington Post ran an article on the 10-year anniversary of the reunification of Germany. In that article, Wolfgang Schaeuble, the Christian Democratic leader and Chancellor Kohl's most trusted adviser, lamented the fact that Germans had avoided making the tough political choices 10 years ago that would have made their country stronger today. The spirit of reunification created an atmosphere for reform. The Germans could have used that spirit to make fundamental changes to their overly generous social contract that all acknowledged was

unsustainable. They deferred, and the result was a tripling of the national debt in less than a decade.

We face the same choice today. Our positive economic outlook creates a similar potential for the United States. The budget surplus gives us the resources to convert a substantial part of that potential to reality.

At the beginning of the year, the Congressional Budget Office estimated we would have a non-Social Security surplus of \$21 billion. What have we done in the last 10 months? The combination of excessive spending and the budget trickery designed to disguise even greater spending have placed the on-budget surplus in serious jeopardy and threatened to undermine the Social Security surplus. These actions—spend and then hide—have occurred in waves throughout 1999. As with our coastline, no single wave erodes our beaches. Rather, it is a succession of waves that erodes the sand. These spending waves have eroded our surplus, eroded our opportunities, eroded our vision of what could be accomplished.

In May of 1999, the Congress passed a supplemental appropriations bill which provided for \$15 billion for everything from reconstruction aid for Central America and the Caribbean to farm loan assistance. Much of the May supplemental bill was designated as an emergency. No spending cuts or revenue increases were enacted to offset the emergency spending contained in that May 1999 supplemental appropriation. The consequence? A \$15 billion reduction in the non-Social Security surplus.

The May supplemental appropriations lowered for 1999 the surplus by \$4 billion. That was a significant number because without that additional \$4 billion of unpaid-for spending, we would have actually ended 1999 with an on-budget surplus. But because of it, we have ended 1999 with an on-budget deficit of \$1 billion.

The May supplemental will lower the current fiscal year 2000 on-budget surplus by \$7 billion. It will lower the next fiscal year 2001 by \$2 billion; 2002 by \$1 billion; and 2003 by \$1 billion.

By this action, we not only adversely affected the fiscal status of the year in which the action was taken but for 4 years into the future.

This chart shows we started with a \$21 billion on-budget surplus; as a result of that portion of the supplemental appropriations which was applied to fiscal year 2000, we reduced it by \$7 billion. So now we only have a \$14 billion on-budget surplus.

The next wave hit in August of 1999, the Agriculture Appropriations Act: \$8 billion of emergency spending, again, none of which was offset by reductions in spending elsewhere or increased revenues. So we have reduced the on-budget surplus by another \$8 billion from \$14 billion to \$6 billion.

In October of 1999, the Defense appropriations bill included more than \$7