

sale and use of illegal drugs, strengthening the rights of crime victims, and giving police and prosecutors more tools and resources to fight crime. In addition, this bill would build on one of the most successful initiatives of the 1994 Crime Act by extending the authorization for the COPS program so that an additional 25,000 police officers can be deployed on our streets in the coming years. We will soon meet the commitment that we made in the 1994 Crime Act to put 100,000 new police officers on the beat across America—under budget and ahead of schedule—and we should build on that success. Putting more police officers on the streets, however, is not enough.

Unfortunately, in the last few years, our schools have been plagued by tragic shootings far too many times. These senseless tragedies must be stopped, and the Safe Schools, Safe Streets and Secure Borders Act of 1999 targets violent crime in schools by providing technical assistance in schools, reforming the juvenile justice system, assisting states in prosecuting and punishing juvenile offenders and reducing juvenile crime, while also protecting children from violence.

Moreover, we must stop street gangs from spreading fear in our neighborhoods and interfering with our livelihoods. A recent report by the Department of Justice indicates that more than 846,000 gang members belong to 31,000 youth gangs in the United States, and the numbers appear to be growing. The ramifications of this trend could be disastrous. For this reason, an important provision of the Safe Schools, Safe Streets and Secure Borders Act of 1999 would crack down on gangs by making the interstate "franchising" of street gangs a crime. It will also double the criminal penalties for using or threatening physical violence against witnesses and contains other provisions designed to facilitate the use and protection of witnesses to help prosecute gangs and other violent criminals. The Act also provides funding for law enforcement agencies in communities designated by the Attorney General as areas with a high level of interstate gang activity.

We can also do more to keep our children off the street and out of trouble. The Safe Schools, Safe Streets and Secure Borders Act of 1999 will do just that by providing additional funding for proven prevention programs in crime-prone areas and creating after school "safe havens" where children are protected from drugs, gangs and crime with activities including drug prevention education, academic tutoring, mentoring, and abstinence training. In this way, we can provide kids with coaches and mentors now, so that they will not need judges and wardens later. This makes sense for our children, this makes sense for our communities, and this makes sense for our future.

There are many other provisions in the Safe Schools, Safe Streets and Se-

cure Borders Act of 1999 that will make a real difference—a positive difference—in the lives of the people of this country. This comprehensive bill is a vital part of our ongoing effort to secure the safety of our schools, streets and citizens, and I encourage my colleagues on both sides of the aisle to give it their full support.

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

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

#### SERIOUS SITUATION IN KOSOVO

Mr. WARNER. Mr. President, I would like to address the Senate for a few minutes about this very serious situation unfolding in Kosovo.

Last fall I gave a series of remarks regarding the increasing problems relating to Kosovo. On September 3, 1998, having just returned from Kosovo at that time, and subsequently on October 2, October 8 and October 20, I stood at this very desk and said it was my belief that the types of atrocities that the world has witnessed in the past few days would quickly unfold, unless NATO placed in the Pristina region a ground force to serve as a deterrent. That may not be a popular position, but it is a realistic one, and I expressed it to the Supreme Allied Commander of NATO, General Clark, just a few days ago. I reiterated the fact that we simply had to put in place a deterrent force.

Now, there is the complexity that Kosovo is a sovereign part of Yugoslavia—a sovereign nation. However, if we are using the threat of air operations against that sovereign country, it seems to me that short of taking that step, we could make it very clear to Milosevic, who unquestionably is responsible for these atrocities, that it is absolutely essential to have this ground force in place. Currently, over 800 individuals—unarmed verifiers—are in Kosovo, trying to help the people of this tragic region sort out their lives and receive the basics of food and shelter. Now, those people are at risk.

Mr. President, I also say that if that NATO force were to be placed in the Pristina region, as I so recommend, a part of that force would have to be a U.S. component. General Clark, Supreme Allied Commander of NATO, is an American officer. In my judgment, we could not in clear conscience have a NATO force in place without some representation of American servicemen and women. I recognize the risks, but there is a direct parallel, Mr. President, between the disintegration in Kosovo, the threat of atrocities and, indeed, conflict between the KLA and the Serbian forces. Conflict, which in the estimate of those on the scene, is

looming just weeks ahead. There is a direct correlation between Kosovo and Bosnia. Although I personally was initially opposed to the deployment of U.S. ground troops in Bosnia, once done, I have been a strong supporter of getting it done correctly. This Nation has contributed a very significant investment, first, of men and women in the Armed Forces serving as an integral part of the NATO forces in Bosnia, and second, with respect to billions of dollars of the taxpayers' money.

In my judgment, there has been very little progress of late in Bosnia because of the political factions still tenaciously holding on to their fractious relationships between Serbs and Croats, Muslims and Croats, and Muslims and Serbs—all of the ethnic, deep-rooted problems which brought about this conflict many years ago. But we could lose that investment; what little gain has been achieved in Bosnia could be lost and, indeed, in all probability, any ability to advance toward an independent nation—one that is militarily and economically able to stand on its own feet so that we can get our forces out, together with other allies involved. That is in jeopardy with this instability in Kosovo because those various factions are going to watch Kosovo and say, "NATO is not going to do anything there, so let's just wait it out in Bosnia. Wait it out, and we will have that opportunity some day to go back and fight amongst ourselves to achieve our respective goals."

So, Mr. President, I so recommend to our President and other leaders in NATO today, other nations, examine very carefully, indeed, the suggestion to place a ground force as a deterrent force in the Pristina region as quickly as possible.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, parliamentary inquiry. It is my understanding that from 12 o'clock to 1 o'clock there is 1 hour on our side under the control of myself or a designee.

The PRESIDING OFFICER. The Senator is correct.

#### THE REPUBLICAN AGENDA FOR THE 106TH CONGRESS

Mr. COVERDELL. Mr. President, day before yesterday, our conference introduced our agenda for the 106th Congress. We all know that the Senate is in a very stressful period. But we have said time and time again that the people's business is going to continue. If anything, the presence of all Members of the Senate has accelerated our attention—the Presiding Officer and I talked about that earlier today—accelerated the work of the people's business. But the outlining of this agenda is extremely important and says volumes about our view of what is good

for America and what this Congress, the 106th, will be highly focused upon.

There are five core areas that were defined by Majority Leader LOTT, other members of leadership, and our conference:

No. 1: Saving and strengthening of Social Security to create a more secure retirement system for all generations—not just some.

No. 2: Improving education opportunities for every American child, regardless of circumstances. We all know—and last night the President acknowledged—that we have an enormous problem in kindergarten through high school. In the last Congress, the 105th, our conference put education No. 1. I predicted then that we were going to stay with it. And we are. Nothing could be more important.

No. 3: Providing tax relief and economic opportunity for working families.

When I first came to Washington not all too long ago, a working family in Georgia was only keeping 45 cents on the dollar after taxes—State, local, and Federal—and their cost of regulation. In this Congress, our majority has gotten it to where they now keep 52 cents on the dollar. We are up 7 cents. But until we get two-thirds of their paychecks staying in their checking account—not coming up here—our work isn't anywhere near finished.

Many in our leadership have already outlined dramatic proposals to reduce all taxes anywhere from 4 to 10 percent and 15 percent over 10 years. I might add that if we can achieve that, we will indeed be restoring to American families the right to keep two-thirds of their paycheck. What a wonderful celebration we ought to have when that is achieved.

No. 4: Increasing personal and community security by fighting drugs and crime.

Drugs are the axle of crime in America today, Mr. President. In any prison in America, 80 percent of the prisoners in it—a jail, a Federal prison—are there for direct or indirect drug-related problems. To break the back of crime in America, you have to break the back of the narcotic Mafia.

No. 5: Strengthen our national security.

We just heard from Senator WARNER, the world is a very, very dangerous place. We have undermined our military. We have not given them sufficient resources, and therefore they cannot be as trained and ready as they need to be—No. 1. No. 2, the President alluded to last night—we are behind the curve in understanding that terrorism is a component of strategic warfare today. No. 3: As the Rumsfeld Commission has acknowledged, we cannot defend ourselves against ballistic missiles in the hands of rogues.

Saving Social Security, improving education, tax relief, personal security at home and in school and in the workplace, and strengthening our ability to defend ourselves from world rogues—

Mr. President, these are not episodic issues that somebody dragged out of a hole; these issues are an acknowledgment that America is great because her people have been free, and an understanding that the core principles of American freedom are economic opportunity, the right to work and save and pursue your dreams. That is what has made Americans so independent and bold—and an understanding that a free society cannot function if its citizens are not safe, either from a world rogue or a narcotic dealer, or that their property is not secure. To the extent a citizen of America is not fully educated, they cannot enjoy the full benefits of American citizenship, and indeed no uneducated people will remain free.

This agenda is designed to strengthen the components that have kept America great: Our freedom—keep Americans free economically, let them keep their paycheck, keep them secure and safe in their workplace and home and school, and that their property is protected, and keep them educated. Mr. President, they will take it from there no matter who the policymakers are; the American citizens will build that new American century that the President alluded to last night.

Mr. President, I now yield up to 5 minutes to my distinguished colleague, Senator ABRAHAM from Michigan, who will continue addressing the key components of this agenda for freedom.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Thank you, Mr. President. I thank the Senator from Georgia for organizing today's presentation.

As he has already outlined, yesterday we on the Republican side offered an agenda which we think includes the key cornerstones for strengthening our Nation and moving forward into the 21st century. I am not going to talk about every one of those. I would like to address a couple of them, though, briefly, because I think it is very important for the public to understand exactly why these are at the top of our list.

First, I want to talk about tax relief. As we learned last night from the State of the Union—and the Budget Committee hearing in the Senate has recently indicated—not only did last year mark the first time since 1969 that we ran a budget surplus, but it now appears as if we will run budget surpluses for the next 25 years, and potentially beyond.

That is great news for our country. I think—I hope, at least—that it will address some of the cynicism that has existed in America towards the U.S. Congress because for so many years, no matter what we were claiming in our campaigns, we would come to the Senate and the House and not get the job done. But we have gotten the job done.

Today, Americans are sending sufficient revenues so we have a surplus. That is going to be a very big surplus. In fact, it may be as much as multitrillion dollars of surplus over the next 10,

20, 25 years and beyond. The reason we have the surplus is in large measure—in fact, almost exclusively—because of two things: No. 1, our ability here in Washington to tighten belts with respect to some spending programs in recent years; and, much more importantly, the fact that American taxpayers are sending more money to Washington in tax revenue than we anticipated when we put in place the budget that we are working with today.

Mr. President, obviously part of that is the result of the economy's strength, and it is thriving. But if the American taxpayers are sending more money to Washington than we even expected, than we even asked them for, and that they should be spending, it seems to me obvious that the time is here to let them keep some of those dollars that we didn't even ask for in the first place.

So for that reason, the Republican agenda includes in every one of its key components an across-the-board tax cut for hard-working American families.

We heard people say, "Well, we shouldn't do a tax cut; we have so many other things to get done first." When we had a budget deficit, we were told we couldn't cut taxes now, that we have a deficit. Now we have a budget surplus and it is projected to go for 25 years.

I would suggest that no matter what today's agenda items are that deserve priority over tax cuts, there will always be more. There will always be a new program, there will always be an old program, there will always be some rainy day down the road we are worried about, and the taxpayers consistently are told no, no, no, the time is not ripe yet for a tax cut. Well, I say it is. I think the families who are sending us the largest percentage of the GDP that we have ever seen sent to Washington in history deserve to keep some of those dollars and set their own priorities. And for that reason, we propose an across-the-board tax cut.

We also believe that the families of America deserve protection in another sense. Here in this Chamber we ought to talk about children and the problems and the challenges that confront them and our desire to have policies that will protect the young people of America.

The one thing we have to protect them against, in my judgment, and continue protecting them against, is the scourge of illegal drugs that continues to take an unhealthy and an increasing toll on young people.

Over the last few years, the drug statistics have suggested that there has been a leveling out of the drug use in this country, that we may have at least peaked, and it may be even getting better a little bit. But the one area where we are not seeing improvement is with respect to the use of drugs by kids, kids as young as eighth grade, some even younger than that.

Now, our drug plan, which is the second cornerstone of this agenda, will help us to achieve the goal of protecting our kids from these illegal drugs. It will include a wide array, a wide focus of programs, from interdiction on the one hand to treatment and prevention on the other.

But a centerpiece that I want to briefly discuss before my time expires is that this proposal of ours provides tough sentences for the people who peddle drugs to our kids. The message we have to send to drug dealers and the symbol we have to set for kids in America is that the price of doing business in drugs is going up, not down. Now, this is an area where there is some disagreement between our legislation and the administration.

I ask for an additional minute.

Mr. COVERDELL. Mr. President, the Senator may please feel free. The next presenter has not arrived, so the Senator might as well continue with his remarks until they do.

Mr. ABRAHAM. In the last Congress, the U.S. Sentencing Commission put forth a proposal, embraced by the administration and the Department of Justice and the President, that would address this issue in what I consider to be the wrong fashion. That proposal suggests that because there is a wide difference between the drug sentences that powder cocaine dealers receive and the sentence that crack cocaine dealers receive, we ought to bring them more in line with each other by making the sentences on crack cocaine dealers more lenient.

That is the wrong way to proceed, Mr. President. And our legislation goes at it the right way, by making the sentences meted out to people who sell powder cocaine tougher. That is an important part of this legislation, not only because we need to make those sentences tougher, because we don't want people at the top of the drug chain to be getting lighter sentences than those at the bottom. But it is also important because it is critical that we send a signal that we are not going to make anybody's drug sentences, if they are peddling crack cocaine to our kids, any lighter.

This is important for a variety of reasons that I have spoken about here before, but I think it demonstrates the seriousness of the Republican proposal. And taken as a whole, that proposal, I believe, will have a tremendous impact on reducing the use of illegal drugs in this country and, most specifically, reducing the use of illegal drugs by young people.

So for these reasons, I am very proud to endorse this agenda, and I will be working as a cosponsor on a number of these bills. I believe we can pass them in this Congress. I think we saw yesterday in the introduction of these bills the makings of the kind of solid foundation, as I said, the cornerstone for success, as we move our country to the 21st century.

So I want to thank Senator COVERDELL again for having put together to-

day's special order. I look forward to working with him and under his leadership on a number of these issues, and I thank the Chair for allowing me a chance to proceed here today.

Mr. COVERDELL. Mr. President, I thank my colleague from Michigan. I don't think you can say enough about the fact that the new target of the drug cartels, the drug infrastructure, which is in many ways better than a lot of the soft drink distributors', is focused on children 8 to 14—8 to 14. And the consequences of attacking that vulnerable segment of our society live with us an extended period of time.

Mr. President, I now yield up to 5 minutes to my distinguished colleague, Senator GRAMS of Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I thank the Chair. I thank the Senator from Georgia for organizing this time and giving us an opportunity to speak on some of the subjects that I think are very important to this Congress.

Mr. President, I join my colleagues today in offering our perspective on the State of the Union—on both last night's speech by the President, and also the direction I believe we are headed as a nation.

Let me begin with the speech.

What we heard from the President last night was vintage Bill Clinton. And that is lots of promises, lots of poll-tested proposals, lots of talk, but that all adds up to more spending and more Washington control. In fact, in about 77 minutes he made about 77 new promises of spending for Washington.

Each of us want good schools for our children, security for our retirement years, a tax system that lets us meet important family obligations, and more opportunities for Americans to sell their products around the world. But empty promises from Washington are not going to help.

The President believes the answer in part lies in targeted tax cuts that try to regulate behavior. It is a way to bribe the taxpayers with their own money by saying, "If you do this for me, I will cut your taxes in return."

That is the wrong approach. It is aimed at a certain political segment, and because of that, 90 percent of the people in this country will not benefit. The tax cuts proposed by the President add up to too few dollars that only a few people would benefit from.

If we are truly going to pursue economic freedom for all, the real answer is to reduce the roadblocks to success. That, I believe, begins with our continuing efforts on cutting taxes for everyone.

Yesterday, I joined Chairman ROTH in introducing S. 3, the Tax Cuts for All Americans Act. Our legislation, one of the top five priorities of Republicans in the 106th Congress, would offer a ten percent across-the-board tax cut for every American, instead of the President's targeted tax scheme that ignores most working families. A ten-

percent cut is meaningful tax relief for all, not token tax relief for just a few.

Mr. President, in one word, the state of the union is "overtaxed."

American families are taxed at the highest levels in our history, even higher than during World War II, with nearly 40 percent of a typical family's budget going to pay taxes on the federal, state and local levels. Over \$1.8 trillion of their income will be siphoned off to Washington this year.

Certainly, the taxpayers are in desperate need of relief.

Freedom for families means giving families the freedom to spend more of their own dollars as they choose.

Our bill will cut the personal tax rate for each American by 10 percent across the board. It will increase incentives to work. It will increase incentives to save and invest. It will help to improve the standard of living for all Americans.

The 10 percent across-the-board tax cut will not only benefit families, but it will also have a substantial, positive impact on the economy as a whole. It will increase the financial rewards of hard work, entrepreneurship, innovation, and productivity—the very foundations upon which this nation has thrived.

If the state of the union is overtaxed, the President did not help much with the laundry list of new initiatives he proposed last night that would expand the size and scope of the already enormous federal government.

It was about 2 years ago that we heard the era of big government was over. Well, the era of big government is now alive and well. In fact, it is a mammoth new government under the proposals of President Clinton last night. Many of these programs sound good, but what the President did not spell out is exactly who is going to pay for it—and, of course, we all know that it's the taxpayers. In other words, I say he led Americans into the candy store last night and said, "you can have anything you want." The only problem is he didn't tell you who is going to have to pay for it. The White House "spinmeisters" suggested the President's proposals would, "knock your socks off." Instead, those proposals will pick your pockets.

Mr. President, let me say this as clearly as I can: I will strongly oppose any proposals that are designed to build the President's popularity at the expense of the American taxpayers.

I am also disappointed by the comments made by the President last night about the ailing Social Security system.

We heard a lot of vague promises that ultimately leave the government in control of your retirement dollars and do nothing to save Social Security from bankruptcy or create a better retirement system for the next generation. The President is worried about saving a failed retirement system that promises small benefits when he should be working to create a system that

provides larger benefits and more security for everybody. Let us worry about people, and not expend precious time and resources trying to save a dying government program. If we are truly serious about offering Americans the opportunity to achieve wealth and security in their retirement years, legislation I have introduced that would allow workers to set up personal retirement accounts is a far better approach. Mr. President, the American people now have a choice: empty words and poll-tested promises on one hand, and a real taxpayers' agenda of freedom and opportunity on the other. The state of the union can be improved, as my colleagues and I have so vigorously suggested today. And the people are depending on us to lead the way. I thank the Chair.

I yield the floor.

Mr. COVERDELL. I thank my colleague from Minnesota for his remarks. I am going to yield to the Senator from Mississippi for the purpose of a unanimous consent.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN and Mr. HAGEL pertaining to the introduction of S. 257 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HAGEL. Mr. President, I rise this afternoon to make a brief observation and reflect on one of the points the President made last night during his State of the Union Message. The President suggested—recommended that America pause for a moment and understand and absorb this dynamic, exciting time that we live in. And, indeed, it is exciting, dynamic, and full of hope and opportunity. But, as I listened to the President last night—and I listened to the 20 specific mentions of more government spending for more and new programs, and as I listened to the 24 specific mentions of more Federal Government regulation—I failed to hear any reference to tax cuts, to turning back authority, turning back regulation, turning back government to the people.

I connected with what he said in his observation about the times we live in. And isn't it amazing, especially when you look at the report that Freedom House issued a month ago about where the world is going today. In that report, Freedom House pointed out that for the first time since Freedom House has been calculating personal liberty in the world, more peoples are free, with more personal liberties, today than at any time in the history of their measurement; in fact, they went so far as to say maybe in the history, proportionally, of mankind. There is a long way to go, but in their calculations they said almost half of the 5.6 billion people on Earth are free today. I find that rather interesting, in that most of the world is moving this way—less government, less regulation, more personal liberty—and here the greatest Republic

in the history of mankind, if you listen to the President, is going back the other way: more restrictions, more government, more regulation, and less individual freedom.

On Sunday and Monday of this week I was back in Nebraska and met with teachers, students, parents. One of the things that came out of that meeting from the teachers was this observation, and I say this in light of what the President proposed last night with his advocacy of more Federal Government involvement in education. As a matter of fact, he went beyond that. He said, unless local school districts complied with what Washington said—with our money, the taxpayers' money; even more interesting—then we would cut them off. What the schoolteachers told me, those we have charged to educate our children, those who have maybe the heaviest burden except for the parents, in this debate—they tell me we don't want any more Government. But they also said this, and this is where we are missing the point: We are gliding over this gap of children from 1 to 5 or 6. When the teacher gets that child at 5 or 6, that is a molded product. That is a molded product we can work and develop, but where is the emphasis on the parental responsibility? According to the President, we are going to, in fact, do more for day care, and now summer programs, more education—the Federal Government, essentially, is going to really dictate the dynamics of our foundation.

The foundation of our country is not government. The foundation of this country rests on a value system, and morals and honesty and respect for one another. That is what we build from. That is what we have always built from. Not more government programs; not more money. And, when we glide over that and act like that is not there or that is not important, or even emphasize the responsibility of parents and the responsibility of all society, we are in some trouble.

I find it interesting, in reading Governor George Bush's comments yesterday, what he said: Too much hope in economics, just as we once put too much hope in Government, may be our greater challenge. He is right. We must go beyond Government, beyond economics, and go back and emphasize parental responsibility and truth and values. That is what we build from.

Mr. President, I yield the floor.

Mr. COVERDELL. I thank my good colleague from Nebraska for his remarks and insight, and now turn to yield up to 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER (Mr. BURNS). Senator CRAIG is recognized for 5 minutes.

Mr. CRAIG. Mr. President, let me associate myself with the remarks of my colleague from Nebraska and thank my colleague from Georgia for bringing us this special order as we attempt to analyze the President's State of the Union Message of last evening.

America tuned in, and so did we, to hear what our President would say about the State of the Union. And he said what we expected him to say, that the State of the Union itself at this moment in time is very, very good. But, what would a Presidency in crisis try to do at a time that the State of the Union is in excellent shape? My guess is that Presidency would attempt to appeal to his base in a very aggressive way, and to divert attention from the real issue at hand that will transpire once again on the floor of this Senate in less than an hour, and that is an impeachment trial of this President, this Presidency in crisis.

But, for a moment, let me talk about the speech and his effort to divert attention. The polls show he did just that. He got excellent ratings in the polls this morning in that snapshot of American opinion about what this President said. The problem in the snapshot is that there were no comparatives. The Senator from Nebraska offered comparatives, the Senator from Georgia has offered comparatives this morning, as to what this President has said in the past and done in the past versus what he said last night. About a year ago now, this President said the era of big government is over. We all cheered that. Most conservatives like myself for a long time have dedicated their energies to reducing the size of government and its impact on our daily lives as citizens and taxpayers of this country. And we have come a long way in doing that in the last several decades. So the President, once again appealing to his ratings in the polls, said the era of big government is over. That was 12 months ago.

As we all know, in the last 12 months a great deal has transpired as it relates to this President and his Presidency. Last night this President proclaimed a grand new great society. In fact, he probably proposed more new Government initiatives—75 or 80 new initiatives—more so than Lyndon Johnson did with his proposal for a great new society. He literally reached out and attempted to touch every American citizen to make them feel good. He is going to correct the schools and change the character of the schools, as to which the Senator from Nebraska referred. Obviously, he is going to attack us on our second amendment rights to protect our citizens, so he says, and it went on and on and on.

But the one thing he did not mention was what was he going to do to the taxpayer; more importantly, what was he going to do for the taxpayer. He proposed to do nothing for them but do a heck of a lot to them.

Three times or four or five times last night he talked about his balanced budget. I say, "Mr. President, how dare you." I say it with a bit of a smile on my face because this President has no credibility in that area. But he is basking in the popularity of it now, made popular by a conservative Republican

Congress that said, "No more deficits, and we'll fight to get a balanced budget." And we did that, even though the President opposed us every step of the way and then takes credit for it.

The reason I bring that up in the context of what did he do to or for the taxpayers is that several news reporters said, "What did you think of the speech?" My reaction was, Well, for 15 years, I fought for a balanced budget. I and others, collectively this Congress, was successful in getting it, and we built this sizable growing surplus. We built that surplus, or at least we hoped we could build a surplus when we created a balanced budget to do a couple of things: to stimulate the economy by returning to the taxpayers excessive taxes which we had taken from them. Surpluses are not free moneys to spend, they are representative of the fact that we are overtaxing our citizenry, and we ought to return some of the money to them.

I won't argue with the President about Social Security reform and the value of that reform and using the surplus for those purposes. But, Mr. President, over \$4 trillion worth of surplus in the next 15 years and you don't want to give one dime back to the taxpayer?

I think I was right in my initial analysis, this President slipped back last night, because of the pressure and the crisis he is in, to his old base of trying to give something to everybody. It was a feel-good State of the Union speech that did nothing for the taxpayer, nothing for the economy and a heck of a lot to grow big government and, once again, put shackles on the freedom of our citizens to perform independent of their Government. I yield the floor.

Mr. COVERDELL. Mr. President, I thank my distinguished colleague from Idaho. I heard this morning, just as an aside, that the speech was 77 minutes long and there were 77 new programs.

Mr. CRAIG. That is about right.

Mr. COVERDELL. A program a minute. I now yield to my distinguished colleague from Wyoming for up to 5 minutes.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized for up to 5 minutes.

Mr. THOMAS. Mr. President, I thank the Senator for arranging to have this discussion and talk about where we are going. That is, after all, what it is about.

I listened to my colleagues state their impression, their interpretation of last night's State of the Union Address, and it is right on target. What we really are faced with—all of us—is a vision of where we are going in this country, a broad vision in the long run of where we want to go and what we want to achieve and what it takes to cause that to happen. That is really the challenge that we have; the long-term goal in a broad sense of things like freedom and opportunity and security, job security, business; smaller government rather than more, moving government back to people in communities.

Those are the long-term goals that we ought to have so that as we then put our agenda together, we have to ask how do these things fit.

When you talk about the things the President mentioned last night, 45 or whatever it was, how do they fit in this business of freedom, how do they fit in making Government smaller? So each, then, has a challenge to transfer our goals into the specifics that we talk about.

Collectively, we need an agenda for ourselves narrowed down to those things with which we really need to deal. Of course, we all have other issues, but there ought to be some priorities, and that is what we are doing and that is what the Senator is doing in setting an agenda.

We need to talk about Social Security and make it work. We need to make it work just as much for those who are now getting benefits as for those who are just beginning to pay in. That is one of the things we need to do.

Everyone knows we need to strengthen the military, and we must do that. This administration has not. We can do that.

Of course, we need to strengthen health care, but we don't need a national health care program. We already tried that. We already talked about that. We don't need to do that. We need to take pieces and strengthen the private sector.

Tax reform—I don't think there is a soul in this country who doesn't believe we need tax reform to make it more simple, but we are moving the other way. Every time we want to effect some behavior, as in the President's message last night, we give them a tax break—a tax break here, tax break there. We need to look at the overall reduction for all taxpayers and earners in this country.

Mr. President, it seems to me, rather than comment particularly on the State of the Union last night, I just am saying to myself and to you, let's take a look at our long-term goals of where we want to be over a period of time, measure those things that need to be done then immediately so that we can reach those goals, put some emphasis and priorities on a small number of items so that we can accomplish it and not have the same result the President did a year ago, when he listed almost the same number of events and, according to Broder in the Washington Post, was successful in one.

We have a chance to be successful within an agenda—Social Security, health care, strengthen the military, do something on crime, and simplify and reduce taxes. I hope that is our agenda. It is our agenda. I hope it is the President's agenda as well. That is what we ought to do this year. I yield the floor.

Mr. COVERDELL. I thank the Senator from Wyoming and return to the Senator from Idaho and extend another 2 minutes to him. I know, with a number of Senators coming to the floor, he

wasn't able to complete his remarks. So I yield 2 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Georgia. I appreciate that. I wanted to add for the RECORD some of the analysis we are now doing about what the President said last night and, more importantly, how he proposes to spend the taxpayers' money.

The surplus that he projects, and that I think we generally agree with, based on the vibrancy of our economy today, is about \$4.35 trillion over the next 15 years. That is rough, give or take 1 percent, depending on who is doing the calculation.

In that context, here is what the President proposes to do: He proposes to spend 62 percent of it for Social Security, about \$2.7 trillion. Probably we would not want to disagree with that, because about 60 percent of the surplus is generated by Social Security taxes, and it ought to go into Social Security and it ought to go into strengthening it and saving it and, hopefully, reforming it.

The President laid out a plan last night that we are looking at now, but at least he opened the door for reform—and I am glad he has—and will create some flexibility, because we are going to guarantee that the current recipients and immediate future recipients of Social Security are going to have their Social Security. What I am worried about are the young people who are entering the workforce today and beginning to invest in Social Security and finding that the worst investment they have ever made. That is wrong, and we know how to correct it. We have an opportunity to so.

He has done something else that is very interesting. He is saying that about 15 percent ought to go into Medicare. That would be the first time that general fund taxes would ever go to Medicare. That represents about a 20-percent increase in the current payroll tax that is going into Medicare—general fund dollars into Medicare, first time in history that would happen. That is a rather bold new break in his approach.

USA retirement accounts, 11 percent; new spending, about 11 percent, \$479 billion. He also includes a substantial tax increase to get there.

That is a little bit of the economic analysis. Here is a President who says we have a balanced budget, and he slides into major new tax increases and creates a huge new approach toward Federal spending. We are going to work with him, but we are not going to spend that kind of money, that is for sure.

Mr. COVERDELL. Mr. President, again, I thank my colleague from Idaho.

I now yield up to 5 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. I thank the distinguished Senator from Georgia for the time. I know it is very scarce, but I felt compelled, Mr. President, to make a couple of comments about what was not in the State of the Union Message last night.

One of the most disturbing things was that out of 1 hour and 20 minutes, only about less than 90 seconds were devoted to our Nation's defense. We are facing a crisis, and it is on two fronts. And I, just briefly, would like to submit a couple of things for the Record and discuss those two things.

First of all, not many Americans realize that we do not have a national missile defense system. And that is to say, Mr. President, that if a missile is fired from anyplace in China at Washington, DC, it takes approximately 35 minutes to get over here. Now, the average person would think, well, if it takes 35 minutes to get over here—and we can remember the Persian Gulf war—we know you can knock down missiles with missiles, therefore, we have a defense. But, in fact, we have zero defense.

We don't have any defense at all. And the reason is that when you have a trajectory, where a missile is fired in one area, it goes up, it is out of the atmosphere, and by the time it comes back in, it is coming at a velocity that is faster than anything we have in our arsenal; and, consequently, we have no defense.

So you might ask the question, well, is there really a threat out there that is facing us that is imminent today? And I have to say that there is. I know that it sounds extreme to say this, but I have often said—and others are now agreeing—that I look back wistfully on the days of the cold war where there were two superpowers, the U.S.S.R. and the United States of America; and we knew what they had, they knew what we had. And we had this great agreement that was put together, not by Democrats but by Republicans, called the ABM agreement of 1972 that said: "I will make you a deal. If you agree not to defend yourself, we'll agree not to defend ourselves, therefore, if you shoot us, we'll shoot you, and everyone dies and everyone's happy." That was something I didn't agree with at that time, but, however, today it makes absolutely no sense at all.

I would like to repeat something that was said recently by Henry Kissinger, who was one of the architects of that ABM Treaty of 1972, when he said it no longer has any application today. Today, when you are looking at the proliferation of weapons of mass destruction, when you see countries like Russia and China that have missiles that will reach any city in the United States of America from anyplace in the world, that is a very, very serious thing. And that means that there is not just one entity out there from which we must defend ourselves.

I can remember—I am old enough to remember—the 1962 Cuban missile cri-

sis when all of a sudden hysteria set out in the United States of America. We discovered that there were 40 medium-range intercontinental ballistic missiles, that were Soviet missiles, on the little island of Cuba, 90 miles off of our shore, and they could reach any city outside of the States of Washington, Alaska and Hawaii. And I would say now the crisis is even worse because they can reach anywhere. And we still have no defense at all.

I want to submit for the Record—to evaluate this, we on the Armed Services Committee have the nine most professional people, most knowledgeable people on missiles anywhere in the world—and it was chaired by Don Rumsfeld—and they put together an assessment of what our threat really is.

A lot of times people say the threat is not imminent when they talk about indigenous capabilities. In other words, if Iran were trying to develop a missile to reach us, it would take them 5 or 6 years to do it. On the other hand, we know that Iran is trading, as we speak, with China, trading technology, trading systems. And they have one that could hit us today. So I only read the Executive Summary concluding paragraph:

Therefore, we unanimously recommend that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning.

I ask unanimous consent to have that material printed in the RECORD.

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

#### EXECUTIVE SUMMARY OF THE REPORT OF THE COMMISSION TO ASSESS THE BALLISTIC MISSILE THREAT TO THE UNITED STATES

July 15, 1998

##### II. EXECUTIVE SUMMARY

##### A. Conclusions of the Commissioners

The nine Commissioners are unanimous in concluding that:

Concerted efforts by a number of overtly or potentially hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces and its friends and allies. These newer, developing threats in North Korea, Iran and Iraq are in addition to those still posed by the existing ballistic missile arsenals of Russia and China, nations with which we are not now in conflict but which remain in uncertain transitions. The newer ballistic missile-equipped nations' capabilities will not match those of U.S. systems for accuracy or reliability. However, they would be able to inflict major destruction on the U.S. within about five years of a decision to acquire such a capability (10 years in the case of Iraq). During several of those years, the U.S. might not be aware that such a decision had been made.

The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community.

The Intelligence Community's ability to provide timely and accurate estimates of ballistic missile threats to the U.S. is erod-

ing. This erosion has roots both within and beyond the intelligence process itself. The Community's capabilities in this area need to be strengthened in terms of both resources and methodology.

The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced. Under some plausible scenarios—including re-basing or transfer of operational missiles, sea- and air-launch options, shortened development programs that might include testing in a third country, or some combination of these—the U.S. might well have little or no warning before operational deployment.

Therefore, we unanimously recommend that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning.

#### RESUMES OF COMMISSION MEMBERS

The Honorable Donald H. Rumsfeld, chairman of the Board of Directors of Gilead Sciences, Inc., naval aviator (1954-1957), Member of Congress (1963-1969), U.S. Ambassador to NATO (1972-1974), White House Chief of Staff (1974-1975), Secretary of Defense (1975-1977), Presidential envoy to the Middle East (1983-1984), chairman of Rand Corporation (1981-1986; 1995-1996), chairman and CEO of G.D. Searle & Co. (1977-1985), chairman and CEO of General Instruments Corporation (1990-1993); received the Presidential Medal of Freedom in 1977.

Dr. Barry M. Belchman, PhD., International Relations, president and founder of DFI International (1984), chairman and co-founder of the Henry L. Stimson Center (1989), Assistant Director of the U.S. Arms Control and Disarmament Agency (1977-1980); Affiliated with: a. U.S. Army (1964-1966), b. Center for Naval Analyses (1966-1971), c. Brookings Institute (1971-1977), d. Carnegie Endowment (1980-1982), e. Center for Strategic and International Studies (1982-1984); Author: "Face Without War" and "The Politics of National Security".

General Lee Butler, USAF (Ret.), Commander-in-Chief of the U.S. Strategic Command and Strategic Air Command (1992-1994), Director of Strategic Plans and Policy on the Joint Chiefs of Staff (1989-1991), Director of Operations at USAF Headquarters (1984-1986), Inspector General of the Strategic Air Command (1984-1986), Commander of the 96th and 320th Bomb Wings (1982-1984); Olmstead scholar.

Dr. Richard L. Garwin, PhD., Physics, Senior fellow for Sciences and Technology with the Council on Foreign Relations, IBM fellow emeritus at the Thomas J. Watson Research Center since 1993; fellow (1952-1993), member—President's Science Advisory Committee (1962-1969); 1969-1972, served on Defense Science Board (1966-1969); Awards: a. U.S. foreign intelligence community awarded him the R.V. Jones Award for Scientific Intelligence; b. Department of Energy awarded him the Enrico Fermi award.

Dr. William R. Graham, PhD. in Electrical Engineering, chairman of the board and president of National Security Research (1996-Present), Director of White House Office of Science & Technology Policy (1986-1989), Deputy Administrator of NASA (1985-1986).

Dr. William Schneider, Jr., PhD. in Economics, president of International Planning Services, Inc. (1986-Present), served as Under Secretary of State for Security Assistance (1982-1986), chairman of the President's General Advisory Committee on Arms Control and Disarmament (1987-1993).

General Larry D. Welch, USAF (Ret.), president and CEO of the Institute for Defense Analyses (1990-Present), Chief of Staff

of the U.S. Air Force (1986-1990), Commander-in-Chief of the U.S. Strategic Air Command (1985-1986).

Dr. Paul Wolfowitz PhD., Political Science, dean of the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University (1994-Present), Under Secretary of Defense Policy (1989-1993), U.S. Ambassador to Indonesia (1986-1989), Assistant Secretary of State for East Asian and Pacific Affairs (1982-1986), Director of State Department Planning Staff (1981-1982), member of the Commission on the Roles and Capabilities of the United States Intelligence Community (1995).

The Honorable R. James Woolsey, partner in the law firm Shae & Gardner (1995-present; 1991-1993; 1979-1989), Director of Central Intelligence Agency (1993-1995), Ambassador and U.S. Representative to the Negotiations on Conventional Armed Forces in Europe (1989-1991), Under Secretary of the Navy (1977-1979), Delegate-at-Large to the U.S. Soviet START and Nuclear Space Arms Talks (1983-1985), member of Snowcroft Commission (Presidential Commission on Strategic Forces, 1983), member of the Packard Commission (Presidential Blue Ribbon Commission on Defense Management, 1985-1986).

Mr. INHOFE. Recognizing my time is about up, I would only like to say that is only part of the problem. The other problem is—and I say this with some knowledge as chairman of the Readiness Subcommittee in the Senate Armed Services Committee—that we have roughly 60 percent of the capability that we had, in terms of force strength, that we had during the Persian Gulf war in 1991. And when I say that, I can quantify. Talking about 60 percent of the Army division, 60 percent of the tactical air wing, 60 percent of the ships floating around there; and yet we are in a more threatened world today.

So I believe that little pittance that the President is talking about of \$110 billion over 6 years, of which only \$2 billion of new money would be in the coming fiscal year, does not meet the expectations of the American people. It has not fulfilled the requirements of his own Secretary of Defense, his own Chairman of the Joint Chiefs of Staff, and the four chiefs who said: We are going to have to put a minimum of \$25 billion of new money in each year for the next 6 years in order to get to a point where we can defend America on two regional fronts.

With that, I thank the Senator from Georgia for this very scarce time that he has given me.

Mr. COVERDELL. I thank the Senator from Oklahoma and associate myself with his grave concern on this issue. Now I turn to the distinguished Senator from Texas. I yield up to 5 minutes to her.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

I want to thank the distinguished Senator from Georgia for talking about our very important congressional agenda. I was very pleased to hear the closing remarks from my colleague from Oklahoma, because I think one of the

priorities of Congress has been laid right at our feet by the Senator from Oklahoma. And according to the Constitution it is the one major responsibility that Congress must perform—to provide a national defense for the United States and all of its citizens. That core responsibility has been jeopardized in the last 5 years because we have not kept up the investments needed to ensure that we keep and recruit the best people for our military. Equipment is deteriorating, and the big strategic defenses that are vital to our national security have not been deployed. Again, I am very pleased that the Senator from Oklahoma talked about defense, and I am going to add some things that I believe are necessary to regain and maintain a strong national in defense.

What we have seen with the President's State of the Union, and the congressional statement of priorities, are some places where we will be able to work together. While we can agree on some goals, I also believe there are some profound differences in how we get there.

The Republican plan is very simple while the President's plan is very complicated. It seemed like it was a new idea a minute. It was a shotgun approach to all of the major issues we face. I would like to take each one of those and show how we will be different and hopefully how we can come together.

Let us say, first and foremost, that our No. 1 priority is Social Security reform. I think that is also the President's first priority. How we achieve reform is going to be very different, because the President has opted for a big federalized plan whereas the Republicans in Congress are trying to say: We want people to be able to have their own retirement accounts. We want them to be able to make some of the choices in investing their Social Security taxes. And, most of all, we want people to be able to pass their retirement accounts onto their children.

This is a very important difference from the President's plan, which is to take 60 percent of the surplus and have the Government invest it in the stock market. While it might make Social Security more secure, I think it could have a disastrous impact on the stock market. The federal government could use its investments to micro-manage certain industries and markets. Free enterprise is the hallmark of our economy and having the government enter the stock market could pose a significant risk to the nature of our economy.

Tax relief. I think it is very important that we have simple, straight-forward tax relief for every working American family. Every working American in the Republican plan will get a 10 percent across-the-board tax cut. In order to determine how this plan will benefit you, while you are figuring your taxes in preparation for the April 15th filing deadline, take 10 percent off of your tax liability; and that

is what our tax cut will give you. Now, compare our tax cut plan to the President's very complex tax cutting proposals. His plan will add thousands of pages of new rules and regulations to an already burdensome and complex tax code. Only if you spend your money on his priorities will you get any tax relief. With our plan everybody wins. Our plan puts more of the money in the pockets of the people who earn it, rather than giving it to "Big Brother" Government to decide how to spend the money you earn and you worked for.

Education: The primary difference between our education proposal and the President's proposal has to do with who is in control of the resources. Both plans seek to achieve the same goals, but ours would keep control with those who directly educate children—local school officials, principals, teachers, and parents. We have the same goals, but we will reach them in different ways.

The congressional plan is the right one for America. We are going to push ahead and hope that the President will work with us to reform Social Security and make it secure, to give tax cuts to hard-working Americans, and increase educational opportunity so that every child in America can get a good public education and reach his or her full potential.

#### ORDER FOR RECESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate stand in recess at 12:55.

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

Mr. COVERDELL. I yield to the distinguished Senator from New Mexico, the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me start by saying in the past the President has said the era of big government is over, and last night what he meant was that he was proposing an era of really big government and no tax cuts for the American people for 15 years. Frankly, I don't believe that will sell. I think when the American people understand what the President recommended last night, they will ask: What happened to the surplus that is not needed for Social Security, that we paid to the Government in taxes? Why don't we get some of it back?

That is the issue. They should get some of it back. We have underestimated the tax take of this country; thus, we have an excess of taxes in the coffers of the United States. Who paid that money to us? The taxpayers. They should get some or all of it back. I believe the best way to do that is an across-the-board tax cut. I don't write tax laws here, but obviously what we are talking about is equity and fairness; but, in addition, something that is very good for the American economy.

The world is in some kind of strange recessionary mood, with whole pieces

of it not working. The United States has been immune from that. Now is the time to have a tax cut, and the best kind is across-the-board to make sure that we are adding to the American economy an ingredient that is apt to keep us going at this formidable rate of sustained growth and jobs and prosperity. That means a tax cut now for the American people and for the future prosperity of our country.

In addition, I suggest that people ought to look at what the President proposed to do with this surplus. I am amazed. This surplus—which is taxpayers' money, that is in excess of Social Security—the President has now decided he knows precisely how to use it. Every bit of it is spent, I say to my friend, Senator THURMOND: New programs, new ideas, new needs, even some money for Medicare. And we have never heretofore put general taxpayers' money in Medicare. So he wants to spend it all and the taxpayers will get none of it back.

It seems to this Senator that that is a good issue to take to the public, to take to the people of this land. What do you want to do with this surplus? Do you want a bigger Government and spend more of it? Or spend all of it? Or do you want to give some of it back to the taxpayers who work hard in this land to make ends meet and truly, truly are the engines of this growth period we have had? Hard-working Americans caused this to happen. There is higher productivity because they are more skilled and their employers are using new equipment and new technology—higher productivity, more jobs.

Surplus means to me that taxpayers should get some benefit. We are going to work very hard to see to it that the people understand it and we have a real opportunity to help them if they will help us.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the distinguished Senator from New Mexico.

#### PROVIDING FOR THE INTRODUCTION OF LEGISLATION AND SUBMISSION OF STATEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that on Thursday and Friday it be in order for Senators to introduce legislation and to submit statements at the desk during the Senate's consideration of the articles of impeachment.

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

#### APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 104-293, as amended by Public Law 105-277, announces the appointment of the following individuals to serve as members of the Commission to Assess the Organi-

zation of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction: M. D. B. Carlisle, of Washington, D.C. and Henry D. Sokolski, of Virginia.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-255, announces the appointment of the following individuals to serve as members of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development: Judy L. Johnson, of Mississippi and Elaine M. Mendoza, of Texas.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-277, announces the appointment of the following individuals to serve as members of the International Financial Institution Advisory Commission: Charles W. Calomiris, of New York and Edwin J. Feulner, Jr., of Virginia.

The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-277, announces the appointment of the following individuals to serve as members of the National Commission on Terrorism: Wayne A. Downing, of Colorado, Fred Ikle, of Maryland, and John F. Lewis, of New York.

The Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the appointment of William Keith Oubre, of Mississippi, to serve as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Robert H. Maxwell, of Mississippi.

#### APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105-83, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the National Council on the Arts.

#### FEDERAL NINTH CIRCUIT REORGANIZATION ACT OF 1999—S. 253

Statements on the bill, S. 2616, introduced on October 9, 1998, did not appear in the RECORD. The material follows:

By Mr. MURKOWSKI (for himself and Mr. GORTON):

S. 253. A bill to provide for the reorganization of the Ninth Circuit Court of Appeals, and for other purposes.

#### FEDERAL NINTH CIRCUIT REORGANIZATION ACT OF 1999

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by my distinguished colleague from Washington, Senator SLADE GORTON, in introducing legislation that will go far in improving the consistency, predictability and coherency of case law in the Ninth Circuit U.S. Court of Appeals.

Our bill, The Federal Ninth Circuit Reorganization Act of 1999, adopts the recommendations of a Congressionally-

mandated Commission that studied the alignment of the U.S. Court of Appeals. Retired Supreme Court Justice Byron R. White, chaired the scholarly Commission.

The Commission's Report, released last December, calls for a division of the Ninth Circuit into three regionally based adjudicative divisions—the Northern, Middle, and Southern. Each of these regional divisions would maintain a majority of its judges within its region. Each division would have exclusive jurisdiction over appeals from the judicial districts within its region. Further, each division would function as a semi-autonomous decisional unit. To resolve conflicts that may develop between regions, a Circuit Division for Conflict Correction would replace the current limited and ineffective en banc system. Lastly, the Circuit would remain intact as an administrative unit, functioning as it now does.

It is important to note that the Commission adopted the arguments that I and several other Senators have put forth to justify a complete division of the Ninth Circuit—Circuit population, record caseloads, and inconsistency in judicial decisions. However, the Commission rejected an administrative division because it believed it would "deprive the courts now in the Ninth Circuit of the administrative advantages afforded by the present circuit configuration and deprive the West and the Pacific seaboard of a means for maintaining uniform federal law in that area."

While I don't necessarily reach the same conclusion as the Commission (that an administrative division of the Ninth Circuit is not warranted), I strongly agree with the Committee's conclusion that the restructuring of the Ninth Circuit as proposed in the Commission's Report will "increase the consistency and coherence of the law, maximize the likelihood of genuine collegiality, establish an effective procedure for maintaining uniform decisional law within the circuit, and relate the appellate forum more closely to the region it serves."

Mr. President, swift Congressional action is needed. One need only look at the contours of the Ninth Circuit to see the need for this reorganization. Stretching from the Arctic Circle to the Mexican border, past the tropics of Hawaii and across the International Dateline to Guam and the Mariana Islands, by any means of measurement, the Ninth Circuit is the largest of all U.S. Circuit Courts of Appeal.

The Ninth Circuit serves a population of more than 49 million people, well over a third more than the next largest Circuit. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million—a 40 percent increase in just 13 years, which inevitably will create an even more daunting caseload.

Because of its massive size, there often results a decrease in the ability of judges to keep abreast of legal developments within the Ninth Circuit. This