

which includes not just the income tax but also the payroll tax. Those are the things I think we ought to consider.

Now, the other issue in the debate last night was, whose side are you on? I know there is a difference between the two candidates. Let me say I am not here to say one candidate is bad and the other is good. That is not my role. My role is to say there is a very significant difference in what they believe and how they approach public policy. I think on the key issues the American people ought to evaluate these matters that were before this Congress.

**A Patients' Bill of Rights:** Who is on whose side on the Patients' Bill of Rights? Does anybody really believe that with the growth of the HMOs and managed care organizations that patients are just fine; let them fend for themselves? Or do people really understand it is time to do something to pass a Patients' Bill of Rights? And if they believe we ought to, why has this Congress not been willing to do it? I will tell you why: because too many in this Congress stand with the insurance companies and the managed care organizations, and too few have been willing to stand on the side of patients.

We have heard story after story of people who have had to fight cancer and fight their HMOs at the same time. These stories have been told on the floor of this Senate. I will state again that at one hearing I held on this issue with my colleague from Nevada, a woman stood up and held a picture of her son. She began crying as she described her son's death on his 16th birthday. Her son suffered from leukemia and desperately needed a special kind of treatment in order to have a chance to live. But he had to fight his cancer and fight his managed care organization at the same time because the managed care organization withheld that treatment. She said her son looked up at him from his bedside and said: Mom, how can they do this to a kid like me?

It is not fair to have a child or have parents fight cancer and the insurance company at the same time. That is not a fair fight. Should we pass a Patients' Bill of Rights? Yes, we should. It is what Vice President GORE said last evening. It is what we said in this Congress. Why don't we do it? Because too many stand on the side of the bigger economic interests and are unwilling to stand on the side of patients.

They say the Senate passed a Patients' Bill of Rights. No, the Senate passed a "patients' bill of goods." It was like playing charades, pulling on your ear and saying: It sounds like. Those who wrote it knew what they were doing. Republicans in the House of Representatives say it not only is not worth anything, it is a giant step backwards. The Republicans in the House who support the bipartisan Dingell-Norwood bill know what we ought to do, and this Senate has been unwilling to do it.

**Minimum wage:** We have people every day who are working their hearts out trying to take care of their families at the bottom of the economic ladder. Somehow, while this Congress is in a rush to help those at the top of the income ladder with tax cuts, these folks who are working at the bottom of the economic ladder, trying to get ahead, are left behind. They deserve an increase in the minimum wage. They deserve to keep pace. It ought to be a priority in this Congress to say work matters and we value you. If you are struggling to work and take care of your families—good for you. We want to do something to make sure you keep pace with that minimum wage.

Other issues include prescription drugs and Medicare. Of course we ought to add a prescription drug benefit to Medicare, but this Congress does not seem to want to get there.

**Helping family farmers:** You can't say you are pro family and not stand for family farmers.

**Education:** We have not even passed the Elementary and Secondary Education Act.

We have a lot to do. There are big differences between the political parties. That doesn't mean one is good and one is bad. It simply means there are significant policy choices the American people have an opportunity to make. We have been struggling mightily on these issues. We are a minority on my side of the aisle. The debate last night highlighted some of the differences. And America needs to make a choice. Which path do they want to choose? One with more risk that might upset this economy of ours and throw us back into the same deficit ditch we were in before, or one that is more cautious, that says one of our priorities is to pay down the debt? Or will we choose a course that says we want to stand with the American people against the larger economic interests?

It is not a myth that the economic interests are getting bigger and bigger. Open the paper today and see who merged today. Yesterday it was two big oil companies. Tomorrow it will be two big banks. Every day the economic enterprises are getting bigger. And what is happening is every day the American people are finding they have less power in dealing with them, they have less power in confronting the prescription drug prices because the pharmaceutical manufacturers decide what the prices are, and they tell the American people: Pay up. If you don't like it, don't buy it. And they will charge ten times more for a cancer drug in the United States than the same drug they sell in Canada.

The American people need some help in confronting these concentrations of economic power. That is what we have been fighting for. My hope is that the next time someone says there is no difference in these campaigns, there is no difference between the two candidates for President, no difference between the Republican and Democrats, I hope

they look at the record. There is a big difference. I hope they make a choice that says that difference matters in their lives, as well.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCY PROGRAMS APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 4461, which the clerk will report.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4461, an act making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and related agency programs for fiscal year ending September 30th, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from New Jersey.

#### CAPITAL PUNISHMENT

Mr. TORRICELLI. Mr. President, for nearly 200 years from the founding of our Republic, capital punishment has loomed as the ultimate punishment for the violation of our laws. This reflected a belief that such a severe penalty would serve as a deterrent to those who might think they can take an innocent life or bring injury to our people.

While this Nation has always believed that capital punishment is an appropriate penalty for those who commit the most heinous of crimes, our criminal justice system has also been based on the premise that it is better—and it has been part of American lore to suggest that it is better that ten guilty men go free than an innocent man ever be put behind bars or lose his life.

This is all the more true when what is at stake is not just putting a person in prison—an act that could be rectified or proven wrong—but the irretrievable taking of a human life. As long as there has been the American Republic, this has been a founding belief: Taking of a life, if it can deter a crime, but protecting a mistake of justice.

Throughout our history, concerns have been raised about the fair application of the death penalty for exactly this concern.

Almost 30 years ago, the Supreme Court, in *Furham v. Georgia*, effectively abolished the death penalty when it decided that death penalty statutes at the time did too little to ensure the equal application of the law. In doing so, the Court held that the death penalty, while itself not necessarily unconstitutional, was often

being applied in a manner that was both arbitrary and too severe for the crime committed. As such, it constituted, as the death penalty was then applied, that it was a "cruel and unusual" punishment under the Constitution.

Just 4 years later, in 1976, the Court, in its Gregg decision, reinstated the death penalty when it ruled that the newly enacted statutes in Florida, Texas, and Georgia were constitutional. By providing guidelines to assist the judge and the jury in deciding whether to impose death, those statutes addressed the arbitrariness that had previously colored capital sentencing.

It was at this point in my life that I reached my own decision. I agreed with the Court in what had become the tenets of American history that the death penalty was fair and appropriate as a deterrent to crime; it was just when the application of the American Constitution, as the Court had held, where it was arbitrary, where there were not guidelines, where there was not a safety to protect the innocent or arbitrariness of penalty, it was unconstitutional.

As the Court had found by 1976, I believed that with the right guidelines, a second jury, oversight, appeal, fair representation, the death penalty was right and it was appropriate.

In the nearly 25 years since I reached my own judgment, and indeed as our country reached its decision, 666 people have been executed across the Nation.

I rise today to bring attention to the point that in those 25 years, more than 80 people on death row have been found to be innocent and released. Some were hours, minutes, weeks away from their own execution.

These were not reversals on technical grounds. For the people whose convictions were overturned, after years of confinement, years on death row, it was discovered they simply were not guilty of a crime for which they had been convicted.

The Death Penalty Information Center reports that between 1973 and October 1993 there were an average of 2.5 convicted persons released per year. Since the advent of DNA testing, the number has increased to 4.8 people per year. For any American, particularly someone such as myself who supports the death penalty, believes in the fairness of the death penalty, one can only imagine the responsibility individually and collectively we must feel.

The question is begged; If this has happened since DNA testing, 4.8 people released from jail on death row, my God, what has happened in recent decades? How many people were strapped to gurneys, had their wrists attached to leather strips in electric chairs, knowing in their own minds that they were innocent but executed? My God, what must they have thought of our society, justice, and our people?

There are now 3,600 people on State and Federal death rows.

Despite my own support of the death penalty and our society's general belief in it, we must face the reality that those 3,600 people some may be innocent. The events of recent months give little comfort to any of us who support the death penalty.

Two weeks ago, the Governor of Virginia was forced to pardon a mentally retarded man who spent 9½ years on death row for rape and murder after DNA tests proved he was innocent—9½ years awaiting death.

An inmate in Texas served 12 years on death row for the killing of a police officer before a film maker stumbled across his case and discovered evidence that established his innocence. An Illinois inmate was released just 50 hours before his scheduled execution because a student's journalism class at Northwestern University accepted his case as a class project and established with certainty his innocence—50 hours before his death.

The evidence, both academic and anecdotal, shows that the death penalty is not functioning as it must to ensure that innocent people not be put to death.

What has happened to the conviction of the Founding Fathers and Jefferson's admonition that it is better 10 guilty men go free than an innocent man go to jail? It has not been "an innocent man go to jail," but the evidence is overwhelming that some innocent men are going to death.

It is not an easy issue. I am not here to ascribe the responsibility to others. I bear it, too. Through all my public life I have supported the death penalty, and I do not abandon it today. I believe it can be fair; I believe it can be just; and I believe it deters crime. I believe it is appropriate that society take the lives of those who would take the lives of others. But something is wrong.

The fact is that sometimes these people committed other crimes, and most of the people who commit these crimes who are put to death are guilty. None of those things matter. It doesn't matter if it is only 1 in 100. It doesn't matter if it is 1 in 1,000. As a just and fair society, no one can feel right about the fact that obviously without question some innocent people may be put to death or, if not put to death, are spending years of their lives on death row for crimes they did not commit.

Nowhere is this problem more evident than the State of Texas. I do not say that because its Governor is a Presidential candidate or because of the other party. I don't care. It has no relevance to me. I ascribe nothing to George W. Bush. I am simply discussing the facts in the State for which this problem appears to be most prevalent.

Since 1982, Texas has executed 231 people—and, in fairness, under both Republican and Democrat Governors, to take away any partisan motive.

This year alone, 33 people have been put to death in Texas. Another 446 are on death row.

Because of the frequency of executions in Texas, that State offers us the best window through which to examine some of these concerns because in doing so, it quickly becomes clear that if the death penalty in Texas is representative of the rest of the Nation, we have a real problem.

In a massive study of 131 executions in the State of Texas, it is documented that there were widespread and systematic flaws in trials and in the appeals process.

In a third of the Texas death penalty cases, the defendant was represented by an attorney who had already been disbarred.

How in God's name is it possible in a just and fair society to take a man's life or a woman's life in an American court of justice if that poor person, who is probably inevitably indigent, is represented by an attorney who has been proven to be incapable and is disbarred before the courts of the United States?

My God, what kind of people have we become? Are we so interested in revenge, execution, and punishment of a man or woman that we would not give them a competent attorney? Several of these attorneys have themselves been convicted of felonies. Others have been jailed on contempt charges for sheer incompetence in the performance of their duties.

The Supreme Court has held—and the Founding Fathers must have believed—that any man or woman who shares our citizenship has a right to counsel before the courts and a defense before the Government with their own attorney.

Is this the standard they held? Is this the standard that every American would have for themselves—the right to an attorney who was disbarred, jailed, held in contempt, or found incompetent? Is this the barrier between an accusation against an American citizen and their execution?

In one-third of the death penalty cases in the State of Texas, defense counsel presented no evidence or presented only one witness during the sentencing phase.

When I made my decision in my life as our country made its judgment to support the death penalty, it was based on the Supreme Court requirement that there be a sentencing phase in the death penalty and a separate jury dealing just with the penalty of death.

I think that is right. I think that is fair. That is why I support the death penalty.

But now we find in the State of Texas that when that separate jury heard the case, these attorneys for these indigent men and women facing death presented no witnesses—or just one.

This cannot possibly be what the Supreme Court envisioned for the protection of our citizens from execution.

At least 23 cases featured notoriously unreliable "hair comparisons"—visual matching of the defendant's hair to that found at the crime scene.

This is unbelievable, but I am giving you the facts about this study of Texas cases.

One hair "expert" in a capital case with a man facing death was temporarily released from a psychiatric ward to testify. Another "expert" in a hair identification case pleaded no contest to multiple charges of falsifying and manufacturing evidence. There is the lone witness in a case that decides whether or not a man would be executed.

Since 1995, the highest criminal appeals court of the State of Texas has affirmed 270 capital convictions, including some where the defendants' lawyers were asleep during trial. But in those 270 cases, new trials were granted on only 8 occasions.

I do not think that I am suggesting to the Senate today an unreasonably high standard. But is it not appropriate at a minimum that in any case where a man or a woman is facing execution and the State is taking their lives, regardless of the evidence, that defense counsel should be awake during the trial? Where the evidence clearly establishes that the trial attorney is asleep, as a matter of simple justice, without contradiction, a new trial should be granted—at least on the penalty of death, if not of guilt or innocence.

This same court of appeals upheld the conviction and sentencing of a Hispanic man who was sentenced to death after a psychiatrist testified that he was more likely to commit future acts of violence because of his ethnicity. A psychiatrist argues before a court in the United States of America that a man is more likely to commit a crime because of his ethnic origin, and a court in the United States of America hears this evidence without reversal. It is unimaginable.

The U.S. Supreme Court recently ordered a new sentencing hearing in that case because of the evidence.

How many cases get to the U.S. Supreme Court? How many others would have filed? How many others are silent? How many others never got attorneys?

As a result of such injustices, it is not unreasonable to conclude, as Bob Herbert did in a recent New York Times op-ed piece, that the death penalty in the State of Texas is nothing more than "legal lynching."

This is not the death penalty that I have supported most of my life. This is not what the Supreme Court had in mind when it issued its standards. My God, this is not what the Founding Fathers had in mind when they talked about equal justice before the law.

There is a place in the American judicial system for capital punishment. I have not changed my mind. Certain crimes are so offensive, so outrageous, they so violate the public consciousness that capital punishment is the only appropriate response. It is, however, a remedy so severe that it must be administered with the greatest care, the greatest reserve, with the highest possible standards of justice, in representation and review, against arbitrary

ness, against discrimination, ensuring guilt, fairness, and uniformity.

These cases in Texas—and while Texas may be the most egregious, it does not stand alone—simply do not make that standard.

Supporters of the death penalty, like myself and a majority of Americans, are concerned that innocent people have been, are, or will be executed. And it is not a theoretical problem, it is real. In fact, in a recent survey by CNN/USA Today, 80 percent of Americans surveyed now believe innocent people in the United States have been executed in the last 5 years. That is quite a statement for us to make about our own country, our own system of justice. It is imperative that we take the necessary steps to ensure that it never happens again.

Already we are seeing several States take the lead against just such a threat. The Governor of Illinois, a Republican, to whom I give great credit, troubled by the fact that a number of people on the State's death row had been found innocent, announced earlier this year that he would block all executions until it had been determined that the death penalty was being administered fairly and justly, and I applaud him.

Maryland's Governor recently ordered a 2-year study of racial bias and death penalty procedures in his State, and I applaud him.

The Governor of California recently signed into law a bill that would guarantee every convicted felon the right to have DNA evidence tested if it was related to the charges that led to his conviction. Good for California. But it should be good for every State in the Nation and for the United States of America.

Although the Federal Government is not the arbiter of most death row cases, as with most issues, it has a responsibility to set an example. While the Federal Government has not executed someone since 1963, it cannot be said that the Federal system is the best it can be.

This Government has an obligation to reform the death penalty to ensure that innocent people are protected and to ask the States to do the same. This, in my judgment, requires, at a minimum:

First, ensure that defendants in capital cases have competent legal representation at every stage of the case. At every stage, there should be a lawyer who is trained, experienced, and has the ability to ensure, not just for the protection of the defendant but of the society, that we are not taking the life of an innocent person. I do not want just that defense for the defendant; I want that defense for me as an American, to know I am not responsible for the taking of the life of an innocent person.

Second, provide defendants with access to DNA testing. If science has given us the ability to know with certainty whether a person is innocent or

guilty, I want that evidence known before a person is executed, no matter what stage, no matter how many trials, no matter how many appeals. I want to know before execution whether that DNA evidence has been made available. States are doing it, and this Government should do it, too.

I am a cosponsor of the Innocence Protection Act that was introduced by my distinguished colleague, Senator LEAHY of Vermont, to ensure that DNA evidence is provided, and I urge the Senate to consider it.

I recognize that all of my colleagues may not support the death penalty as I have supported it and continue to support it, but as a matter of conscience, in fidelity with our founding principles, in a belief in all of our sense of fairness and equal protection before the law, for the reputation of our country, for confidence in our system of justice no matter how we may divide on the question of the death penalty, surely on this we can be of one voice and clearly we can demand no less.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ENDING THE 106TH CONGRESS

Mr. GRAMM. Mr. President, today I want to talk about a series of issues that are related to the final things with which we have to deal in ending this Congress. It is not a long list, but it is a list of things that are important. I hope my colleagues will indulge me while I talk about these issues.

I read this morning in the New York Times, under the headline "Leaders in Congress Agree to Debt Relief for Poor Nations," that an agreement has been worked out on debt relief. I want to make it clear that I am not part of any such agreement. I hope an agreement will be worked out, and I would like to be part of an agreement. But I am not part of any agreement today.

It is important, since so much has been said and written on this issue, that someone on the other side stand up and explain what this issue is about, why it is important, and why people all over America ought to be concerned about it and be concerned that it be done right.

I remind my colleagues and those who might be listening to this discussion that routinely in America people borrow money and are required to repay it. Where I am from, College Station, TX, it is a pretty hard sell to talk about forgiving billions of dollars of debt to countries that borrowed money from us and, in too many cases, simply squandered or stole it, and now they do not want to repay it. They riot, they protest, they demand, but those things do not work in College Station, TX. In College Station, TX, when you borrow money from the bank or finance company or from your brother-in-law, you are expected to pay it back.

Let me make it clear that I am not here to make the most negative case that can be made about debt forgiveness. The flip side of the coin is that

many of these countries are desperately poor, and much of this debt can never be repaid. So the debate I want to engage in today is not against debt relief, as hard a sell as that is back home—and I am willing to make that sale or try to—but I am not willing to support debt relief unless we are going to have some reforms to assure that the money is not wasted.

I remind my colleagues, while we talk about debt relief, we are actually appropriating over \$450 million because we are paying off this debt. Our money was lent and was largely squandered, and now it is going to be used to pay off this debt.

So, I am concerned because of the lack of accountability in how the money is being spent. Any Member of Congress knows this is an issue in which a great deal of interest has been taken.

I had a group of holy people come to my office the other day to lobby for this debt forgiveness. I do not think since Constantine the Great called his ecumenical council in Nicaea has there been a larger gathering of holy people in one place than the people who came to see me about supporting debt forgiveness.

And let me quickly add that everybody who came was well intentioned. Their hearts were in the right place. But the problem is not with our hearts; the problem is with our heads. Obviously, in this 2000th year of Christianity—this 2000th year of the birth of Christ—there is a movement all over the world to try to help the poor. But the question is, In forgiving this debt, are we really assuring that the money that we are giving is getting through to the people we are trying to help? And I think that is basically where the problem lies.

Let me now talk about a couple of examples that illustrates this problem. I want to read from four newspaper articles that outline a story, in my opinion, of how this debt forgiveness is abused and how our taxpayer ends up holding the bag.

The first story is from Africa News, July 23, 2000, and is from Kampala, Uganda—one of the initial countries targeted for debt relief.

In March Parliament there approved the direct procurement of a new 12-seat presidential Gulf Stream GIV Special Performance SP jet at a cost of \$31.5 million. Aviation experts said that the final cost of the plane could well be \$47 million.

The current presidential jet is a 9-seater Gulf Stream III acquired just a few years ago.

Now, from the August 2, 2000, issue of the Financial Times in London, I quote:

The Group of Seven leading industrialized countries is pressing the Organization for Economic Cooperation and Development to stop export credits being used to help poor countries buy arms and other “nonproductive” items.

Although the OECD cannot impose binding rules, the U.S. and Britain, leaders of the G7 initiative, believe “naming and shaming”

dubious policies could create pressure to get them changed and prevent poor countries from squandering debt relief.

This article is from August 2, and on July 23 we learned that the Ugandan President has bought a new \$47 million plane for his use. And we are naming and shaming, along with the British in the Financial Times.

And now on September 13, 2000, in Africa News, Kampala:

The Paris Club of creditor countries yesterday cancelled \$145 million of Uganda's debt under the Highly Indebted Poor Countries (HIPC) initiative.

Tuesday's Paris Club announcement brings Uganda's total debt relief from the lending countries so far to \$656 million. Uganda has also received \$1.3 billion debt relief pledges from the IMF and World Bank in debt relief over the next 25 years.

So on July 23, which turns out to be the day that debt forgiveness was announced for Uganda, the President of Uganda buys himself a new \$47 million luxury jet. And on August 2 we are naming and shaming people who are abusing debt forgiveness dollars that come from American taxpayers. And then on September 13 it is announced that we have forgiven this debt, raising the total to \$656 million for Uganda, the same country whose President on the day the debt forgiveness package was announced ordered a \$47 million jet.

Now, the final quote on this point is from the Wall Street Journal, dated October 12, 2000:

On the day that Uganda qualified for debt forgiveness under the Clinton initiative, the president of that struggling African nation signed a \$32 million lease-purchase agreement for a brand-new Gulf Stream jet.

It goes on to say that we have been assured by the administration that he got a pretty good buy on the jet.

Now, I ask my colleagues, when we are talking about this debt forgiveness, should we be forgiving debt with the idea that it is going to help poor people in Uganda when the President of Uganda, on the day the debt relief is announced, buys a \$47 million jet? Maybe you can go to College Station and sell that, but I cannot. And I am not going to.

Let me go to the next point. All of the people who have written or called me, launched letters and sent calls and prayers and e-mails on this issue, say: We are trying to help people in these poor countries; don't stand in the way; forgive this debt, which I remind my colleagues means appropriating money to pay off the debt on their behalf.

The next country I want to talk about is Chad. This is a country that is next on the list to receive debt forgiveness. The argument is that by forgiving Chad's debt, we are going to help poor people who live there. But let me read from this year's U.S. State Department “Report on Human Rights Violations” in Chad, a country that the administration is pressuring us to appropriate tax money for so he can forgive their debt. This is from the State Department issued under the name of the Sec-

retary of State, who was appointed by President Clinton, not by me. This is what she says about Chad, a country on the list of countries that would receive debt forgiveness if we provide this \$450 million. I quote:

The security forces—

This is in Chad—

continue to commit serious human rights abuses. State security forces continue to commit extrajudicial killings. They torture, beat, abuse and rape.

Now, I ask my colleagues—and I ask public opinion—does it make sense for us to appropriate \$450 million to forgive debt to a country when our own State Department, headed by the Secretary appointed by the same President who champions this debt forgiveness, tells us, “State security forces continue to commit extrajudicial killings; they torture, beat, abuse, and rape”?

Maybe you can go to College Station or Little Rock or Jackson Hole, WY, and sell that. I cannot.

What we are facing is this: Based on good intentions, we want to forgive this debt, but what happens when there is clear and convincing evidence that the proceeds of the debt forgiveness are going to buy luxury jets for Government officials? And in Chad, remember that the ordinary citizens there did not borrow this money, this was a loan to the Government. So are we going to forgive debts to a government that, according to our very own State Department, continues to murder, brutalize, and rape its own people? I don't think so.

Having said all of that, what is the solution to this problem? It seems to me that if this administration is serious about doing something other than what it believes will be good politics in this election, or something that will make us all feel good—forgiving all of this debt—what we have to do is try to replicate what happens in every American family when people have financial problems.

So, what happens in Arkansas, Texas or anywhere in America, when the bill collector comes knocking at the door? What happens is that families get together around the kitchen table, they get out a pencil and try to figure out on the back of an envelope how much they are making and how much they are spending. They get out their credit cards, they get out the butcher knife, and they cut up their credit cards, and they try to reorganize. They change their habits and their behavior.

It seems to me, when we are talking about forgiving billions of dollars of debt to governments—these loans were made to governments, not to people—when we are forgiving that debt, we have a right—in fact, I would say an obligation—to see that that debt forgiveness benefits the people who live in that country. These countries are not poor because of this debt. They are poor because they have oppressive governments, because they have economic policies that do not work, because they are denied freedom. The sad story is

that if we forgive this debt, and we do not demand real reforms, nothing will change. This great opportunity to do something good for poor people in the world will be lost.

In trying to work with the administration—and I would have to say that, in theory, there is a lot of agreement with the administration—but when it comes time to put the requirements into place, that is where we cannot seem to work this issue out. The administration does not contradict its own State Department report on rampant human rights abuses. But when we're trying to set requirements for getting this debt forgiveness, that is where the administration says no.

I have tried to reduce the requirements that I think the conscience of the Senate should require to some very simple things. And I just ask people who might be listening to what I am saying to ask yourself: Are these unreasonable requirements in return for billions of dollars of taxpayer money?

Let me remind my colleagues, I know there is a drunkenness that has come from this big surplus. Never in my political career have I seen money squandered as it is in our Government this very minute, even as I am speaking right now. It is frightening to me. But even in this moment of a huge surplus, surely everybody realizes and remembers that, for every dollar we get, every dollar we spend, somebody worked hard to earn that money.

I believe that money ought to be respected. So in return for billions of dollars of the American taxpayers' money, here are the conditions to which I have asked the administration to agree.

No. 1, we cannot forgive debt for a country that we find in our most recent human rights evaluation engages in a gross violation of human rights against its own people. In other words, what we would say to the government of Chad is: If you want this debt forgiven, then you have to quit killing, abusing, and raping your people. And if you do not do that, we are not going to forgive the debt. That is condition No. 1.

I do not view that as unreasonable. Quite frankly, I would be ashamed to have my name affixed on a voting list to the forgiveness of this debt if we gave it to murderers, thugs, and rapists.

The second condition has to do with the fact that these countries are poor because they are basically practicing socialism. They deny property rights and economic freedom, and, as a result, they are poor.

We sometimes get the idea that because socialism does not work economically, that it is dying. But socialism works politically, which is why it is alive all over the world and why it is debated in Washington, DC.

Now, here are three economic conditions that, at a minimum, I believe we need. First of all, if countries are going to take our money, they should be required to open their markets to meet

the requirements of the World Trade Organization so that we have an opportunity to sell American goods in their economy, and so that their workers have a right to buy goods competitively, instead of being forced to buy expensive, inferior goods from a government-run monopoly.

We have one of the most open economies in the world. We are the richest, freest, happiest people in this world. Asking those who are getting debt relief to do something that will help them is, I think, something that is required. It is something that must be done.

Secondly, they would be required to set up a series of benchmarks, not just on opening up their economy, but also in those countries where government dominates the market, where huge numbers of people work for the government, and, in essence, the government runs everything, we would require, in return for the loan forgiveness, that they set up benchmarks for phasing out subsidies to these government-run enterprises.

The third requirement is simply that in printing their financial and government records on how much money they are spending, how much they are taking in in taxes, how much they are borrowing, that we have transparency so that we and investors can know what is going on in the country and so that we can see whether they are taking actions that will actually improve the life of their people. And that would include transparency in their financial institutions and their banks.

What this would say is, we do not forgive money until these conditions are in place. And if at any point along the way countries do not live up to these commitments, then we stop the debt forgiveness.

Some people think these are outrageous conditions. But I just simply go back to College Station. When you have a line of credit with a bank, and you have told them you are using this line of credit to invest in your restaurant, and it turns out you bought a car for private use, they cut off your line of credit. When you do not tell the truth, you end up losing your line of credit.

So I just want to urge, publicly, the administration to help Congress put together a program that will take this debt forgiveness and put it to work to help ordinary working people. If we do not do something like this, we are going to end up seeing this money spent on jet planes for government leaders; we are going to see the benefits of debt forgiveness go to the leadership elite; and 10 or 15 years from now, when these same countries have the same debt crisis, we will have someone like President Clinton who will be arguing that we could just fix all this if we just forgive this debt.

I am willing to go along with the debt forgiveness. I am willing to go home and try to explain to people why these governments are treated better

than citizens here are treated if I know the money is not going to be squandered or stolen or used to abuse the very people we are trying to help. But I intend to fight—and fight hard—to see that we do not take billions of dollars from American taxpayers to give to buy fancy airplanes for government officials, and that we do not use it to basically subsidize corruption and the abuse of the very people we are trying to help.

#### AMNESTY

Mr. GRAMM. Mr. President, a second topic I rise to talk briefly about is the issue of amnesty. The White House sent a letter dated October 12, 2000 to Congress which in many ways is one of the most extraordinary letters I have ever seen a President send to Congress. This letter, basically says the President will veto the Commerce-Justice-State appropriations bill unless we grant amnesty to people who have violated our laws by coming to this country illegally. In other words, the President is threatening that he will veto a bill that funds DEA—the Drug Enforcement Administration—the FBI, the Federal prison system, our system of criminal and civil justice, he will veto that bill unless we in Congress grant amnesty to people who have broken the law by coming to the United States of America illegally.

It is one thing for the President, functioning under the Constitution, to say: You have your idea about how much money should be spent. I have my idea. I don't think you are spending enough. That is what the President is saying every day. The President is threatening to veto appropriation after appropriation because he doesn't think we are spending enough. We are spending faster than we have ever spent since Lyndon Johnson was President of the United States, yet we are not spending enough money to suit President Clinton.

You can argue that he is wrong, that it is dangerous, that one of the reasons the stock market is in shock today is this runaway Federal spending that endangers our economy and our prosperity, but it is a legitimate issue to be debating on an appropriations bill, how much money we spend.

The President just happens to be wrong—dangerously wrong, in my opinion—and I am not going to support him. But that is one thing.

But to say that unless we pass a law that has nothing to do with spending money, that forgives lawbreakers who came into this country illegally, he is going to veto a bill that funds the FBI, the DEA, and the criminal justice system is an outrageous assertion of Presidential power. Our President has been so successful in manipulating the Congress, he has forgotten that we have a separation of powers in America. He is going to get reminded in this debate.

I don't want to get too deeply into the amnesty issue, but I will say a couple things about it. First of all, as the Presiding Officer knows, as anyone in

the Senate knows, if there has been one Member who has been a champion of legal immigration, it is I. I have stood on the floor many times arguing for letting people with a desire to work hard, with talent, genius, creativity, and big dreams into America and to let them come legally. I am proud of the fact that my wife's grandfather came to America as an indentured laborer to work in the sugarcane fields in Hawaii.

I have spoken previously on this issue at great length. One of the most successful employees I ever had was a young man named Rohit Kumar. The Senate was debating an increase in the quota for legal immigration, if I remember correctly. I talked about the Kumars. His daddy is a research doctor. His mama is a physician. His uncle is an engineer, an architect. The point I made was, America needs more Kumars.

I am sure when you are talking about amnesty, there are going to be those who will say this has something to do with being against foreigners. Well, I don't believe America is full. I was the cosponsor of the H-1B program that will let 200,000 highly skilled technical people—most of them in graduate school in America right now, being funded by our taxpayers—stay temporarily to help us keep the economy strong. But I draw the line on illegal immigration. I draw the line when it comes to breaking the laws of this country.

I believe if we keep granting amnesty to people who came to the country illegally, we are in essence putting up a neon sign on all of our borders saying: Violate our law; come into the country illegally. Then we will later pass laws making it all right and you will be able to stay.

I am not for that. I am adamantly opposed to it. Millions of people today are on waiting lists to come to America legally. They are often the wives or husbands of people who have come here and become permanent resident aliens. I am in favor of family unification where someone has come here, they are self-sustaining, they haven't received public assistance within a year, and they show the financial ability to take care of their spouse and children. I say let them come to America. But I draw the line on illegal immigration.

We have somewhere between 5 and 7 million people who have come to America illegally. When we passed the immigration bill in 1986, we granted amnesty to people who were here illegally. That was supposed to be it. Yet now the Clinton administration says they are going to shut down the DEA and FBI and the criminal justice system unless we grant amnesty to more people. We are getting this sort of bait and switch, for which the administration is famous.

I am sure you have heard the argument. There is a claim that there were some aliens here in 1986 who claim they were unfairly denied amnesty and we should now go back and let them qual-

ify. These are the facts: Most didn't qualify for amnesty because the original law, which was going to be the first and last amnesty ever granted to lawbreakers in American history—that was the commitment made here on the floor of the Senate—was for people who could document that they resided here prior to 1982. Now the Clinton administration is saying there were people here when we passed amnesty, who did not get amnesty, and that is unfair, and let's do it for everyone here prior to 1986. I suppose then we can do it up to 1996. We can do this rolling amnesty which, again, simply puts a neon sign along our border which says: Violate America's law; come here illegally.

I don't know what the President is going to do. Maybe he is going to veto Commerce-Justice-State. Maybe he is going to try to shut down the DEA and the FBI, and maybe he is going to try to find somebody to blame. Let me give him a name: PHIL GRAMM.

It may well be that the President can pass this amnesty provision. It may very well be that he has the political power to force us to grant amnesty to lawbreakers in return for funding Commerce-State-Justice. I want to go on record here and say, I will not make it easy. Any conference report that comes up that has amnesty in it, I am going to offer motions to postpone, to delay, and attempt to force cloture. That is going to take 3 days. Then we are going to have 30 hours of debate, which is going to take another day and a half. Then you are going to do cloture on the conference report itself, and that is going to take another 3 days. Then we are going to have 30 hours of debate on that conference report which is going to take another day.

Bill Clinton is the one moving to New York or Arkansas—I guess the location to be determined by the outcome of the election. I am not going anywhere. I am going to be here next year. Amnesty may pass. We may basically say: Forget about American laws. You come here, violate them; we will just forget it. But it is not going to pass without determined resistance.

I want my colleagues to know that when we are sitting here on election day and there is an effort to pass amnesty, it is not as if people hadn't been told that this was going to be resisted. This is profoundly wrong. This is dangerous for the future of our country. It needs to be stopped.

#### MEDICARE GIVE-BACK

Mr. GRAMM. Mr. President, I had the responsibility in working with the distinguished chairman of the Finance Committee to try to work out our differences with the House on the Medicare give-back.

We passed a bill in 1997 that was aimed at trying to balance the budget and trying to save Medicare. We succeeded in balancing the budget. We have been in the process since that day of trying to undo everything we did. We have put together a package that costs over \$27 billion in Medicare give-

backs. About half the package is totally deserved and desperately needed. About half the package in my opinion—I am speaking just for myself—represents things that are bad public policy, and it is being done for one simple reason: We have the money. Why not spend it?

I am not going to go down a long list. But let me give you one example—bad debt forgiveness.

Believe it or not, this bill has a provision that says to hospitals, if you don't collect your bad debt—remember, Medicaid pays for health care for poor people. We have two provisions of Medicare that provide taxpayer assistance above Medicaid for very marginal income people who are not poor but they have difficulty paying their bills.

When we are talking about bad debt, we are talking about bad-debt incurred by people who didn't qualify for Medicaid.

We have a provision in this bill where the taxpayer will simply come in and pick up 70 percent-plus of bad debt costs for hospitals. Collecting debt is difficult. Ask any retail merchant, or ask anybody who is in business in America. They will tell you it is hard to collect debt.

What do you think is going to happen when the taxpayer pays 70 percent of the debt that hospitals don't want to collect and that people do not want to pay? They are going to stop collecting. People are going to stop paying, and the taxpayer is going to pay.

To get to the bottom line on this issue, the President says: Look, you didn't spend enough money on the things I wanted it spent on, and I am going to veto this \$27 billion give-back.

I hope the President does veto it. I think about half of it is justified. I think we could have done it for \$15 billion, and could have done a reasonably good job.

But my own view is that if the President vetoes it—we are just moments now from an election. We are going to have a new President. My suggestion is, if the President vetoes this bill, that we simply wait until January for a new President—hopefully, someone who will be more responsible than this President—and we will take a very serious look at Medicare.

In this bill, with spending of \$27 billion, we could not find one penny of savings to put in the bill. There is not one thing currently being done in America in health care, including a new scam by States where they simply overcharge the Federal Government and pocket part of the difference—we could not find one thing on which we could save money. I find that difficult to sell.

Finally, there was an article in today's Washington Post by David Broder. I don't always agree with David Broder, but I always think about what he has to say. I guess if you want to define a serious commentator and set it out in a column, you would have to put David Broder's name at the top

of that list. You may not like what he says about you. You may not like what he says about your view. But he doesn't say anything that he doesn't think about. I admire that.

He points out today in an article that says "So Long, Surplus" that we are currently—this year—on the verge of spending \$100 billion more than we said we would spend this year when we adopted the much touted Balanced Budget Act in 1997, which Bill Clinton signed. This wasn't just Congress, this was Congress and the President. We are on the verge of spending \$100 billion this year more than we said we were going to spend.

I just want to say that someday people are going to ask: What happened to this surplus? They are going to ask: Why didn't we rebuild Medicare? Why didn't we rebuild Social Security by putting real assets into Social Security—not taking anything out of Social Security but putting real assets into Social Security—by taking this money and investing it in stocks, bonds, and real assets so we have something to pay benefits with in the future?

Someday someone is going to ask: What happened to that surplus? Why couldn't we, when tax rates were at the highest level in American history, have some tax relief for working families? Why did we have to keep forcing people to sell the farm or business in order to pay the Government a death tax? Why did we have to tax marriage and love in the marriage tax penalty?

Someday somebody is going to ask those questions. I just want to be on record saying I think it is outrageous that we are doing this. I think we need to stop doing this.

I read in the paper where the President said he is like the Buddha. He is like Buddha. He just sits and waits and waits, and Congress wants to go home, and the only way they are going to go home is to spend all of this money.

I repeat that I am not going anywhere. President Clinton's number of days as President is now short.

My point is that we have a right to say no. We have a right to say in education when we have spent every penny the President said he wanted but we want to let States decide how to spend the money—we want to give them the same money, but we want them to decide how to spend it, and President Clinton says: No. I am going to veto your bill because I want to tell States how to spend it.

I think we have an obligation to say no. If people need schools, they can take the money and build schools. If they need more teachers, they can take the money and hire more teachers. But if they need other things, they can take the money and do that, because they know their needs better than Bill Clinton.

But that is not what the President wants. We spent every penny he asked for—too much money, in my opinion. But he said he is going to veto that bill because we give the States the ability

to decide what they need to spend the money on.

My answer to that is, let him veto it, and then we can pass a continuing resolution. Let's have an election. If people want to spend this surplus, if they want to spend it on program after program after program, if they want more government and less freedom, they know how to vote in this election. If you want the Government to spend more, and if you want this surplus to be spent on government programs, you know how to vote.

But we ought not to let Bill Clinton spend the money before the American people vote for more spending. First, I don't think they are going to do it; but, second, that is what elections are about.

I think we have to quit kowtowing to the President. If he wants to force us to stay here and pass these bills day after day after day, if I were running for reelection and were in a close race, I would go home and campaign. But for the 60-some-plus of us who are not up for reelection, let's just stay here in town. And if the President suddenly becomes reasonable, we will reach an agreement. But if he is going to play Buddha, to quote him, and sit there and see if it will work one more time—that is, if by threatening to hold us in session he can get us to spend more money than our budget and more money than his budget—he wants to see if it will work one more time, I want to say no. I think the American people would rejoice in it.

I am hopeful my fellow colleagues will come to the conclusion that the President is asking too high a price to see this session of Congress end. Too much money. Too much change in permanent law that does not represent the will of the American people. I think we need to say no. The sooner we say no, the sooner the President will come to his senses. And he will for a simple reason: He is not holding a strong hand here. He is the one moving off. We are not moving anywhere.

I think we can come to a compromise with the President, but I think we ought to be tired of being run over. I say we should not spend more money simply to get out of town. To do that would basically betray everything we claim to believe in and betrays the people who are going to pay our salary, whether we are in town or not.

I thank my colleagues for their indulgence, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask unanimous consent to speak in morning business.

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

#### CLEAR CHOICES

Mr. THOMAS. Mr. President, I certainly join my friend from Texas. He spells out some things that are quite clear but obviously are not talked about very much.

I was listening earlier to my friend from North Dakota, who talked about

the differences between the parties, between the Presidential candidates. Certainly there are differences. They talk about them being the same; they are not the same. I think there are some very clear philosophical choices to make.

Of course, that is why we are here. There is nothing unusual about having different points of view. Those points of view are very clear. Often we get involved in details and get bogged down in the choices in terms of direction and where we want to go, in terms of where we want the country to be in 10, 20, 50 years. That gets lost. They are the most important issues that we have.

One of them, in general terms is, what is the role of the Federal Government? How extensively does the Federal Government get involved in all the activities in our lives? What is the role of local government? Of course, most important is the role you and I, as individuals, have experienced over the past decade.

For nearly a decade, the idea was that whatever the problem was, it was up to the Federal Government to resolve it. Of course, much of that comes from politics. That is a great way to get votes. There is a saying: You can teach a person to fish and they always have a fish; give them a fish and you will always have his vote. That is the political aspect.

There are some great differences: whether we have higher taxes; whether we have less taxes; what we do with the surplus that exists now. I think one of the real key issues is the division of authority, the division of responsibility between local governments and the Federal Government, State governments, county governments. These are the issues I believe are extremely important. This is, after all, a "United" States, a union of States, that each constitutionally has some very clear responsibilities.

One of the issues that has been most interesting, and as the Senator from Texas pointed out, has caused us to have a slower resolve in this Congress than usual, is the idea that there will be a surplus, a \$5 trillion surplus over the next 10 years, \$1.8 of that being non-Social Security.

There are several plans. One is to clearly put the Social Security money in the Social Security lockbox so it is used for Social Security, so that people who look forward to benefits, particularly young people, will have some feeling that there will be benefits; they are entitled to those benefits. Of course, as the demographics change—and they do change very much. I think originally there were 20 people working for every one drawing benefits, and now it is three working for every one drawing benefits—there will have to be changes in Social Security.

There are proposals for raising taxes. That is unpopular and not a good idea, in my view. There is some talk about reducing benefits. Again, I don't think that is the solution. One view is to give

an opportunity, a choice, particularly for young people, to have an opportunity to put a portion of the money they pay into their own account, to have it invested for the private sector and increase their return. Over a period of time, an increase in return from 2½ percent to 5½ percent is very significant. That is one view.

The opposite view is, no, we don't want to touch that. We are not going to touch Social Security. We don't want to change it. At the same time, we have had seven votes here about a lockbox and we have had resistance each time. There is a great deal of discussion and debate about philosophical differences in the approach.

We heard the candidates talk last night for the third time. Clearly, one point of view is to have a government health care program for everyone. I don't happen to agree with that. I think we talked about that. We tried to do that early on. We have seen the difficulties. So we ought to find an alternative solution. The alternative is to give people two choices to ensure health care, those particularly who cannot afford it. Those who want to have some choices are going to pay for them.

Similarly, with pharmaceuticals, an issue is to put it on every Medicare program, whether people really want it, whether people can afford it, as opposed to choices. There are real differences.

Taxes: Of course, we talked a great deal and will continue to talk about the idea of tax reduction, whether spending ought to be what we do with the surplus, which is basically the point of view of AL GORE—the largest spending since Lyndon Johnson and his proposals—or, on the other hand, we ought to take a look at being sure we fund and finance those things that are there. We do education; we do Medicare; we do pharmaceuticals. When we are through with that, there will still be substantial amounts of money. It ought to go back to the people; it belongs to them; they paid in the money. We hear talk about it going to 1 percent of the population. The fact is, the 1 percent would be paying a higher percentage of the total taxes than they are now. I don't think there is much of an argument that people are entitled to some return.

The marriage penalty tax: Why should two married people pay more taxes, earning the same amount of money as when they were single, collectively? That is wrong. It was vetoed.

Estate tax: People spend their lives putting together estates, farms, ranches, businesses. It is not a question of not paying taxes. Capital gains taxes are paid on the increased value of those estates. But the idea that death should trigger a 52-percent tax on an estate that is already being taxed is a choice.

Those are different directions we take. I certainly agree with the idea that there are choices and there will be choices in this election, whether it be

the Presidential election, whether it be the congressional election. And I hope each of us, as we exercise our responsibility as citizens in a government of the people and for the people and by the people, will take a look at those choices. Often it is difficult when we get off on a very specific issue and overlook the general direction and philosophy we want to take. That, it seems to me, is one of the most important things we have before the Senate.

I hope we can move forward and do our work. We have an obligation to do that and do it as quickly as we can. Certainly we want to stay here until we have completed the work in the manner in which we think it should be completed. The idea that we continue to stall, will continue to hold up appropriations bills so they can be joined with things that are unrelated, seems wrong to me.

I hope we move forward. More than anything as we move through this very important election cycle, I hope each of us takes a look at the direction we believe we should move toward. Should we have more Federal Government, more spending, more taxes? Should we have a Federal Government that deals with those essential items and funds them properly, reduces taxes so we don't have excess amounts of money here, returns to local and State governments the kinds of responsibilities they have and, more importantly than that, returns to individuals the choices they can make in their lives and avoid having the Federal Government become the decisionmaker for each of them.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AL LARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

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

#### NUCLEAR ARMS REDUCTION

Mr. DORGAN. Mr. President, as we near the end of this Congress, one of the profound disappointments for me and for a number of others serving in the Senate is the inattention paid to the issue of arms control, especially the issue of nuclear arms reduction.

As we debate a range of public policy issues in this country during the campaigns for the House and the Senate and the Presidency, we will hear a lot about health care, education, taxes, and economic growth, but we hear almost nothing about the issue of nuclear arms reduction.

It is important to understand what kind of nuclear weapons exist in our world and why nuclear arms reductions

are important for us, our children, and our future.

The nuclear arsenal in this world totals about 32,000 nuclear weapons—32,000 nuclear weapons. The Russians have about 20,000 of them, many of them tactical nuclear weapons, some strategic. The United States has about 10,500 nuclear weapons. France, China, Israel, the United Kingdom, India, Pakistan also have nuclear weapons. We know India and Pakistan have a few nuclear weapons because they have exploded those nuclear weapons right under each other's chin by their borders. These are countries that do not like each other, and they have tested nuclear weapons recently, much to the consternation of the rest of the world.

We have a nuclear arsenal in this world that is frightening. What does this mean, 32,000 nuclear weapons? Let me put it in some perspective. The bomb that was dropped on Hiroshima killed 100,000 people. The bomb was named "Little Boy." It was 15 kilotons. It was 6,500 times more effective and more efficient, as they say—only people who are involved in this could use that word, I suppose—than ordinary high-explosive bombs.

The amount of nuclear weapons that exist today in this world is equivalent to 1 million Hiroshima bombs. Think of that. The bomb that was dropped on Hiroshima killed 100,000 people. We have the equivalent of 1 million of those bombs among the countries that possess nuclear weapons.

It is hard for anyone to understand fully what this means. The world's nuclear arsenal today has a total yield of about 15 billion tons of TNT. That is equivalent to the power of 1 million Hiroshima-type bombs.

This Congress has done very little on the issue of arms control and arms reduction. It took a giant step backward, in my judgment, in the debate over the Comprehensive Nuclear Test-Ban Treaty. A little over one year ago, on October 13, 1999, this Senate rejected ratification of the Comprehensive Nuclear Test-Ban Treaty. The Senate did not hold hearings for 2 years on that issue. Then there were 2 days of hearings cobbled together quickly, and then the Comprehensive Nuclear Test-Ban Treaty was brought before the Senate. There were 2½ days of floor debate, and then it was defeated.

I guess it was defeated by those who say they do not want us involved in the Comprehensive Nuclear Test-Ban Treaty. However, 160 other countries have already signed the treaty. It was interesting. Just before the vote a year ago, Mr. Blair, Mr. Chirac, and Mr. Schroeder from England, France, and Germany, wrote the following in an op-ed piece that was rather unprecedented, published in the Washington Post:

Failure to ratify the CTBT will be a failure in our struggle against proliferation. The stabilizing effect of the Non-Proliferation Treaty . . . would be undermined. Disarmament negotiations would suffer.

This is from three of our closest allies. Their point was we have this

struggle to stop the proliferation of nuclear weapons. Who else will gain possession of nuclear weapons? Many want them. Can we stop the spread of nuclear weapons and stop the spread of delivery vehicles for those nuclear weapons? It is a question this Congress needs to answer. Regrettably, when it voted on the Comprehensive Nuclear Test-Ban Treaty, it answered no; that is not the priority.

I wonder how many of our colleagues are aware of an incident that occurred December 3, 1997, in the dark hours of the early morning in the Barents Sea off the coast of Norway. That morning of December 3, 1997, several Russian ballistic missile submarines surfaced in the cold water and prepared to fire SS-20 missiles. SS-20 missiles have the capability of carrying 10 nuclear warheads. They travel 5,000 miles—far enough to reach the United States from the Barents Sea.

On that morning, those Russian submarines surfaced and launched 20 ballistic missiles. Roaring skyward, they rose to 30,000 feet. They were tracked by our space command in NORAD, and at 30,000 feet, all of those Russian missiles exploded.

Why did those Russian missiles explode? Those missiles did not have nuclear warheads on them. Those missiles were not part of a Russian missile attack on the United States. In fact, seven American weapons inspectors were there, watching from a ship a few miles away as the Russian missiles were launched. These self-destruct launches were a quick and a cheap way for the Russians to destroy submarine-launched missiles that they were required to destroy under the START I arms control treaty they have with the United States.

What an interesting thing to see, the firing of missiles to destroy them—no, not to terrorize or attack an enemy, but to destroy the missiles because arms control agreements require that the missiles be destroyed.

With consent, I hold up a piece of metal that comes from a Backfire bomber. This is from a wing strut on an old Soviet Union—now Russian—bomber called the Backfire bomber. This bomber would fly in this world carrying nuclear weapons from the cold war with the United States, threatening our country. How would I have the piece of a wing strut of a Russian Backfire bomber? Did we shoot it down? No, we did not shoot this bomber down. I would like to show a picture of what we did with this bomber. This is the Backfire bomber. As you can see, we cut it in half. Why are we cutting up Russian bombers? Because our arms control agreements require a reduction in nuclear arms and vehicles to deliver nuclear weapons.

I have here ground up copper wire from a Typhoon Russian submarine. This used to be wiring on a Russian submarine that would stealthily move under the waters of this world with missiles and multiple warheads, nu-

clear warheads aimed at the United States of America. How is it that I hold in my hand copper wire from a Typhoon-class Russian submarine? Did we sink that submarine? Did we attack it and sink it and destroy it? No. What happened to the Typhoon submarine was it was brought to a shipyard, under the arms control agreement, and it was chopped up. I do not have a picture of what was left of it when this was brought to drydock and destroyed, but the fact is we cut these weapons systems up as part of our arms control agreements.

This is what the submarine looks like in drydock as it is being destroyed.

In the Ukraine, there is a little spot where you can travel and see some sunflowers growing. Do you know what used to be where the sunflowers now exist? A Russian missile with multiple nuclear warheads aimed at the United States of America. The missile is now gone. Under arms control agreements, it was pulled out and destroyed because our agreements with the Russians require that to happen. Where there was once a missile aimed at the United States of America, there is now a field of sunflowers. What a wonderful metaphor for progress.

I raise all these issues simply to say we have made significant progress in arms control and arms reduction, but not nearly as much as we must. Here is a chart of some of the examples of what we have done: 5,314 nuclear warheads have been removed, 507 ICBMs, 65 silos, 15 ballistic missile submarines, and 62 heavy long range bombers are gone—because we, through what is called the Nunn-Lugar program, have provided taxpayer funding to destroy the weapons that existed in the old Soviet Union, and now in Russia, to say, in concert with our agreements, we will reduce nuclear weapons. We have reduced nuclear weapons and they have reduced nuclear weapons. It makes a lot more sense to destroy these airplanes, missiles and warheads before they are used in hostile actions. It makes a lot more sense to destroy them by arms control agreements and arms reduction agreements. That is exactly what has been happening.

Going back to the chart I put up, despite all the progress and all the reductions in nuclear arms, here is what is left. It is troublesome because there are a lot of countries that want to get into these arsenals, especially this one. There are a lot of countries, a lot of people, a lot of terrorist groups that want to grab hold of a nuclear weapon here or there, and have nuclear capability for themselves. That is very dangerous. That makes for a very dangerous world and a very dangerous future.

Some days ago we witnessed a cowardly terrorist act of a couple of people in a boat, pulling up by the side of an American Navy ship, the U.S.S. *Cole*, creating an explosion that took the life of many of our young sailors who were serving their country. I indicated be-

fore, I send my thoughts and prayers to all of those families who are now grieving the loss of their loved ones. They should know the service and dedication of their loved ones in serving this country is something a grateful nation will never forget.

But it is a dangerous world. The attack on the *Cole* reminds us again that there are those who want to commit acts of terrorism. It is a dangerous world. What if that small boat had contained a nuclear weapon? Don't you think those terrorists would love to get their hands on a nuclear weapon? Of course they would.

There are many countries that do not yet have the capability of building nuclear weapons that desperately want it. They are struggling, even now, to try to get their hands on the arsenal, and on the mechanics and capabilities of making a nuclear weapon. We must understand how dangerous it will be for our future and for our children if we do not make arms reduction, and the development of new agreements and new treaties to stop the proliferation of nuclear weapons job No. 1; we must understand how dangerous that is for our future.

This Congress, as I indicated, decided it would not support the Comprehensive Nuclear Test-Ban Treaty. Lord only knows why they would make that decision. It is beyond me. The test ban treaty has formally been ratified by 66 states, signed by 160 states. The major holdouts, incidentally, are the U.S., China, India, Pakistan, and North Korea. Six countries have signed the Comprehensive Nuclear Test-Ban Treaty and 14 have ratified it since our vote to turn it down last October. All of the NATO states, all of our NATO allies, have ratified the Comprehensive Nuclear Test-Ban Treaty except the United States.

We are told by the critics that we not only should threaten our arms reduction agreements, including START I and START II, and the prospect of a Start III, we should also threaten all our arms control agreements—including the anti-ballistic missile agreement, which is so important, the center pole of the tent on arms reduction—we should threaten all of those for the sake of building a national missile defense program. We should threaten all of those for the sake of defeating the Comprehensive Nuclear Test-Ban Treaty.

It is interesting that this country has already decided of its own volition we will not test nuclear weapons. We decided 7 years ago we would not test nuclear weapons. So we have unilaterally said we will not test nuclear weapons, but we are then the country that says we will refuse to ratify the Comprehensive Nuclear Test-Ban Treaty. That is not a step forward; that is a huge step backward.

I cannot describe my disappointment at a Congress that turns down the Comprehensive Nuclear Test-Ban Treaty and the responsibility that should

come with this country considering the nuclear weapons it has. I cannot describe how profound my disappointment is. We have a responsibility to provide leadership. It is our responsibility. We are the world's leader in this area. We must say that we and our allies and all other countries must work every day, all day, to make sure the spread of nuclear weapons stops; to make sure those who want to achieve the capability of making nuclear weapons will not be able to achieve that capability. We must do that. That is our responsibility. It is on our watch.

We have a Senate that turns down a Comprehensive Nuclear Test-Ban Treaty but says: Let us build a national missile defense no matter what it costs; let's build a national missile defense system no matter what its consequences to our relationship with others in the nuclear club; let's build a national missile defense system no matter what it does to our arms control agreements. Build it, just build it; all the other things are irrelevant, they say.

I disagree with that. We have a lot of threats to which this country must respond. Some of them are nuclear threats. Some of them are nuclear threats that result from a rogue state acquiring a ballistic missile, and attaching to that missile a nuclear warhead, and aiming it at the United States. That truly is a threat. However, it is one of the least likely threats, I might suggest, and all experts have suggested that as well.

The most likely threat, by far, is not to have a rogue nation acquire an intercontinental ballistic missile and fire it at the United States with a nuclear warhead; the most likely threat, by far, is for a rogue nation or a terrorist group to achieve some sort of suitcase nuclear bomb and plant it in the trunk of a rusty Yugo car, set that car on a dock in New York City, and hold the city hostage. That has nothing to do with an intercontinental ballistic missile.

Far more likely is a small glass vial of deadly biological or chemical agents that can kill 100 million people. Or far more likely, in my judgment—if the threat is a missile threat—is from a cruise missile, not an intercontinental ballistic missile. A cruise missile, which would be more readily available, is a missile which travels at 500 feet above the ground at 500 miles an hour, roughly, and is not detectable or defensible from a national missile defense system once it is built.

So we have our colleagues who turn down the Comprehensive Nuclear Test-Ban Treaty and then say, by the way, we want to build a national missile defense system, and it will protect against one small sliver of the threat, and almost all the rest of the threat will be unresolved because we have spent all the money on this one small sliver, which is the least likely threat.

If the attack on the U.S.S. *Cole* teaches us—and it should—it ought to

teach us that the more likely threat to this country is a terrorist threat by two people on a boat or by someone driving a rental truck that is filled with a fertilizer bomb, as happened in Oklahoma City, or dozens of other approaches in which terrorists, or others, use their skill to try to wreak havoc through terrorist acts.

My hope is that while this Congress seems oblivious to the value of arms control and arms reductions, we will at least have some kind of a discussion in this campaign going on in this country about how we feel, as Members of Congress and as Presidential candidates, about our responsibility to provide leadership to reduce the stockpile of nuclear arms and reduce the threat of nuclear war, and especially to stop the spread of nuclear weapons to those who want them but do not yet have them.

What is our leadership responsibility? Some say: It is not our job. Not now. Not us. It is not time. I do not agree with that. We are kind of waltzing along as a country. Everything seems pretty good. The economy is doing pretty well.

We have a great deal of uncertainty in the world. We have a country such as Russia with 20,000 nuclear weapons. We have a lot of others that aspire to get access to the delivery vehicles and to nuclear weapons. We have terrorist groups who are in terrorist training camps, as I speak, who would love to acquire small, low-yield nuclear weapons. We have command and control issues in Russia on both strategic and tactical nuclear weapons. Yet there is almost no discussion here in this Chamber—almost no discussion in the Senate—about these issues.

To the extent there is discussion, it is discussion with a set of very special blinders, saying: Let's do the following. Let's build a national missile defense system. And let's build it now. And notwithstanding the consequences, we don't care what it costs, and we don't care what its consequences might be with respect to arms control agreements that now exist.

That is not, in my judgment, the best of what we ought to be doing for future generations. It is our responsibility to lead on the issue of arms reduction and arms control. It is our responsibility to say to the world that 20,000 nuclear weapons in the Russian stockpile is too much, and 10,500 nuclear weapons in our stockpile is too much, and we need to begin systematic reduction.

We know what does not work, and we know what does work. What does work is the Nunn-Lugar program, in which this country engages in treaties and, with the verification of those treaties, helps pay for the systematic destruction of nuclear weapons and delivery systems for those nuclear weapons. We know that works. We have been doing it now for several years.

I held in my hand, as I said earlier, a part of a Russian bomber wing. We did not shoot it down, we sawed it up. I held something from a nuclear sub-

marine. We did not sink it, we dismantled it. One day, on the floor of the Senate, I held a hinge from an ICBM silo that was located in the Ukraine. I had that metal hinge not because we destroyed that silo with a nuclear weapon but because we sent bulldozers and heavy equipment over there and took the silo out. What a remarkable success. Nunn-Lugar, that is what the program is called; Republican-Democrat; LUGAR a Republican, Nunn a Democrat. Nunn-Lugar: These two people provided leadership in the Senate saying, this is the program we ought to have to try to steer an area of arms reductions compliance with treaties that actually reduce the nuclear threat.

But it is just a step. It is just a step in what ought to be a journey for us, a long journey, but one we must stick to and must reflect as a priority for our country.

So I just wanted to come, as we finish this session of Congress, to say I have been profoundly disappointed that in this Congress we have made no progress on the issue of stopping the spread of nuclear weapons. We have a requirement to provide the leadership in this world on that issue. We have made no progress on the two major issues: The Comprehensive Nuclear Test-Ban Treaty, we took a huge step backward in terms of our world leadership responsibilities; and, second, on the issue of national missile defense, we have sent a signal to others that our arms control agreements really do not matter very much. That is, in my judgment, exactly the wrong signal to be sending.

I heard the Senator from Texas, my colleague, Mr. GRAMM, talk about another issue. I can't do his Texas twang, but he said: I am going to be here next year. Well, he is. I am going to be here next year as well. We have terms in the Senate. I was elected by my State to come and serve my State's interests here in the Senate and serve the interests of this country. I am going to be here.

It is my intention, with whatever strength I have, to try to provide some constructive leadership, with my colleagues, to say: This country has a significant responsibility to address the issue of stopping the spread of nuclear weapons. To the extent that we don't care much about it, don't do much about it, don't discuss it, don't talk about it, don't debate it, in my judgment, our country's future is severely injured.

I hope that as we turn the corner and come to January and swear in the 107th Congress, the issue of arms control and arms reductions—dealing with the stopping of the spread of nuclear weapons and the proliferation of both nuclear weapons and delivery vehicles for them—can become part of a significant debate in Congress because all Members of Congress will understand our responsibility and its importance.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:17 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR—UNANIMOUS CONSENT AGREEMENT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar. They will consist of Nos. 20 through 53.

I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; all committee provisos, reservations, understandings, declarations be considered and agreed to; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. THOMAS. Mr. President, I ask unanimous consent that the clerk report each treaty by title prior to the vote on each treaty, and further I ask for a division vote on each resolution of ratification.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The treaties will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, which the clerk will report.

#### TREATY WITH MEXICO ON DELIMITATION OF CONTINENTAL SHELF

The resolution of ratification was read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico Beyond 200 Nautical Miles, signed at Washington on June 9, 2000 (Treaty Doc. 106-39), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### PROTOCOL AMENDING THE 1950 CONSULAR CONVENTION WITH IRELAND

The resolution of ratification was read as follows:

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Protocol Amending the 1950 Consular Convention Between the United States of America and Ireland, signed at Washington on June 16, 1998 (Treaty Doc. 106-43), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of this treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

#### INTER-AMERICAN CONVENTION ON SERVING CRIMINAL SENTENCES ABROAD

The resolution of ratification was read as follows:

*Resolved, (two thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Inter-American Convention on Serving Criminal Sentences Abroad, done in Managua, Nicaragua, on June 9, 1993, signed on behalf of the United States at the Organization of American States Headquarters in Washington on January 10, 1995 (Treaty Doc. 104-35), subject to the conditions of subsections (a) and (b).

(a) The advice and consent of the Senate is subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—With respect to Article V, paragraph 7, the United States of America will require that whenever one of its nationals is to be returned to the United States, the sentencing state provide the United States with the documents specified in that paragraph in the English language, as well as the language of the sentencing state. The United States undertakes to furnish a translation of those documents into the language of the requesting state in like circumstances.

(2) UNDERSTANDING.—The United States of America understands that the consent requirements in Articles III, IV, V and VI are cumulative; that is, that each transfer of a sentenced person under this Convention shall require the concurrence of the sentencing state, the receiving state, and the prisoner, and that in the circumstances specified in Article V, paragraph 3, the approval of the state or province concerned shall also be required.

(b) The advice and consent of the Senate is subject to the following conditions, which are binding upon the President but not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(2) PROVISIO.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the ratification of the treaty, please rise. (After a pause.) Those opposed will rise and stand until counted.