be another goal in using the surplus that we presently are confronting, or which we are soon to have.

So it is great news that we have this surplus. After 25 years, it is extraordinary news. But the proper management of this surplus is clearly one of the core public policy questions that we have to face as a Congress. It is my view that the proper management of this surplus should involve returning to the taxpayers the funds that were paid in, which gave us the surplus, allowing us to give the taxpayers an opportunity to save for their retirement, and to assure the solvency of the Social Security system, and to begin to pay down the Federal debt. These are the goals that I believe we should be looking at.

I am hopeful that the President, in his State of the Union Address, will set forth a process and a procedure for allowing us to reach these types of goals. So I look forward to hearing the President's proposals in his State of the Union, and I certainly look forward to the next few months as this Congress wrestles with the issue of how to preserve and protect the Social Security system at the same time that we address the budget surplus.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Vermont.

ICE STORMS IN THE NORTHEAST

Mr. LEAHY. Mr. President, I see my friend from New Hampshire leaving the floor, and I note that he and I have shared a difficult time in the past few weeks with the ice storms in both of our States. But both New Hampshire and Vermont are coming out well. I know that Maine is now still digging out. They have gone through a terrible time, as have the people in upstate New York, and even the Province of Quebec. I note that throughout all that time, every time I called FEMA, James Lee Witt, or anybody else at the Federal level, the response was instantaneous and effective, and that I appreciate.

THE ROLE OF INDEPENDENT COUNSEL

Mr. LEAHY. Mr. President, I want to discuss a serious matter. I hesitate to comment on ongoing law enforcement investigations. I have always felt that way.

I am not going to jump into the swirling mix of rumor and revelation and innuendo that has transfixed many in Washington over the last several days. I spent nearly a decade as a prosecutor. I have a very strong sense of what prosecutors should and can do. I am one who has tried to keep any kind of ideological partisanship out of law enforcement decisions. I did that during the time I was a prosecutor, and I have urged that same thing to prosecutors since.

But I am troubled that the independent counsel law has itself been corrupted and no longer serves its intended purpose. The law was part of a congressional effort to create a mechanism that would reassure the American people that partisanship was not influencing prosecutorial decisions, and that law enforcement judgment was being exercised by those who did not have an ax to grind either way—by those who approached matters from a law enforcement point of view, and not—not—from a lodestone set in a partisan rock.

I cannot say with confidence that this is the case with the current Whitewater counsel. I look at the continuing and very selective leaks and tactics employed by Mr. Starr's office over the last few years, and particularly over the last few days. And, like so many other Vermonters and so many other Americans, it gives me pause to see these kind of tactics that no prosecutor should ever condone in his or her offices.

I have seen reports that two weeks ago he was intent on constructing a sting operation to engage the President of the United States in secretly recorded conversations. Have we sunk this low, Mr. President, that we would do things like this?

I have seen complaints that he sought to pressure a young woman and threaten her mother and father if she did not cooperate in allegations that she was counseled to lie under oath.

Maybe I am missing something here, Mr. President. But this is a far distance from investigating a decade-old land deal in Arkansas. Having spent more than $30 million of taxpayers' money in what apparently became a self-perpetuating investigation, the goal now seems to go about getting the President by whatever means necessary.

Last summer I was critical of efforts by Mr. Starr's office to involve itself in allegations of marital infidelity. The justification then to justify the leaks coming out of Mr. Starr's office was that maybe pillow talk might lead to the discovery of some evidence relevant to this decade-old land deal in Arkansas.

Now it seems that the current activities of Mr. Starr's office seem oddly coordinated to aid in a civil lawsuit against the President. The Paula Jones case has had a gag order on it from the beginning. Yet every single day we find the lawyers and those allied with Ms. Jones selectively leaking depositions and court proceedings to the public. Almost in conjunction—almost in the same package—we see items selectively leaked from Mr. Starr's office with one passing the other. You would think it was the same law firm carrying out this civil case. I have never ever seen a prosecutor do something like that in a State court, a Federal court, or any kind of a case.

Having been a prosecutor, I have a sense for the enormous power in that office. If you have $30 million to spend you have the most power any prosecutor could ever have. But with that power comes a responsibility. Decisions about what to pursue and what to prosecute are among the weightiest exercises of public authority. Exercised irresponsibly and without accountability the prosecutor's power is easily abused and is left to go towards effectively partisan purposes.

My point is that at this juncture we need an independent counsel who is clearly removed from partisanship and who can exercise independent judgment. But the country has neither. This is the most partisan, unjustified, demeaning investigation that I can ever remember in my life. Rather than succeed in insulating the power of the prosecutor from abusive partisan purposes, the independent counsel law appears to have captured partisan forces. This goes beyond any question of what might have happened in Whitewater or anywhere else. It is the tactics being used. The tactics tend in many ways to become so outrageous that they can only be considered partisan. If you want people to have confidence in the result of an investigation, then the investigation has to be nonpartisan, and it has to be perceived to be nonpartisan so that all people can respect what comes out of it.

Frankly, Mr. President, from what I am hearing throughout the country, as well as in my own State, people do not expect any idea of impartiality or nonpartisanship from the prosecutor's office. I hope that Mr. Starr will quickly take steps to change that, and will quickly take steps to stop having his office somehow coordinating itself with a civil case, a civil case involving Paula Jones.

I say this because the country is facing some other issues that also have to be attended to.

On Friday I flew back to Vermont, as I do so often during the month, and I picked up every newspaper that I could on the way up just to read in the airplane. There on the front page of a major newspaper were all of the stories of what leaks are coming out of the Paula Jones case and what leaks are coming out of Mr. Starr's office. Tucked almost as an afterthought were such stories as this: The Pope making a historic visit to Cuba, with all the ramifications that means; Microsoft's settlement with the Justice Department and implications that is going to have for jobs and consumer protection in the years to come; the Unabomber, who terrorized this country for years, pleads guilty; U.S. forces move to arrest a war criminal, something we have not seen I don't think since the time of Nuremberg; the successive visits by Benjamin Netanyahu and Yasser Arafat to this country and the implications on the peace process for the Middle East. There are other such significant stories: The question of whether we are going to have to go into Iraq and act unilaterally because our allies don't appear to have the guts to stand up to Saddam Hussein. All of these

things are tucked back, I say to my colleagues, almost in the fast-food ads in the newspaper. Every one of these things is going to have an enormous effect on your life, on my life, and on the lives of the American people, just as the State of the Union Message will tonight, just as what we do on the floor of the Senate this year.

These are the things that need debate. I am not suggesting that it is wrong to ask questions about the conduct of anybody—not of me, of you, of the President, or anybody else. I am not suggesting that. But what I am suggesting is let us not forget that we represent the most powerful nation history has ever known and the greatest economy history has ever known, at a time of economic boom. Let us not lose sight of what the American people want us to do in protecting this country.

But also let us ask—and I asked the same question incidentally during the activities of the special prosecutor in the Reagan era—let us ask whether we undermine the very things we want to protect in this country by allowing a special prosecutor situation to go way out of bounds of what its original aim was—especially when it becomes ideological, partisan, and allied with those who are carrying out civil cases which have nothing to do with the issue initially contemplated by Whitewater.

Mr. President, I will speak on this more as we go along. I see other Senators who are seeking the floor. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank you. I ask that I be recognized for 10 minutes.

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

DEMISE OF OUR DEFENSE BUDGET

Mr. INHOFE. Mr. President, I have a great deal of concern over some of the things that we have been hearing during this interim when we have been considering what we would do if a surplus should become a reality. And we and many people have talked about problems in child care, in Medicare, in the environment, and in education. But the one thing, the one area, that we have the greatest deficiency in America in, and the great threat facing us, is what has happened with the demise of our defense budget and what has happened to our defense system.

Being the chairman of the Senate Armed Services Readiness Subcommittee, we have had occasion to go around and pay visits to a number of our installations. Mr. President, this is not something that has just come on recently. Although now is when the public has finally a wake-up call, thanks perhaps to Saddam Hussein and Iraq, and realizes that there is a great threat out there.

I would like to read just one paragraph out of the 1998 Defense Authorization Act under, ''The Storm Clouds Are On The Horizon.''

> There are two key factors that threaten to undermine the readiness of our forces—a lack of adequate funding and the over commitment of a greatly reduced force structure. Unless we take necessary steps to correct these problems our military capability will incur significant degredation as we enter into the 21st century.

Mr. President, during this interim period, I visited a number of installations, including Nellis Air Force Base out in the Mojave Desert, and national training systems: The Army Advanced Training System, the Marine Advanced Training Center at Twentynine Palms, and the San Diego naval operations. Also, I have had occasion to be in Camp Lejuene, Fort Bragg, and Fort Hood, and these installations that are trying to keep us prepared throughout America, and throughout the world.

I can tell you that we really have a serious problem. We find that our operations are up, that now we have U.S. forces that have been used in 36 countries in the last 9 years. In the 9 years prior to that there was only 22 countries. We have had over a 300-percent increase in the pace of operations since 1990. We have 26 Army contingency operations in the 7 years since 1991 compared to 10 operations in the 30 years prior to that time. There were 26 operations in just 7 years compared to 10 over the previous 30 years. What this means is we have a ''op tempo,'' or a first tempo, which is a term that is used to measure how busy our people are that are out there and how this is going to affect all of our other operations.

So we actually have two problems that we are faced with. One problem is the fact that we have reduced our budget to an artificially low rate that puts us in the position where we cannot carry out the minimum expectations for the American people. And to be specific about it, we have roughly one-half of the force strength today that we had in 1991. I am talking about one-half the Army divisions, one-half the tactical air wings, and one-half of the ships floating out there. So that is a serious problem.

Then we have stood on this floor time and again and talked about the problems of our deployment on these contingency operations. I can remember standing on this floor in November of 1995 and saying that we cannot afford to send our American troops into Bosnia, and that if we do send them into Bosnia we will incur an operation and an obligation that will sustain the next two decades. The President assured us and promised us. He didn't estimate it, Mr. President. He said that this operation will not exceed 12 months, and that all of our troops will be home from Bosnia for Christmas in 1996. Of course, we knew that wasn't true. We knew the President was not telling the truth. I remember going over there and talking to them. When I told them up there in the northeast sector, the U.N., that it was going to be a 12-month operation, they laughed, and they said, ''You mean 12 years.'' They said it is like putting your hand in the water and leaving it there for 12 months. Take it out, and nothing has changed. The President also said that the cost would be $1.2 billion. Guess what? It has now gone over $8 billion in that effort.

That is not even a part of it. When the American people are told that we only have 8,500 troops over there in Bosnia, that is not true either because if you count the troops as of last week that are in Croatia and the Moravian countries, it is well up to over 12,000 troops. You go over to the 21st Tatical Command in Germany that supplies the logistics for the operation in Bosnia, and they are at 100-percent capacity, and their op tempo rate is 60 percent higher than it should be. What that means in normal terms is that if something happens in Iraq they have to support that logistically on the ground from the 21st Tactical Command. You go 10 miles down the road to Ramstein Air Force Base where they have the 86th Airlift operation, and I defy you to go there and find any ramp space that isn't being used as the C–141s, C–5s and DC–17s that are bringing in everything going to Bosnia are transferring onto C–130s, and off they go. We are using 100 percent of our capacity there. So that is a very, very serious problem that has to be corrected. We cannot do that and continue to try to rebuild a defense operation that has been decimated mostly by this administration. As we go around to these installations, we find that our retention rate is down, the divorce rate is up, and that we are approaching the hollow force days of the late 1970's. We know the two reasons: the budget cuts and the contingency operations.

We have stood on this floor for the last 5 years and talked about the threat that is facing the United States of America. It is not just that we are not adequately prepared in our state of readiness to take care of normal operations should something erupt, for example, in Iraq or Iran or Syria or North Korea, but we also do not have a national missile defense system. In 1983 we started one that should have been deployable by the year 1998. That is now. Someone was pretty smart back there. And yet this administration stopped that in 1992. We are now 5 years behind, if we get right back in, which I think we will now because there is a wake-up call that the American people have heard. And that is, I would have to say, some good news, that even right now this administration is agreeing with what they have refuted over the last 5 years.

I was very pleased to hear Secretary of Defense Bill Cohen stand up and say that we now know there are over 25 nations that have weapons of mass destruction, either biological, chemical or nuclear, and are working on the missile means to deliver those as far as the