its tax-and-spending policies. Despite a shrinking Federal deficit, the Government is getting bigger, not smaller. Total taxation is at an all-time high. So is total Government spending.

The White House and my colleagues have been talking about fencing off the budget surplus to save Social Security, but even as they talk, they continue to spend this budget surplus. Before the surplus even materialized, Washington had already spent $6 billion of it in the last supplemental bill. It is reported that another proposed supplemental bill will spend another $18 to $20 billion of this budget surplus.

Mr. President, when it comes to Federal spending, Washington rarely asks how the American taxpayers can afford to give up more of their income to Government, and how such excessive spending will affect a working family's budget and finances. Equally upsetting is the fact that when it comes to tax relief, Washington is always reluctant to act. Congress even goes so far as to require the tax cut advocates to pay for any tax relief via Washington's PAYGO rule that requires increasing taxes in order to cut taxes. Increase taxes on some Americans so we can get tax relief to others, but that is the only way that the system can work. Nothing is more ridiculous than this requirement of the PAYGO rule. We must repeal it so we can shrink the size of the Government and we can let working families keep more of the money they earn, to spend on their priorities—not Washington priorities.

Washington's tax-and-spend policies have systematically ignored our children's future and severely undermined the basic functions of the family. We must abandon those policies and help restore the family to an economic position capable of fulfilling its vital responsibilities. Therefore, we must provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

I commend our colleague in the House, Chairman ARCHER, Chairman of the Ways and Means Committee, for his so-called ''90–10'' plan. The proposed plan includes many good tax relief measures that will help working Americans. I think this is a step in the right direction.

However, there are two things in the proposal that concern me.

First, the proposed $80 billion in tax relief over 5 years is just too small, compared with the possible budget surplus and total government spending.

By the way, an $80 billion surplus, or $80 billion in tax relief, over the next 5 years amounts to about $4 per person per month. That is not real tax relief, that is token tax relief. We need to do more.

It leaves only $30 billion for relief of the $150 billion marriage penalty tax, and this means millions of American couples will continue suffering from this tax injustice. We can and should do better.

Second, I do not have any problem at all returning some of the budget surplus to the taxpayers. In fact, I have argued repeatedly that the budget surplus should be returned to the taxpayers in the form of tax relief, Social Security reform and debt reduction. But what bothers me is that the proposed plan does nothing to reduce Government spending. In fact, we are talking about spending billions of dollars of the surplus in a supplemental spending bill this year. I believe we should cut the Government's wasteful programs and overhead, and let the taxpayers benefit from a more efficient, effective Government.

In the next few weeks, I will work with my colleagues to improve the House tax bill and deliver tax relief at the highest possible levels to America's families.

My final point is that we must pass a contingency plan to avoid a future government shutdown, and we must do it this year.

I have asked both the Senate majority and minority leaders several times to honor the commitment they made during the consideration of last year's disaster relief legislation to support an automatic CR to avoid a Government shutdown. But so far there is little interest in this good Government legislation. We need to pass that.

And here we are again, with just a few weeks left in this session, with only one appropriations bill signed into law. Clearly, we will not have a budget conference report this year, and I sincerely doubt we will complete all the appropriations bills before this fiscal year ends.

So tell me—do you not think we need a contingency plan, something to avoid the end-of-session battles that often result in more government spending?

Different priorities on spending and tax cuts often prevent us from completing all of the appropriations bills. Competing policy differences, particularly during an election year, make our budget and appropriations process more uncertain.

We need a contingency plan to avoid a government shutdown. There are essential functions and services of the federal government we must continue regardless of our differences in budget priorities.

Mr. President, I will wrap this up quickly. I know our time is running out. But let us not hold the American people hostage because of disagreement in Washington. I urge the leadership to support a sizable tax cut this year and take up the good Government legislation that would prevent a shutdown.

Thank you very much. I yield the floor. I thank the Senator from Idaho for securing this time for us to be able to talk this morning.

Mr. CRAIG. Mr. President, I ask unanimous consent that the majority side be allowed to continue until 1:10.

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

Mr. CRAIG. With that, I thank my colleague from Minnesota for that excellent speech. In my opinion, he is right on about the effective use of a surplus to grant tax relief and to shore up the Social Security system to reform it. Clearly, we have to hold down on the issue of supplemental spending.

With that, I now yield to my colleague from Colorado, Senator ALLARD, to wrap up this special order with his observations as to welfare reform—truly one of the great successes of our Republican Congress.

Mr. ALLARD. I thank the Senator from Idaho for yielding to me to make a few comments.

WELFARE REFORM

Mr. ALLARD. Mr. President, today I rise with good news about Americans on welfare. It is clear that the hard labor we put forth during the 104th Congress to enact welfare reform has been paying off with big returns. The system so many had grown to use as a crutch and a burden to self-sufficiency for 62 years was finally removed in July of 1997.

States are now showing that Americans can achieve financial independence when given the right tools. I thought it would be of benefit for the Members of the Senate to hear a review about Colorado's experience with changing the welfare program.

In 1982, I was elected to the State Senate of Colorado and found that one of the first issues I was involved in was the idea that we needed to change welfare. I was approached by one of the counties I represented at the time that had a very frustrating problem. They saw their budget escalating out of control, and there was not anything they could do about it.

So they said to the Colorado legislature at the time, and they said to me also, ''Look, if you will give us some local control, we have some ideas on how we can change the welfare system to make it better and save the taxpayer dollars and actually get people to work and be self-sufficient.''

They had two phases that they wanted to go through. First of all, they wanted to go through a reorganization of their county government. They wanted to consolidate those agencies that dealt with employment and welfare. And they wanted to put these agencies together and under the guidance of one individual. They happened to select Walt Speckman at the time who was in charge of finding jobs for people in Weld County. This was the county that had come to me and was trying to do something about reforming their welfare system.

They were putting him in charge because he was used to looking for jobs instead of putting people in a position where they were becoming put in a position to rely on government. This individual was used to getting them off of government and getting them into a self-sufficient program. And having been prepared to do that type of reorganization, they had to come to the State legislature to get some legislation passed. And I was involved in that.

Another part of that process was that they had to go to the Federal Government and they had to get a waiver in order to be able to waive some Federal laws and regulations that were being applied to the State of Colorado as well as the county.

As a result of that legislation—which we passed in a Republican legislature, by the way, from both the House and the Senate, and which was reluctantly signed by a Democratic Governor of the State of Colorado—we began to put the program in place. And as it moved along, we found that it was beginning to move people off of welfare into the workplace. It was working in this county at a time when there was a large amount of unemployment because one of the major employers in Weld County at that time had found it necessary—they were in a labor dispute, so they found it necessary to close their large plant.

We also recognized in this program that we needed to provide some daycare services for many of the women who were on welfare. Most of the people in Colorado who were on welfare were young women who had children. We had to provide educational opportunities for them as well.

This experience in Colorado gave us an example, those of us who were serving in the Congress at that time. After I left the Senate in the State of Colorado, then in 1990 I got elected to the House of Representatives, and it gave me a good example to point to my colleagues in the U.S. House of Representatives about how welfare reform could work if managed properly. And my colleague at that time was Senator Hank Brown from Colorado, who was from Weld County and also worked hard on welfare reform as a Member of the U.S. House of Representatives and in the U.S. Senate.

When I had the opportunity, as a Member of the House of Representatives, to work on welfare reform, I was thrilled because I could see what could happen if you would just turn the responsibility over to the States. If that State, in turn, would turn the responsibility over to the county, miracles could happen. And that is exactly the type of thing that I proposed in the 1994 election when the Republicans were putting forward the Contract With America.

I had a good deal to do with putting in a lot of the provisions that were in the Contract With America on welfare reform because I could point to the experience in Weld County and the experience of Colorado and the tremendous success that happened out of that program. So I was absolutely delighted to see that the Republican Congress was beginning to adopt that idea.

Finally, as I mentioned in my opening comments, in 1997 it was a Republican Congress, with a Republican Senate and Republican House, that finally had a reluctant President who was willing to sign some legislation on welfare reform. And it is working.

The Johnson era and the decades following this taught us that the availability of Government welfare only feeds poverty, digging a deeper hole for those who grow to depend on it. By returning power to the States and giving them the flexibility to design and administer welfare programs tailored to the needs of their citizens, Americans are seeing the fruits of liberating the public from welfare dependence.

Some skeptics would say our strong economy and low unemployment are responsible for the decline in welfare cases, but they forget that the flourishing economy of the 1980s barely put a dent in the welfare rolls. It is clear that our new laws are working.

From January 1993 to March 1998, the number of welfare recipients in the Nation declined by 5.2 million, or 37 percent, from 14.1 million individuals in 1993 to 8.9 million in 1998.

Since welfare reform was enacted in August of 1996, the number of recipients has declined by 3.3 million individuals, which is 27 percent, while the number of families on welfare has declined by 1.2 million, also 27 percent, since welfare reform was enacted.

I am proud to say that Colorado continues to be one of the front runners in the progress of welfare reform. Colorado is the only State which has block-granted all welfare funds directly to the counties.

Since 1995, Colorado's caseload has declined by nearly 50 percent.

I have a number of other examples that I will point out to my colleagues in the Senate on the success of the Colorado program.

Each county in my state has been experimenting with various programs which comply with the Colorado state law. Our law requires that an ''individual responsibility contract'' be signed by each of the 32,000 welfare recipients in Colorado. The contract describes each recipients program for obtaining a job. What makes Colorado's program work is the local flexibility and control handed to counties to carry out the new laws.

In addition, counties have used their leverage power through their contracting and procurement activities to help create more jobs in the private sector.

Counties in Colorado tell me they had to re-think their purpose in distributing welfare. Now, they see their role defined more by encouraging recipients to make a commitment to immediate work and imposing a shorter time limit for cutting off those who don't cooperate with this commitment. They are accomplishing this by reeducating recipients, creating new incentives to get off welfare, and contracting out job training.

Since implementation of ''Colorado Works,'' our new version of the former Federal Temporary Assistance for Needy Families Program, welfare cases dropped 28 percent in just one year.

Several counties in Colorado have shown remarkable progress:

El Paso County has renamed its welfare office the ''Family Independence Center'' and has moved into the same building that houses Goodwill Industries. They have developed a philosophy of empowerment of participants to care for their own families and seek employment as soon as possible, not as a last step in the self-sufficiency process.

Boulder County has taken new strides in implementing reform. In July of 1997, they had 715 cases. At the end of June 1998, the caseload was 562. 257 people were placed in jobs. The average wage of the former recipients was $7.82 an hour.

Three of those former welfare recipients have found permanent jobs with Boulder County's own employment and training center.

Mesa County has gone even further with a reduction of 40 percent in their welfare rolls. They tell me it's working because the county commissioners and social services staff have remained committed to getting people off welfare and into jobs. Plus, businesses and human services agencies in the county have pitched in to help find jobs for former welfare recipients. In several Colorado counties, the leading civic organization in welfare-reform efforts is the Chamber of Commerce. Communities are pulling together resources to help new reforms become a success.

Colorado welfare cases have continued to drop since June of this year to an all-time low of 17,990 cases in the month of August. That is 10,000 fewer welfare cases than we had in 1983—15 years ago. But on top of that, this phenomenon has been taking place while population in Colorado has been increasing. According to the Census Bureau, our population has increased 13 percent from 1990 to 1995. Although caseload reduction is not the only measure for success in this area, the fact that we have reduced our welfare reform by more than 50 percent in just the last five years is worth talking about.

Caseworkers in my state applaud this work-first model. They stress that there has been a large increase in child care utilization and expenditures—yet another sign that Colorado residents are being put to work.

Since July, 1997, statewide child care expenditures have increased from $3 million to $6 million per month. Also, the number of families receiving child care assistance increased from 8,200 to 12,600 per month during the same period.

But I think more than anything else, we should acknowledge that there is a clear-cut change in society's opinion about behavior we once just accepted. It's no longer acceptable for large chunks of our tax dollars to serve as a permanent wage to those who choose to lean on welfare.

People are not helpless, as the welfare state has told them. In fact, predictions that we would see a massive increase in the homeless population have not come true.

Instead, we see now that for years, our laws underestimated the abilities

of welfare recipients to work and care for their own families by earning their own money.

Mr. President, changing the work ethic of the welfare community is not a simple process, but the results so far are impressive. The state and local governments are proving that they can accomplish this goal when we give them the latitude to do so. I'm proud to have been a part of this historical policy change.

Mr. CRAIG. Mr. President, I thank my colleague from Colorado for the examples he brings and the issue about which he speaks. There is no question that we are finding here the ideas that percolate from local and State governments which are really the laboratories of change that we have been able to bring and incorporate into public policy at this level, and welfare reform is the prime example. I am pleased that Senator ALLARD would speak to that this morning.

I recognize his leadership in that area.

Mr. ALLARD. I thank the Senator from Idaho.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF MORNING BUSINESS

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The time until 2 p.m. is to be under the control of the Senator from North Dakota, Mr. DORGAN, or his designee.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the 2 p.m. time be extended until 2:10.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield myself such time as I may require.

FAIRNESS OF STARR/HOUSE PROCESS

Mr. BINGAMAN. Mr. President, as I make this statement today, it is doubtful that many in the press or the public are paying attention to the proceedings of the Senate. While many are watching every nuance and listening to every syllable of the President's videotaped testimony before the still-sitting grand jury, I want to talk about what I believe is a more important issue—the basic fairness of the process of which the videotape is a part.

Since we Senators may be called on to consider various allegations in judging articles of impeachment, I will not speak here about the substance of what is alleged, or about whether the allegations constitute adequate grounds for impeachment.

But I believe each of us has an immediate obligation to concern ourselves with the process that is being followed. My purpose today is to call for fairness in that process; fairness in the procedures Congress follows as it prepares to consider these allegations; fairness in the treatment afforded the President. Regardless of what disposition is finally made of the allegations leveled against the President by the Independent Counsel, it is in the interests of everyone—especially future Presidents—that basic fairness be maintained. And to my mind it is impossible to conclude that the process to date has been fair.

What ''unfairness'' am I talking about? Frankly, the lack of basic fairness in these proceedings has been so pervasive that it is hard to know where to begin. But here are three significant ways in which the process has lacked basic fairness.

The first is that the accused has been denied the secrecy of grand jury testimony. Second, the Independent Counsel's report was issued as a sensational narrative, not as a legal document. And third is the rush by both the Independent Counsel and the House to publish and publicize all the material unfavorable to the President before the House has reviewed it and before any determination that impeachment proceedings are warranted.

First, the actions of the independent counsel have had the effect, and possibly the purpose, of denying this accused, the President, the basic right to secrecy concerning testimony given to a grand jury.

While the grand jury was considering the matter, the pattern of leaking information about testimony was clear for all to see. Once the testimony was concluded, the Independent Counsel sought and gained authority to deliver to the House of Representatives his report and all materials he chose, regardless of their relevance to particular charges. I firmly believe the Independent Counsel did this with the expectation that the Republican leadership of the Congress would quickly make public any and all material in its possession that portrayed the President unfavorably.

Rule 6(e) of the Federal Rules of Criminal Procedure requires prosecutors to keep secret the testimony given before grand juries. And with this grand jury, the Independent Counsel assured the President and all witnesses that the testimony they gave was subject to the secrecy requirements under the rule.

The secrecy requirement recognizes the fact that grand jury proceedings are anything but fair and balanced legal proceedings. Witnesses before a grand jury are not entitled to legal counsel who can object when the rights of the witness are being violated. There is no opportunity for a person who is the target of a grand jury proceeding to cross-examine witnesses against him or to present testimony he considers favorable to his position.

In the case of this prosecutor and this grand jury, there was no secrecy, at least as to evidence damaging to the President. The substance of every witness's testimony was eagerly made known to the press and, in turn, eagerly reported.

As if to ensure that the full impact of the accumulated damaging testimony would be felt by the American public before any chance for rebuttal testimony could arise, the Independent Counsel then rushed to obtain court approval and to deliver to the House of Representatives the report and the accompanying documentation which he alone chose to include. The speedy delivery to the House of the report and materials the Independent Counsel selected, freed the grand jury testimony from the limitations of Rule 6(e), and gave the public the full brunt of the prosecution's case without any opportunity for the accused to question the testimony on which it was based.

BASIS FOR CLAIMING UNFAIRNESS

Second, the Independent Counsel presented his report, not as a legal document which should have set out the asserted grounds for impeachment and then summarized the evidence supporting each ground as well as the evidence arguing against it. Instead, he chose to present his report in the format of a narrative where facts are presented in a manner designed to arouse the greatest public revulsion. The narrative is one-sided in that it summarizes the evidence damaging to the President and omits all other. It contains damaging and salacious testimony concerning the President and others even when that testimony is not relevant to any asserted ground for impeachment.

The third basis for claimed unfairness is that the House, as of today, has made public the Independent Counsel's report, the President's videotaped testimony, and 2,800 pages of other grand jury testimony. This comes before the House has even made a determination to begin an impeachment inquiry. The effect of this action, and possibly its purpose, is to undermine any fair and objective assessment of the evidence and the allegations. The result is to try and convict the President in the court of public opinion long before there is any opportunity for the President's counsel to counter the accumulated weight of this evidence.

The rush by the House to disclose all, has pressured the media, us politicians, and the public to come to judgment before the defense can present its case.

Our system of justice requires that an accused person, first will be charged, second will be tried, and then if convicted, will be sentenced for the crime.

In this case, this procedure—this due process—is being trampled upon. The Independent Counsel has charged the President and every effort is being made to have the public convict and pronounce sentence on him before any trial occurs.

One final plea: we must constantly remember that the procedures followed in this case are not just procedures which will affect this President and this impeachment inquiry. What actions we take here will set a precedent