

I wonder how Mr. Smith will reconcile those views with his new position as one of six individuals responsible for enforcing and implementing the statute and any future reforms that the Congress might pass. He has shown such extreme disdain in his writings and public statements for the very law he would be charged to enforce that I simply do not think he should be entrusted with this important responsibility.

It is especially ironic and disheartening that this nomination has been made at a time when the prospects for reform and the legal landscape for those reforms have never looked better. We are all aware that certain Presidential candidates have highlighted campaign finance issues with great success. The public is more aware than ever of the critical need for reform. Campaign finance reform is and will be a major issue in the 2000 Presidential race.

In addition, just a few weeks ago, the Supreme Court issued a ringing reaffirmation of the core holding of the Buckley decision that forms the basis for the reform effort. The Court once again held that Congress has the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process from corruption or the appearance of corruption. In upholding contribution limits imposed by the Missouri legislature, Justice Souter wrote for the Court:

[T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

In my view, the Supreme Court's ruling in the Shrink Missouri case removes all doubt as to whether the Court would uphold the constitutionality of a ban on soft money, which is the centerpiece of the reform bill that has passed the House and is now awaiting Senate action. One hundred twenty-seven legal scholars have written to us that a soft money ban is constitutional, and their analysis is strongly supported by this very recent decision of the Supreme Court.

Mr. Smith has a wholly different view of the core holding of Buckley, on which the arguments supporting the constitutionality of banning soft money relies. He wrote the following in a 1997 law review article:

Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the government interest in the anticorruption rationale. Money's alleged corrupting influence are far from prov-

en. . . . [T]hat portion of Buckley that relies on the anticorruption rationale is itself the weakest portion of the Buckley opinion—both in its doctrinal foundations and in its empirical ramifications.

In another article, Mr. Smith writes: "I do think that Buckley is probably wrong in allowing contribution limits."

Mr. Smith's view, as quoted by the Columbus Dispatch, is that "people should be allowed to spend whatever they want on politics." In an interview on MSNBC, he said, "I think we should deregulate and just let it go. That's how our politics was run for over 100 years."

He is right about that. Mr. Smith would have us go back to the late 19th century, before Theodore Roosevelt pushed through the 1907 Tillman Act, which prohibited corporate contributions to federal elections. Mr. Smith has expressed the view that a soft money ban would be unconstitutional. He wrote the following in a paper for the Notre Dame Law School Journal of Legislation:

[R]egardless of what one thinks about soft money, or what one thinks about the applicable Supreme Court precedents, a blanket ban on soft money would be, under clear, well-established First Amendment doctrine, constitutionally infirm.

A majority of this Senate has voted repeatedly in favor of a soft money ban. I cannot imagine that that same majority will vote to confirm a nominee who believes such a ban is unconstitutional. We need an FEC that will vote to enforce the law and to interpret it in a way that is consistent with congressional intent. I simply have no confidence—I do not know how I can get confidence—that Mr. Smith will be able to do that—how can he? It would be completely at odds with his own loudly professed principles.

This is not a matter of personality. I have never met Mr. Smith. I am sure he is a good person. I do not question his right to criticize the laws from his outside perch as a law professor and commentator. But his views on the very laws he will be called upon to enforce give rise to grave doubt as to whether he can faithfully execute the duties of a Commissioner on the FEC. It is simply not possible for him to distance himself from views he has repeatedly and stridently expressed now that he is nominated. We would not accept such disclaimers from individuals nominated to head other agencies of Government.

The campaign finance laws are not undemocratic. They are not unconstitutional. They are essential to the

functioning of our democratic process and to the faith of the people in their government. As the Supreme Court said in the Shrink Missouri case:

Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of "malfeasance and corruption."

In the wake of that clear declaration by the Court, how can Bradley Smith continue to rationalize the gutting of the Federal Election Campaign Act? And how can we allow him the chance to carry it out as a member of the FEC?

We need FEC Commissioners who understand and accept the simple and basic precepts about the influence of money on our political system that the Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who believe in the laws they are sworn to uphold. We do not need FEC Commissioners who have an ideological agenda contrary to the core rationale of the laws they must administer.

The public is entitled to FEC Commissioners who they can be confident will not work to gut the efforts of Congress to provide fair and democratic rules to govern our political systems. I will oppose this nomination and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from South Carolina.

FRAUD

Mr. HOLLINGS. Mr. President, if people back home only knew. This whole town is engaged in the biggest fraud. Tom Brokaw has written that the greatest generation suffered the Depression, won the war, and then came back to lead. They not only won the war but were conscientious about paying for that war and Korea and Vietnam. Lyndon Johnson balanced the budget in 1969.

I ask unanimous consent to print in the RECORD the record of all the Presidents, since President Truman down through President Clinton, of the deficit and debt, the national debt, and interest costs.

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

HOLLING'S BUDGET REALITIES

President and year	U.S. budget (outlays) (In billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1946	55.2	-5.0	-15.9	-10.9	271.0	
1947	34.5	-9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	-0.6	252.6	
1950	42.6	1.2	-3.1	-4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	-1.5	-3.8	259.1	
1953	76.1	0.4	-6.5	-6.9	266.0	
1954	70.9	3.6	-1.2	-4.8	270.8	
Eisenhower:						
1955	68.4	0.6	-3.0	-3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	-2.8	-7.4	279.7	
1959	92.1	-5.0	-12.8	-7.8	287.5	
1960	92.2	3.3	0.3	-3.0	290.5	
1961	97.7	-1.2	-3.3	-2.1	292.6	
1962	106.8	3.2	-7.1	-10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	-4.8	-7.4	310.3	9.9
1964	118.5	-0.1	-5.9	-5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	-1.4	-6.2	322.3	11.3
1966	134.5	2.5	-3.7	-6.2	328.5	12.0
1967	157.5	3.3	-8.6	-11.9	340.4	13.4
1968	178.1	3.1	-25.2	-28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	-2.8	-15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	-23.0	-27.3	408.2	21.0
1972	230.7	4.3	-23.4	-27.7	435.9	21.8
1973	245.7	15.5	-14.9	-30.4	466.3	24.2
1974	269.4	11.5	-6.1	-17.6	483.9	29.3
1975	332.3	4.8	-53.2	-58.0	541.9	32.7
Ford:						
1976	371.8	13.4	-73.7	-87.1	629.0	37.1
1977	409.2	23.7	-53.7	-77.4	706.4	41.9
Carter:						
1978	458.7	11.0	-59.2	-70.2	776.6	48.7
1979	503.5	12.2	-40.7	-52.9	829.5	59.9
1980	590.9	5.8	-73.8	-79.6	909.1	74.8
1981	678.2	6.7	-79.0	-85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	-128.0	-142.5	1,137.3	117.2
1983	808.4	26.6	-207.8	-234.4	1,371.7	128.7
1984	851.8	7.6	-185.4	-193.0	1,564.7	153.9
1985	946.4	40.5	-212.3	-252.8	1,817.5	178.9
1986	990.3	81.9	-221.2	-303.1	2,120.6	190.3
1987	1,003.9	75.7	-149.8	-225.5	2,346.1	195.3
1988	1,064.1	100.0	-155.2	-255.2	2,601.3	214.1
1989	1,143.2	114.2	-152.5	-266.7	2,868.3	240.9
Bush:						
1990	1,252.7	117.4	-221.2	-338.6	3,206.6	264.7
1991	1,323.8	122.5	-269.4	-391.9	3,598.5	285.5
1992	1,380.9	113.2	-290.4	-403.6	4,002.1	292.3
1993	1,408.2	94.3	-255.0	-349.3	4,351.4	292.5
Clinton:						
1994	1,460.6	89.2	-203.1	-292.3	4,643.7	296.3
1995	1,514.6	113.4	-163.9	-277.3	4,921.0	332.4
1996	1,453.1	153.5	-107.4	-260.9	5,181.9	344.0
1997	1,601.2	165.9	-21.9	-187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	-109.0	5,478.7	363.8
1999	1,704.5	250.5	122.7	-127.8	5,606.5	353.5
2000	1,769.0	234.5	176.0	-58.5	5,665.0	362.0
2001	1,839.0	262.0	177.0	-85.0	5,750.0	371.0

* Historical Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO'S 2001 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, Lyndon Johnson balanced the budget in 1969. At that time, the national debt was \$365 billion with an interest cost of only \$16 billion. Now, under a new generation without the cost of a war, the debt has soared to \$5.6 trillion with annual interest costs of \$365 billion. That is right. We spend \$1 billion a day for nothing. It does not buy any defense, any education, any health care, or highways. Astoundingly, since President Johnson balanced the budget, we have increased spending \$349 billion for nothing.

Early each morning, the Federal Government goes down to the bank and borrows \$1 billion and adds it to the national debt. We have not had a surplus for 30 years. Senator TRENT LOTT, commenting on President Clinton's State of the Union Address, said the talk cost

\$1 billion a minute. For an hour-and-a-half talk, that would be \$90 billion a year. Governor George W. Bush's tax cut costs \$90 billion a year. Together, that is \$180 billion. Just think, we can pay for both the Democratic and Republican programs with the money we are spending on interest and still have \$185 billion to pay down the national debt. Instead, the debt increases, interest costs increase, while all in town, all in the Congress, shout: Surplus, surplus, surplus.

Understand the game. Ever since President Johnson's balanced budget, the Government has spent more each year than it has taken in—a deficit. The average deficit for the past 30 years was \$175 billion a year. This is with both Democratic and Republican Presidents and Democratic and Republican Congresses. Somebody wants to

know why the economy is good? If you infuse \$175 billion a year for some 30 years and do not pay for it, it ought to be good.

The trick to calling a deficit a surplus is to have the Government borrow from itself. The Federal Government, like an insurance company, has various funds held in reserve to pay benefits of the program—Social Security, Medicare, military retirement, civilian retirement, unemployment compensation, highway funds, airport funds, railroad retirement funds.

Mr. President, I ask unanimous consent to print in the RECORD a list of trust funds looted to balance this budget.

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

	1998	1999	2000
Social Security	730	855	1,009
Medicare:			
HI	118	154	176
SMI	40	27	34
Military Retirement	134	141	149
Civilian Retirement	461	492	522
Unemployment	71	77	85
Highway	18	28	31
Airport	9	12	13
Railroad Retirement	22	24	25
Other	53	59	62
Total	1,656	1,869	2,106

Mr. HOLLINGS. Mr. President, these funds are held in trust for the specific purpose for which the taxes are collected.

Under corporate law, it is a felony to pay off the company debt with the pension fund. But in Washington we pay down the public debt with trust funds, call it a surplus, and they give us the "Good Government" award.

To make it sound correct, we divide the debt in two: The public debt and the private debt. Of course, our Government is public, and the law treats the debt as public without separation. The separation allows Washington politicians to say: We have paid down the public debt and have a surplus. There is no mention, of course, that the Government debt is increased by the same amount that the public debt is decreased. It is like paying off your MasterCard with your Visa card and saying you do not owe anything. Dr. Dan Crippen, the Director of the Congressional Budget Office, describes this as "taking from one pocket and putting it in the other."

For years we have been using the trust funds to report a unified budget and a unified deficit. This has led people to believe the Government was reporting net figures. It sounded authentic. But as the unified deficit appeared less and less, the national debt continued to increase. While the unified deficit in 1997 was \$21.9 billion, the actual deficit was \$187.8 billion. In 1998 the unified budget reported a surplus of \$70 billion, but actually there was a deficit of \$109 billion. In 1999 the "unified surplus" was \$124 billion, but the actual deficit was \$127.8 billion.

Now comes the Presidential campaign. Social Security is a hot topic. Both parties are shouting: Save Social Security. Social Security lockbox. The economy is humming, booming. With high employment, the Social Security revenues have increased. It appears that, separate from Social Security, there will be enough trust fund money to compute a surplus. We have reached the millennium—Utopia—enough money to report a surplus without spending Social Security.

Washington jargon now changes. Instead of a "unified budget," the Government now reports an "on-budget" and an "off-budget." This is so we can all call it an on-budget surplus, meaning without Social Security. But to

call it an on-budget surplus, the Government spends \$96 billion from the other trust funds.

We ended last year with a deficit of \$128 billion—not a surplus. The President's budget just submitted shows an actual deficit each year for the next 5 years. Instead of paying down the debt, the President shows, on page 420 of his budget, the debt increasing from the year 2000 to the year 2013—\$5.686 trillion to \$6.815 trillion, an increase of \$1.129 trillion.

They are all talking about paying off the debt by 2013, and the actual document they submit shows the debt increasing each year, and over that period an increase of over \$1 trillion.

Each year, Congress spends more than the President's budgets. There is no chance of a surplus with both sides proposing to reduce revenues with a tax cut. But we have a sweetheart deal: The Republicans will call a deficit a surplus, so they can buy the vote with tax cuts; the Democrats will call the deficit a surplus, so they can buy the vote with increased spending. The worst abuse of campaign finance is using the Federal budget to buy votes.

Alan Greenspan could stop this. He could call a deficit a deficit. Instead, appearing before Congress in his confirmation hearing, Greenspan, talking of the Federal budget, stated: "I would fear very much that these huge surpluses . . ." and on and on. We are in real trouble when Greenspan calls huge deficits "huge surpluses." Greenspan thinks his sole role is to protect the financial markets. He does not want the U.S. Government coming into the market borrowing billions to pay its deficit, crowding out private capital, and running up interest costs.

But Congress' job is to not only protect the financial markets but the overall economy. Our job, as the board of directors for the Federal Government, is to make sure the Government pays its bills. In short, our responsibility is to eliminate waste.

The biggest waste of all is to continue to run up the debt with devastating interest costs for nothing. In good times, the least we can do is put this Government on a pay-as-you-go basis. Greenspan's limp admonition to "pay down the debt" is just to cover his backside. He knows better. He should issue a clarion call to stop increasing the debt. While he is raising interest rates to cool the economy, he should categorically oppose tax cuts to stimulate it.

Our only hope is the free press. In the earliest days, Thomas Jefferson observed, given a choice between a free government and a free press, he would choose the latter. Jefferson believed strongly that with the press reporting the truth to the American people, the Government would stay free.

Our problem is that the press and media have joined the conspiracy to

defraud. They complain lamely that the Federal budget process is too complicated, so they report "surplus." Complicated it is. But as to being a deficit or a surplus is clear cut; it is not complicated at all. All you need to do is go to the Department of the Treasury's report on public debt. They report the growth in the national debt every day, every minute, on the Internet at "www.publicdebt.treas.gov."

In fact, there is a big illuminated billboard on Sixth Avenue in New York that reports the increase in the debt by the minute. At present, it shows that we are increasing the debt every minute by \$894,000. Think of that—\$894,000 a minute. Of course, increase the debt, and interest costs rise. Already, interest costs exceed the defense budget. Interest costs, like taxes, must be paid. Worse, while regular taxes support defense, and other programs, interest taxes support waste. Running a deficit of over \$100 billion today, any tax cut amounts to an interest tax increase—an increase in waste.

If the American people realized what was going on, they would run us all out of town.

Mr. President, I thank the distinguished Chair 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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

UNIVERSAL ACCESS TO TECHNOLOGY

Mr. BAUCUS. Mr. President, I wish to spend a few minutes addressing a matter that is very important to the people of my home State of Montana but also to about 50 million other Americans. Universal access to technology and services all across our country is a very important principle in American history. From the Postal Service to electricity to phone service, we have all made sure, as a national policy, that all Americans have access to the basic services they need.

Now we need to make sure all Americans also receive universal access to another major service; that is, TV service, weather reports, emergency broadcasts, local news. All Americans should be able to get local news on their television set, to get information about their local communities. That is not available today for about 50 million Americans. In my State alone, 120,000 people, about 35 percent of the homes