

to get this addressed, we now have a window to climb through to get the job done and provide a real lifeline to millions of older people. That is some good news for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Michigan.

Mr. LEVIN. First, I congratulate, again, the good Senator from Oregon for his leadership in the area of prescription drugs. His effort to achieve a bipartisan move in this direction is very critical to the Nation. I commend him for it.

I thank him for truncating his remarks a few minutes so I might have a few minutes. I hope I can complete this in 2 or 3 minutes. But if I do not, perhaps I could ask my good friend on the other side of the aisle to be able to extend it a minute or two beyond the appointed hour of 1 o'clock.

SECRET EVIDENCE SUSPENSION

Mr. LEVIN. Mr. President, our Nation's commitment to due process has been placed in doubt by the use of secret evidence in immigration proceedings.

Until recently, the Department of Justice's use of secret evidence was not well known to the general public. Secret evidence was known only to some immigrants who have been held for months, sometimes years, without any opportunity to confront their accusers or examine the evidence against them.

As the Washington Post of October 19, 1997, put it, the process is authorized by:

[A] little-known provision of immigration law in effect since the 1950s allows secret evidence to be introduced in certain immigration proceedings. The classified information, usually from the FBI, is shared with judges, but withheld from the accused and their lawyers.

The use of secret evidence in immigration proceedings threatens to violate basic principles of fundamental fairness. The only three Federal courts to review its use in the last decade have all found it unconstitutional. Yet the Immigration and Naturalization Service, the INS, continues to use it and to do so virtually without any limiting regulations. Under current law, the INS takes the position that it can present evidence in camera and ex parte whenever it is classified evidence relevant to an immigrant's application for admission, an application for an immigration benefit, a custody determination, or a removal proceeding.

The Attorney General herself has expressed concern over the use of secret evidence—and for good reason.

In October 1999, a district court declared the INS' use of secret evidence to detain aliens unconstitutional. Five days later, the INS dropped its efforts to deport a man it had held for over a year and a half on the basis of secret evidence.

In November 1999, the Board of Immigration Appeals ruled that an Egyptian man detained on secret evidence for 3 and-a-half years should be released, and the Attorney General declined to intervene to continue his detention.

Earlier in 1999, the Board of Immigration Appeals, the BIA, granted permanent resident status to a Palestinian against whom the INS had used secret evidence and alleged national security concerns. In all of these cases the government claimed that national security was at risk, yet in none of them were the individuals even charged with committing any criminal acts.

The Attorney General has promised to promulgate regulations to govern the INS's use of secret evidence, but has not yet done so. In May of 1999, the Attorney General came to my state of Michigan to meet with Arab-American leaders and members of the Michigan Congressional delegation to discuss concerns about the use of secret evidence. At that meeting, she said she would implement a new policy, one in which the Department would implement a higher level of review, and take extra precautions before using secret evidence. She said she would have those regulations relative to the use of secret evidence within a reasonable time.

In December, the Attorney General visited Michigan again. She had still not promulgated the promised regulations. She told us that she was dedicated to resolving this issue, and she was actively reviewing draft regulations, but that she was uncomfortable issuing those regulations in the form they had been presented to her by her staff.

Mr. President, the Attorney General may eventually offer the promised regulations. But at the current time, she is not capable of putting a process in writing that is satisfactory even to her. It has been almost nine months now since the Attorney General agreed to look in to this matter, and promulgate regulations that will govern the use of this process. Under these circumstances, when the Attorney General cannot even satisfy herself that a fair process is in place, the use of this secret process should be suspended until she can, and I urge the Attorney General to do exactly that: suspend the use of secret evidence in immigration proceedings immediately until she can promulgate regulations relative to its use.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. What section are we in now, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senate is in morning business until 2 p.m.

THE LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I will take a little time to talk a bit about

our agenda and the things I think most of us hope we will accomplish during this coming legislature.

There are some who believe we won't accomplish much. It seems to me that is not a good prognosis. The fact is, we should put some priorities on the many issues that are there and, indeed, make a special effort to accomplish a good deal. I think we can. Many of the issues have been talked about a great deal already. We know what the backgrounds are.

I think now our commitment is to decide what the priorities are for this country, what the priorities are for this Congress, and to set out to accomplish them.

We heard the President last Thursday make a very long speech, including a very long list of ideas and things he is suggesting we consider. I don't believe he is suggesting certainly that they all be done. He knows very well that will not be the case. I think it is up to us, particularly the majority party, to establish an agenda of those things we believe are most important.

I read in the paper that some Democrats in the House are saying we aren't going to accomplish anything unless we set the agenda, and we will talk our way through that. I am very disappointed in that kind of an idea. Of course, it is possible to continue to raise all these issues that one knows are not going anywhere. I suspect that is not a new idea even in this body. But we need to have a set of priorities.

The President had 100-plus ideas that, I suppose, were set forth to lay out a political agenda, maybe largely for this election. That is fine. It is not a brand new idea. I am surprised the agenda pointed in a different direction than that with which the President has sought to characterize himself over the last several years. He talked about the leadership council and starting towards the center, saying, I think some time ago, that the era of big government is over. One would not have suspected that, as they listened last Thursday night to his view, that the era of big government is over.

It was a very liberal agenda laid out, I am sure, for conduct of this session of Congress. I suggest that is not the direction we ought to take. Expenditures of some \$400 billion in additional programs, \$400 billion in spending, some \$4 billion a minute during that process, with very little detail, of course, as to how it is done but, rather, here are the things we ought to do, sort of in a broad sense.

We need to ensure that the description of what we are going to do does not interfere with us doing something. We have an agenda. Much of it I am hopeful the President will agree with and the Members on the other side of the aisle will agree with. Certainly I am not excited about the idea the minority party will set the agenda, just

simply by the discussions that go on endlessly. When it comes to spending, of course, there are many of us in this body who were sent here by our constituents to see if we can't limit the growth of Government, and we have succeeded some in the last couple years. Even though it was a large one, the growth in last year's budget was something around 3 percent, which was about the inflation rate, which is considerably less than it has been over the last 10 years, where the rate has gone up much higher than that.

Did we hold down spending enough? No, I don't believe so. To do that, we have to have a little different system this year. Hopefully, we will do that. I think we are already beginning to deal with the budget, with the appropriations, so that we don't end up at the end of the session with a huge bill that many people are not even familiar with all the content. So we need to do that.

I am one who believes we ought to be setting about to hold down the size of the Federal Government rather than to expand it. I am one who believes there is a limit to the kinds of things the Federal Government is designed to do. I think that is very clear in the Constitution. We have exceeded that in many ways, but it is not too late to take a look at what we are doing and say, is that the appropriate thing for the Federal Government to do? Are these the things the Federal Government can do better than any other government? I don't think so. When we talk about States and the differences we have among States, certainly, I come from a State that is the eighth largest State in the Union, one of the smallest in population. Our needs and methods of delivery of health care, the management of public lands, all those things are quite different in Wyoming than they are in Rhode Island or Pennsylvania, and properly so, which seems to me to be a good indication that we should not be continuing to have the one-size-fits-all kind of Federal pronouncements from the Congress and from the bureaucracy in Washington.

One of the things I hope we do over time is change our system to biennial budgeting, where we have a budget that lasts for 2 years. It seems to me it is very appropriate to do that. Most States do it that way. For one thing, the agencies then have a longer time to know what their spending restrictions are for a period of 2 years. Maybe more importantly, however, we have an opportunity to exercise the oversight which is the responsibility of Congress, which we don't do very well. Unfortunately, we spend so much of our time on appropriations and other things that the idea of ensuring that the laws which are passed are carried out consistent with the intent of the law is something we don't spend enough time doing.

I want to come back to the floor next week and talk a little bit about that

provision in, I think, a 1996 law which provides that regulations that are put together by the bureaucracies must come to the House and the Senate to be reviewed. Seldom does that ever happen. I think only one or two times has there been some kind of a motion to change those, and none have succeeded because the system is not workable. A great idea, and we have that in most legislatures where there is oversight of the legislature by the regulations that come out to augment the laws that have been passed. We don't do that here. So we ought to hold down spending. We ought to have smaller Government. We ought to seek to review the kinds of things the Federal Government has involved itself in and ensure that there are reasonable things that are best done here. That doesn't mean there isn't a role for government. Of course there is. But often that role can be best implemented at the State and local level.

We need to talk about reducing the Federal debt in a real way. We have been doing some work on that for the first time in 40 years, I think. We have not spent Social Security. We balanced the budget for the first time in 25 years. We are using Social Security money to pay down the publicly held debt, which is a good idea. It reduces the cost of that debt. It takes the Social Security money out of the opportunity to be spent. That is good. Nevertheless, the key there is that it is reducing publicly held debt. We are replacing one debt with another kind of debt. When these young people are eligible for benefits from Social Security, those dollars that have been put into a trust fund to replace debt will have to be recovered from the taxpayers at that time. So we need to do something more than that.

In my opinion, we ought to set about to figure out some kind of a process over a period of time that we commit ourselves to a payment each year to pay off the debt out of operating funds, that we do it much like a mortgage on your home. We can decide that we will pay off \$15 billion, or whatever it is, each year, and do that over a period of time. That would be real debt reduction. That would be reduction that would help to keep the so-called surplus from being spent to increase the size of Government. So we can do that and reduce our debt in a real way.

We also, hopefully, will pursue—when we have a surplus—what are considered to be the real needs of the Federal Government, and after we secure Social Security and pay down some of the debt, that money will then be returned to the taxpayers so it can be used to buoy the economy. Otherwise, frankly, the money left floating around is going to be spent. If you don't like the concept of increasingly large Government, when there is money beyond what there is a target for, then it ought to

be sent back to the people who paid it in in the beginning.

What are the priorities? They are pretty clear. They have been the same for several years and will continue to be. I think that is where we ought to focus. Certainly, most people would consider education to be the issue we are most concerned with—having an opportunity for all young people to have an education. Obviously, money is not the total answer. There has to be accountability, training, and there have to be things that happen within the school system in addition to money. You can't do it without money, however; it is essential.

Health care is one issue, obviously, about which everybody is concerned. We are trying to do some things about that. We need to continue to do that. I am proud of the health care system we have in this country, certainly in terms of quality. On the other hand, we have to start to be a little careful about what that quality costs—affordability. But we can do some things about the health care.

Social Security. There is no question but that we have to change Social Security if we are to have it for these young people who start to pay in the very moment they get a job, and most of whom now don't expect to have benefits in 30, 40, 50 years. We need to change it so that the benefits will be there. There are several alternatives that can be used to change that. Certainly there needs to be a continued reduction in taxes.

In education, I am proud of what we have done so far. This GOP Congress provided more funding in the last year than the President requested. We did get into a hassle, of course, about how the money is spent. You may recall the President insisted it be spent on 100,000 teachers. I can tell you, there are schools where I live where additional teachers are not the issue; there are other things that need to be done. So we need to give the flexibility to the State and local school boards as to how they spend the money to strengthen education. We will insist on that being part of the system we produce this year. The elementary and secondary education bill this year, I hope, will be passed for safe schools and keeping the parents involved, and particularly making sure that all children have a chance for quality education.

I am interested, of course, in access to education in rural communities. I am also particularly, for a number of reasons, and personally interested in special education for special kids. My wife has been a special education teacher for 25 years, and I am very proud of that. Education will be one issue we will continue to press on.

Health care, of course, we will continue to have on our agenda, and it will be one of the most important things we pass. We passed a number of things last

year. In my State, for example, in small towns, we have hospitals that won't be able to have a full series of services and up until now could not be certified and did not receive dollars from HCFA. We changed that so they can be something much like a clinic and have emergency care, so patients can be transferred on—sort of a wheel-and-hub concept. We did that last year.

Certainly, we need to increase the funding for Medicare and hospitals and all kinds of service providers.

A Patients' Bill of Rights, we will be working to try to do something on that. The controversy basically is how you have appeals. There have been changes, apparently, on the part of the health care providers, managed care providers, to provide more medical decisionmaking in the process, which is exactly what we need, rather than legal or nonmedical accounting kinds of decisions. So we need to pass that this year. I feel confident we will. It will be a priority.

I also believe we will make some real progress—and it is time to make progress—with regard to pharmaceuticals. We can do that. Actually, health care is something of which we should be quite proud. We have the greatest health care in the world. We also have great problems with the rising costs of health care. There are problems with HMOs and access to some breakthrough drugs. We have too many uninsured. Despite that, we have great health care, and I think it is largely because we continue to keep it in the private sector.

We need to ensure that our seniors can continue to have Medicare and that it covers their needs. We probably need to look at another change, some structural changes, so that there are choices there, where a Medicare recipient can stay where they are if they like or, indeed, set up a little like the Federal health program, where you have some choices. If you would like to add dollars to it, you can go to a different coverage than the basic one you had. I think we can do that.

I mentioned the bill of rights. It looks as if we will be able to resolve that this time, the emphasis being on decisions being made by medical providers as opposed to the economic people in the managed care system. We will be doing more research, of course, on insured, which continues to be a problem we will be able to persist with, I believe; and I don't think we will solve that by just putting a ton of money out there without making some changes.

I mentioned education, of course, and we will continue to work at that. I think our focus will continue to be funding with local decisions being made.

Social Security. I think there are resolutions on Social Security. Whether we will get to it this year, I don't

know. I hope so. I think we should. Almost everyone agrees that if we continue to do what we have been doing, we won't be able to pay the benefits at the end of this period. Much of it is simply the change in the structure of our society. I think when we started Social Security back in the thirties, there were 25 or 30 people working for every beneficiary. Now there are three. We are readily on the way to having two.

So a change would be substantially in the nature of how we pay for Social Security.

One of the opportunities of change, of course, would be to decrease benefits. Not many people are for that. Some would say we could increase taxes. The Social Security tax is the largest tax that most people pay these days.

The third one is to increase the return we have on the money in the trust fund. It seems to me to be a very logical opportunity for us to take a portion of the money people pay in—I think the caveat is that probably for most people over 50 or 55 it would not change; they would continue to go on as they are, but for younger people who are starting to pay in, part of their Social Security payment would be put into an individual account that is owned by that person. It would be invested in their behalf by contractors and it would be invested in equities. It could be in equities. It could be in bonds. It could be a combination of that, such as the plan for Federal employees. You could raise substantially the return on that money. Over a period of a person's lifetime of paying in, it would make a great deal of difference and probably ensure that those benefits would be there at the end of a period of time.

Significant change? Sure. Difficult to make? Of course. But it can be made. When you get to the options, then at least in my judgment that could become the option.

Those are some of the things I think are most important to us. We find ourselves now faced with a great opportunity to put together a priority agenda for this year. The majority party will be doing that and has done that. It will include education. It will include health care. It will include Social Security. It will include paying down the debt. It will include some kind of tax relief on an equitable basis.

It seems to me that those are the things we ought to put in as priorities. It is great to list the whole thing. It is great to go into great debates and filibusters almost by offering everything on the floor that you know is not going to happen, but I am hopeful we do not find ourselves in the position of raising issues more for the political benefit they might have in the election year as opposed to finding resolutions to those issues. It seems to me that is the challenge that lies before us.

I am very pleased to be joined during this hour by one of the leaders of our party, the chairman of our Policy Committee, the Senator from Idaho.

I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Wyoming for yielding.

Let me also join him in his analysis, and certainly the hope that he speaks to as it relates to an agenda that the Congress might direct itself toward this year, away from, of course, the pitfalls of the kind of political rhetoric that I think we oftentimes find ourselves in especially in Presidential election years. We are now well into this Presidential year.

THE STATE OF THE UNION ADDRESS

Mr. CRAIG. Mr. President, I come to the floor as one who spent over 90 minutes on the floor of the House last week listening to the President's State of the Union Message.

For a few moments, I would like to kind of analyze that State of the Union Address as seen through the eyes of this Senator reflective of what I believe to be, shall I say, self-evident truth.

There is no question that our President is a gifted speaker. He waxed eloquently while spending our children's heritage and vastly increasing the size and the parental meddling of our Government by all of the new programs that he has proposed to create while claiming credit for virtually every good thing that has happened in the last century, including those things which were accomplished despite his opposition and his veto.

I say: Lyndon Johnson, move over; you heard a speech the other night that would cause your ghost to shudder. You had the record as being the biggest spending Government creator since FDR. Let me propose that this President is now vying for first place.

Let me start by analyzing his spending spree.

In his speech, President Clinton called for continued fiscal discipline while at the same time suggesting that we do a lot of other things and buying down the Federal debt.

I say, Mr. President, what hypocrisy. Until the Republican Congress imposed fiscal discipline, until the American people demanded fiscal discipline, the President consistently proposed budgets with spending and debt and deficits as far as the average person's eye could see and the greatest prognosticator of the Office of Management and Budget could look in his crystal ball and predict. He didn't refuse to stray from the path of fiscal discipline. He simply did it. We forced him to get to that path. That election occurred in 1994. We