

Mr. LAUTENBERG. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The Senate is in morning business.

#### ELIAN GONZALEZ

Mr. MACK. Mr. President, I rise today to introduce a bill granting Elian Gonzalez American citizenship.

What it means is that the most important decision in this young boy's life will not be made by a political bureaucracy—but by a family court.

Mr. President, neither the President of the United States, his Attorney General, nor the dictator ruling Cuba is qualified to decide the fate of this little boy. The United States is a country of laws, and we zealously believe in the rule of law. Elian deserves access to the legal protections of our family courts. These courts are in the business of considering family cases day after day. And they would consider “what is in the boy's best interest.” Today, the only concern of the INS is “who speaks for the boy,” not about his future.

The primary purpose of this legislation is to ensure Elian has access to America's family courts: a court that will consider the choice that his mother made when she gave her life for freedom.

Mr. President, we will continue this debate sometime later in the week and make no mistake, I believe that Elian should remain here in the United States where he can live in freedom. But it is not my purpose to make that decision; that is the function of a family court.

This bill is intended to allow a family court to settle this dispute based upon the best interests of Elian Gonzalez.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The minority leader.

#### SECOND SESSION OF THE 106TH CONGRESS

Mr. DASCHLE. Mr. President, let me again welcome our colleagues back. I had the opportunity this morning to discuss the schedule and the many mutual matters of concern with the majority leader. Let me again welcome back our staff and express heartfelt appreciation for the great job that so many of our people have done over the last couple of months while we have been gone. I welcome our colleagues back not only to a new session but a new year, a new century, and a new millennium.

As we begin this new year, Americans have every reason to be proud and optimistic. In the last decade of the last century, we saw freedom and de-

mocracy triumph around the globe. We saw Eastern Europe abandon communism and the Soviet Union disintegrate. We saw Nelson Mandela walk out of prison and into history as the first democratically elected President of the new South Africa.

Here at home we restored strength to America's economy. We started the last decade with the biggest budget deficits in our Nation's history, and we ended it with the biggest budget surplus. We have seen more than 20 million new jobs created in the last 7 years. Today we have the lowest unemployment in 40 years, and the lowest unemployment ever among African Americans and Hispanics. Americans are working again.

Finally, after 20 years, real wages for America's families are growing again. Family incomes are up, and inflation is virtually nonexistent.

We also made progress in the last decade on the many social problems that some people thought were intractable. Since 1993, we have seen a 48-percent decrease in the welfare rolls, the largest decline in our Nation's history. We put 100,000 new police officers on the street, and today the violent crime rate is the lowest it has been in a generation. We enacted the single largest investment in children's health since 1965 and the largest increases in higher education since the GI bill. Today our Nation is prospering, and we are at peace.

The question facing us as we begin this new session of the 21st century, is: How do we keep America moving in the right direction? How do we provide the leadership that will help continue the global march toward freedom and democracy?

Here at home, how do we keep our economy growing? How do we help ordinary Americans provide for their families and prepare for their future? How do we widen the circle of opportunity to include those who have been left out up until now?

There are many, frankly, who believe we will not answer those questions this year. They look at how little we accomplished last year and the fact that this is a Presidential year and conclude that little or nothing will happen between now and November. It does not have to be that way.

A month ago, a lot of people thought the Y2K bug might cause all kinds of chaos. Instead, almost nothing happened. When it comes to us, when it comes to this Congress, people expect nothing to happen this year. Why not surprise them? We have extraordinary opportunities to do significant work this year, and we should work together to seize those opportunities.

Let's not worry about who gets the credit. Let's worry about getting the job done.

If the best minds in this country could work together to kill the Y2K

bug, surely the best minds in the Senate can work together this year to protect Social Security, to modernize Medicare, and to pass a real Patients' Bill of Rights. We can work together to improve our children's schools. Working together, surely we can find new ways to help ordinary working families earn more and keep more of what they earn.

There are all kinds of reasons for inaction, but there is not one good excuse. Henry Ford once said, “You can't build a reputation on what you are going to do.”

You cannot construct much of an argument for governing either just talking about what you are going to do. Eventually, one has to act.

I believe there are essentially three challenges facing us this year. If we meet these challenges, I believe, frankly, that it will be good for both of our parties next November. Good policy, as they say, is good politics.

More importantly, if we meet these challenges, it will be good for America, for our economy, for our families, and certainly for our future.

Our first challenge is to maintain our fiscal discipline. Later this week, we expect new estimates from CBO and OMB about how large the surplus might be in the year 2010. We do not know today what their predictions will be, but we do know today that the best first use of whatever surplus we have is to protect Social Security and strengthen Medicare.

Now—when our economy is strong, when we have a surplus, when we still have time on our side—is the time to prepare for the baby boomers' retirement by extending the life of the Social Security trust fund. Now is the time to modernize Medicare and add the prescription drug benefit so people do not have to choose between filling prescriptions and paying utility bills. That is an essential part of maintaining fiscal discipline.

Maintaining fiscal discipline also means paying down our \$5 trillion national debt. Mr. President, \$2,200 is how much our national debt will cost every family in America this year. Think what a family could do with that much money.

My colleagues and I support tax cuts that help working families with real, pressing needs such as child care and paying for college and caring for sick and aging relatives. We support eliminating the marriage penalty tax for couples who pay a marriage penalty. We support tax cuts that help small businesses grow and make it easier to keep family businesses in families.

We want to work with our friends on the other side of the aisle to pass responsible, targeted tax cuts this year, but we all know what the best tax cut is. The best tax cut for America's families and America's businesses is to pay down the Federal debt.

This year, because of the progress we have made since 1993 in eliminating the deficit and reducing the debt, the average American family will save \$2,000 on their mortgage, \$200 on their car loan, and \$200 more on student loans.

The American people made it clear last year they do not want a tax cut that is so big it wrecks the economy. They do not want a tax cut that is going to explode in a few years and add to our debt. They do not want a tax cut that disproportionately rewards the people at the very top at the expense of everyone else. What they want is for us to maintain our commitment to fiscal discipline and to Social Security and Medicare.

Our second challenge is to expand our economic recovery, not just sustain it, but to broaden and deepen it to include more families and more communities.

These are extraordinarily good times for many Americans, but too many families in this country are still struggling to afford even the basics. Too many children go to bed hungry. Too many Americans still live on the outskirts of hope. The people who have been left out of this recovery include some of the hardest working, most decent people you would ever want to meet.

They include working mothers who get up before it is light and take three buses to get to their jobs at nursing homes. They include former factory workers who lost their economic footing when the plant closed, who work now at jobs that pay one-third as much, with no benefits.

They include farmers and ranchers in South Dakota and across the country who work 12 hours a day, 7 days a week, who are out there right now in the bitter cold and snow, not even making back their production costs, earning less than their parents and grandparents earned in the Great Depression.

Throughout our history, from our earliest days as a nation, Americans have always strived to do better. We did not stop when we cured polio. We said: Now let's cure cancer.

Next week, we will become the first Americans ever to achieve 107 consecutive months of economic expansion. Surely we will not be the first Americans to say: This is all we can do. We have reached the end of our possibilities.

Let us together expand this recovery.

Our third challenge this year is to finish what we left unfinished last year. We need to pass a real Patients' Bill of Rights that lets medical professionals, not HMO bureaucrats, make medical decisions. Senator LOTT and I discussed that just this morning. I do hope there is a real possibility for compromise and ultimately for the successful completion of our work on a Patients' Bill of Rights.

We need to increase the number of Americans with private health cov-

erage. We need to help communities repair schools that are falling down and expand schools that are filled beyond capacity.

We also need to help communities hire qualified teachers and keep the good teachers who are already in the classroom. It is the only way we can fill the 2.2 million teacher vacancies we know will exist within the next 10 years.

We need to keep the crime rates moving in the right direction by making it harder for kids and criminals to get guns, keeping our commitment to put another 50,000 new police officers on the beat by the year 2005, and giving law enforcement the resources they need to combat hate crimes.

We need to keep crime rates moving in the right direction by cracking down on scam artists who target the elderly and by filling the vacancies on the Federal bench this year—no more excuses, no more delays.

Also this year, we need to make it easier for parents who work full time to raise their families out of poverty by raising the minimum wage \$1 an hour and expanding the earned-income tax credit.

We need to pass meaningful, comprehensive campaign finance reform.

Finally, we need to continue opening up new markets for American goods and services by passing the Africa trade/Caribbean Basin free trade initiative this year.

So those three challenges ought to be ones we all share:

No. 1, maintain our fiscal discipline, protect Social Security and Medicare, and pay down the debt;

No. 2, expand the recovery to families and communities that have not yet benefited from it; and

No. 3, finish what we left unfinished last year.

In the weeks since we were together, I was fortunate to be able to spend a wonderful holiday with my family. I got to spend a lot of time in South Dakota. I talked with some remarkable people—from business and education leaders who are working together in Sioux Falls to try to keep up with the demand for high-tech workers, to family farmers and ranchers who are working practically around the clock to scratch out a living.

I talked to a farm wife who gets up at 4:30 in the morning and drives over 90 miles to get to Howard, SD, to work at the PMB plant there, as they wrap every Pokemon card that is distributed in the United States—right there in Howard, SD—only to drive another 90 miles back getting home, sometime after 7:30 at night, to do it all over again the next day.

That work ethic is representative of the work ethic all across South Dakota and the upper Midwest.

I had the privilege of traveling with Senators AKAKA, DODD, and HARRY

REID to one of the most amazing, and troubled, regions of the world: India and Pakistan. We went to promote trade and understanding, but we also went to encourage both India and Pakistan to defuse the tensions between their nations and to step back from their increasingly tense nuclear arms race. I am hopeful we made some progress on both matters.

Being in those two nations reminded me again of how fortunate we Americans are. We talked to Tibetan refugees who fled Tibet over the 19,000-foot Himalayan Mountains, suffering the worst maladies in health, recognizing that 40 percent of them might have to deal with serious frostbite on their feet and hands by the time they arrived in Nepal—only to do it because they wanted to be free, only to do it because they, too, wanted to experience at least some element of democracy.

There is so much we as beneficiaries of democracy take for granted. I do not mean simply our material wealth and consumer comforts; I mean our most precious possession of all, our freedom. You recognize that every time you travel abroad, whether it is Pakistan, Nepal, India, or any other country,

India, the world's largest democracy, is now celebrating the 53rd anniversary of its independence this year and the 50th anniversary of its Constitution. Perhaps because democracy is still relatively young in India, perhaps because of the high price they paid for their liberty, the people I spoke with in India seemed very much aware of how rare and how fragile democracy is.

In Pakistan, we visited a country where a democratically elected government had only a few months before been toppled and replaced by a military ruler—another reminder of how privileged we are to live in the world's oldest and most secure democracy.

I am encouraged by my discussions with General Musharraf and very hopeful they can restore economic progress, restore democratic institutions, and can find a way with which to begin resolving the regional conflict that is so prevalent in all the conversations we had with leaders in both countries, India and Pakistan.

Democracies are not perpetual motion machines. As the great poet laureate Archibald MacLeish wrote:

America is never finished. America is always becoming.

Every American has a responsibility to make our democracy work. But we who have been granted the privilege of serving in this body have a unique responsibility. The Congress is no ordinary institution. This is where Americans come to solve our common problems and shape our national destiny. This is also where younger democracies of the world turn for guidance and where people and nations not yet free look for hope. That was so evident in our conversations with people in all

the countries we visited on this too brief a visit to the subcontinent a couple of weeks ago.

Are we going to live up to our responsibility to make this institution work, as we know it can? Are we going to meet the challenges before us and pass measures that will make a real difference in people's lives or are we simply going to pass time until the next election?

As we begin this new session of Congress, let us resolve together to surprise everyone and do what needs to be done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### NATIONAL MISSILE DEFENSE SYSTEM TESTING

Mr. COCHRAN. Mr. President, last week the Department of Defense conducted its most recent flight test of our National Missile Defense system. A great deal has been said and written about this test in the last few days—much of it erroneous—and I think it is important that we draw the correct conclusions about what this test does and does not mean.

The test conducted last week was one of a series of 18 scheduled flight tests of the National Missile Defense system, and only the second to actually attempt to intercept a strategic ballistic missile by colliding with it in space. The first test this past October was primarily a test of the vehicle that actually hits the target missile. Last week's test was significantly more complicated and involved additional, newly developed elements of the National Missile Defense system, such as the ground-based radar and the Battle Management Command, Control and Communications system. In fact, a senior Defense Department official told reporters before the test that the battle management system is: "the most difficult and sophisticated part of this entire program."

The latest test began with the launch of an intercontinental ballistic missile from Vandenberg Air Force Base in California. After its rocket engine burned out, the target missile deployed both a mock warhead and a balloon decoy intended to try to fool the interceptor missile. The missile was tracked by satellites and by the National Missile Defense system's ground-based radar at Kwajalein Atoll in the South Pacific, and the interceptor missile was launched to meet the target. It sighted the target missile and then closed on it.

While the interceptor did not hit the target warhead, it appeared that all of the systems tested functioned properly until the final six seconds of these, when the infrared sensors on the interceptor vehicle did not operate correctly—as they had in the October test.

While the failure to hit the target is disappointing, it is hardly justification for all the negative comments I have heard about last week's test. It's important to remember that a test program involves the testing of weapon systems to see if they perform as they were designed. The purpose of this test program is to uncover problems and correct them. If it were possible to take a design straight from the drawing board to the field, we wouldn't need testing programs. We test because we expect to find problems and try to solve them.

What's remarkable about the National Missile Defense testing is not that the intercept vehicle missed on the second test but that it succeeded on the first one. Many newly introduced elements had to work right on this most recent test even to achieve a near miss, and the really significant news on this test is that all of the new elements which added complexity to the challenge seemed to have performed very well; the only thing that apparently didn't work properly was the one element which was already proven to work in the October flight.

Some of the critics of missile defense have said this test was a major setback for the program. It was not. In fact, it demonstrated significant progress in the development of a workable and reliable National Missile Defense capability.

The October flight was primarily a test of the intercept vehicle and its ability to identify a target in space, discriminate between the warhead and a decoy, and collide with the warhead. It did exactly what it was designed to do, but critics of the program claimed that had the decoy not attracted the intercept vehicle's attention, it never would have detected the warhead. They argued that the system can not work when there are decoys, and only did work because there was a decoy.

As ridiculous as that sounds, it has been echoed by those who have long opposed missile defense in any form. An editorial in the *New York Times* claimed that the October success was "lucky" and occurred "almost by accident." Now wait a minute and think about this. When two objects—each about the size of a chair, launched 4300 miles apart and traveling at a combined speed of 15,000 miles an hour—collide in the vastness of space 140 miles above the Earth's surface, that's not an accident. That's a demonstration of some very capable technology and engineering.

Clearly, for some, no amount of evidence will be convincing. But repeating something that's wrong doesn't make it right.

Predictably, some are urging the National Missile Defense program be slowed down or even shelved in the wake of last week's test. For some critics, delay or cancellation is always the

right course of action when it comes to missile defense. Others suggest abandoning this program for another approach using different basing modes, but that will only delay the National Missile Defense deployment we need now. Still others believe the administration's assessment of technological readiness should be delayed in order to remove the decision from presidential politics. This, too, would be a mistake.

We have a National Missile Defense program because we have a growing vulnerability to the threat of ballistic missile attack. That threat will not wait for us to conduct a test program with perfect results, something that has never happened with any weapon system. Delay in deploying a defense against these missiles only serves the interests of our adversaries.

This threat is growing. We must all remember that this program is not just an academic exercise. The Senate passed the National Missile Defense Act last spring; in September the Intelligence Community released a new National Intelligence Estimate of the ballistic missile threat which, according to its unclassified summary, judges that some rogue states may have ICBMs much sooner than previously thought, and that those missiles will be more sophisticated than previously estimated. In just the past few weeks, British authorities intercepted components bound for Libya for missiles with three times the range of Tripoli's current arsenal. According to news reports from last week, the Director of Central Intelligence cannot rule out that Iran may already be able to build a nuclear weapon. And this past weekend, North Korea said it was reconsidering its declaration to refrain from any more long-range missile tests, though of course a moratorium on flight testing, however long, does not mean that North Korea isn't making progress on its missile development programs.

While the threat continues to intensify, we've already had too much delay in deploying a missile defense system. In fact, we are behind today precisely because those who counsel delay have long had their way, not because of any inherent problems with the technology. What's required now is that we stay the course we set for ourselves when we passed the National Missile Defense Act of 1999. That act makes it the policy of the United States to deploy a National Missile Defense system as soon as technologically possible. With the successful test in October and last week's test incorporating additional elements of the National Missile Defense system, the talented men and women of our armed forces and industry have demonstrated that this system is technologically possible. The test program is in its early stages and much can and will be done to refine the system between now and the start of missile production. But there is no