anticipate all of those? No, we cannot, whether it is under a Democrat or Republican President, whether it is under a Democrat Congress or a Republican Congress. We have people making judgments, when we pass a farm bill, of what are going to be the situations with weather and world economics over the next few years. We make the wisest decisions that can be made based on the information that is available. Still, sometimes we come up short.

I do not want to hear anything about not having a safety net for farmers, or our not keeping our commitment to American farmers for that safety net with the anticipation that this world economy is going to turn around and this oversupply that has come from 4 good crop-years—not only in the United States but worldwide, to bring about an oversupply—is not going to be with us all the time and we are going to, again, pick up our exports; we are going to, again, have somewhat normal production. The farmer is going to get that profit from the marketplace that is anticipated.

All we are doing in this farm bill, as we did in 1998 and 1999, is keeping our commitment that when the profitability in the marketplace is not there the Congress of the United States is going to keep its commitment—the social contract we have between the people of this country and the family farmer—that there is going to be a supply of food of a good quality, good quantity, and at a price the consumer can afford.

I thank the chairman of the committee for his commitment to the farmers of America. I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRASSLEY, not only for his kind remarks but for his observations, which are totally accurate. I think that was a very good summary of where we are, where we have been, and what we are trying to do in this budget resolution for the farmers in this country.

I think the Senator knows. He was here, giving this few moments of reflection, anticipating somebody will always want more, and we will be confronted with that, even on this budget resolution. I thank the Senator for his statement. I will be using it later on, within the next 2 or 3 days.

Senator SPECTER wants to speak. I will yield to him as much time as he would like from our side, if I might first make two observations.

First, I wish to summarize the tax situation to which I alluded, in terms of taxes on America imposed by government. The total tax burden today—that is, State and local and Federal—has never been higher. Second, the Federal tax burden has never been higher, except at the end of World War II. Those who talk about rates and who pays and talk about the article that was in the Washington Post a few days ago, ignore some things about middle-income Americans I will address later. But actually the total amount of money the Federal Government takes, as a portion of the productivity of America, has never been higher since the Second World War as a percent of the gross domestic product.

Third, the U.S. is in a period of budget surpluses, which are projected to grow, for certain over the next decade and maybe for decades beyond that. So, in a sense, we are beginning to define the surplus. We Republicans say that except for that which is Social Security, some portion of the surplus should go back to the taxpayer because it represents overpayment. When you have an overpayment, you do not immediately run to spend the money; you want to do something to recognize it is more than you need. In this case, we want to give some back. The President has a difficult time even recognizing that in his budget. He cannot find a way, in a bona fide manner, to support a tax cut for the American people. He talks about cuts but he raises taxes more than he cuts. He cannot seem to come to the conclusion that a little piece of that surplus should go back to the American people.

I yield the floor. I yield to Senator SPECTER as much time as he desires.

The PRESIDING OFFICER. The Senator from Pennsylvania.

OVERSIGHT POWER

Mr. SPECTER. Mr. President, I have sought recognition to comment on a pending inquiry by the Judiciary subcommittee on oversight on the Department of Justice related to two subpoenas which were issued by the full Judiciary Committee to two individuals, one a former assistant U.S. attorney for the Central District of California and the second, a current employee at the Department of Justice, here in Washington, DC.

The reasons for the request of the issuance of these subpoenas have been set out in the public record in a variety of places, but I thought it useful to summarize the background of the applicable law at this time because there is some public concern about exactly what is going on, why it is going on, and what are the precedents.

Yesterday in the respected Legal Times, there was a balanced account of the request for the subpoenas and the issuance of the subpoenas, but the account, as is necessary in a relatively short publication, did not spell out in detail all of the background, which I propose to do at this moment. Some of what I say on the floor of the Senate will be supplemented by a memoranda which I will ask to be made a part of the RECORD.

The essential facts are these: The oversight subcommittee is looking into the plea bargain entered in the case of a man named Dr. Peter Lee in 1998. Dr. Lee had confessed to two very serious instances of espionage. In 1985, Dr. Lee provided to the scientists of the People's Republic of China information about nuclear energy. In 1997, Dr. Lee again provided to scientists of the People's Republic of China information about detecting submarines.

When the matter moved through the process between the assistant U.S. attorney in California to the Department of Justice, involving the Navy and the Department of Energy, there was a serious failure of communication.

I interviewed the assistant U.S. attorney at length in Los Angeles on February 15, and that individual told me—and it is a part of the record—that he was denied permission to seek a serious charge against Dr. Lee but was authorized only to file a criminal complaint under section 1001 of 18 U.S.C., a false statement, but could not file serious charges of espionage.

Records of the FBI and the Department of Defense, which our subcommittee has uncovered after laborious, painstaking efforts, disclose that the Department of Justice was prepared to authorize a prosecution under 794, which is a serious espionage statute which carries a penalty of up to life in prison or the death penalty. I am not suggesting the death penalty was appropriate or life in prison was appropriate, but that is what was provided. Those serious penalties are sometimes used as leverage to get cooperation or further information, something I saw in some detail when I was district attorney of Philadelphia.

The assistant U.S. attorney says he knew nothing about that. The plea bargain was entered into before there was a damage assessment. After the damage assessment was completed, Department of Energy officials classified the disclosures in the secret category. The Navy Department wrote an ambiguous letter at one stage on November 14, 1997, a letter which was hard to understand because the damage assessment had not been made and, in fact, the Department of the Navy and the Department of Defense, did not make a damage assessment until requested to do so by the Judiciary oversight subcommittee.

When that damage assessment was finally made, they came to the conclusion that it was, in fact, classified information. They disagreed with the Department of Energy's secret classification but did classify it at the confidential level.

Through all of this sequence of events, the key official in the Department of Justice in Washington, DC, has declined to be interviewed. This individual is the key person who dealt with the assistant U.S. attorney in Los Angeles and who dealt with the Department of the Navy.

This is, obviously, a matter of enormous importance. When one combines what was done with Dr. Peter Lee with what was done with Dr. Wen Ho Lee, who is now under indictment, where the Attorney General of the United States admitted she did not follow up on an FBI request for a warrant under the Foreign Surveillance Intelligence Act but delegated it to a subordinate who had no experience in the field. Attorney General Reno failed to follow up on it, and in fact the FBI let the matter lie dormant for 16 to 17 months, and when you add to that other plea bargains in the Department of Justice on campaign contributions involving John Huang, Charlie Trie, and Johnny Chung, and the technology transfer to the People's Republic of China over the objections of the Department of Justice which was conducting a criminal investigation, there is a great deal which needs to be done.

Isolating and focusing for a moment just on the Dr. Peter Lee case, that is what we are looking at and that is why we have asked for the subpoenas.

The arguments in the Judiciary Committee have raised the point that this is an unprecedented event, but that in fact is not true. The Congressional Research Service summarized this issue as follows, and I will be submitting a memorandum which has a fuller citation of authority:

> In the majority of instances reviewed, the testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken formally or informally, and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases.

This goes beyond closed cases but goes to cases which are pending and which are currently being investigated. We have seen a repeated effort by the Department of Justice, under Attorney General Reno, to use a pending investigation as a roadblock to providing congressional oversight, but in fact the cases are to the contrary.

The authority for these issues goes back as far as Teapot Dome and extends as recently to last year with the Committee on Governmental Affairs of the Senate. In Teapot Dome, the select committee heard testimony from scores of present and former attorneys and agents of the Department of Justice. Some of the cases upon which testimony was offered were still open at the time.

The investigation of white-collar crime in the oil industry, an investigation of the failure of the Department of Justice to effectively investigate and prosecute alleged crimes, took place in 1979 when joint hearings were held by the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce. At that time, a Department of Justice staff attorney testified in open session as to the reason for not going forward with a particular criminal prosecution.

That is about what we are looking for here, why the prosecution did not go forward, but why they settled for an insufficient plea bargain which gave Dr. Lee no jail time but only community service, probation, and a fine. In that context, the Department of Justice asked for only a short period of incarceration. It is hard to understand why that would be done when there are documents from the FBI and the Department of Defense which say prosecution would be authorized for a penalty which carried life imprisonment or the death penalty.

In the Rocky Flats investigation in 1992, the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology took testimony from the U.S. attorney from the District of Colorado, an assistant U.S. attorney for the District of Colorado, a Department of Justice line attorney, and an FBI field agent. According to Congressman Howard Wolpe, the Justice Department was initially uncooperative but finally agreed to the subcommittee's requests only after the subcommittee threatened to hold DOJ in contempt.

In 1992, carrying through 1994, the House Subcommittee on Oversight and Investigations conducted an extensive investigation into the impact of Department of Justice activities on the effectiveness of the Environmental Protection Agency's criminal enforcement program. Overall, the subcommittee conducted detailed interviews with more than 40 current and former Justice Department officials concerning the management and operation of the Environmental Division.

For months, Justice Department attorneys stalled on subcommittee requests to interview DOJ line attorneys and sought to deny the subcommittee access to numerous primary decision-making documents as well as documents prepared in response to the subcommittee's investigation.

On June 9 of last year, David Ryan, a line attorney for the Department of Justice OIPR, Office of Intelligence Policy and Review, testified before the Senate Governmental Affairs Committee in response to a committee subpoena.

On September 22 of last year, three FBI field agents——

Mrs. BOXER. Would the Senator yield to me? I am so sorry to interrupt him, but I am confused because I thought we were supposed to be discussing the budget. We have Senators who want to talk about the budget.

Does the Senator have a clue as to how long he is going to continue on this?

Mr. SPECTER. Mr. President, I have an allocation of time from the manager, Senator DOMENICI, for as much time as I shall consume.

Mrs. BOXER. I think under the rules we have to be speaking about the budget.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I thank the Chair.

Mrs. BOXER addressed the Chair.

Mr. SPECTER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mrs. BOXER. Can I——

Mr. SPECTER. Regular order.

The PRESIDING OFFICER. I remind the Senator from California, the Senator from Pennsylvania has the floor.

Mrs. BOXER. A parliamentary inquiry is not in order?

The PRESIDING OFFICER. It is not in order.

Mrs. BOXER. OK.

Mr. SPECTER. To respond to the inquiry of the Senator from California, I intend to speak for about 5 or 6 or 7 more minutes. As I understand the rules, if you have the floor, and if you have been allotted time, you can speak on any subject a Senator desires.

As I was about to say, Mr. President, on September 22, 1999, three FBI agents testified before the Senate Governmental Affairs Committee about the details of their investigation of Charlie Trie. Those individuals appeared under subpoena. There have been efforts to have the subcommittee stand down on some unspecified assurances from the Department of Justice that a way will be found to provide the subcommittee with the information it needs.

That is not practical under these circumstances, where the specific subpoenaed Department of Justice employee was the key link between the assistant U.S. attorney from California and the Department of Defense. But I think it not irrelevant to comment about the failure of the Department of Justice to reply continually to requests for oversight from the Judiciary Committee.

On July 15, 1998, I asked for the Attorney General's opinion as to whether there was ''specific and credible'' evidence of a legal violation when Mr. Karl Jackson testified that John Huang said within earshot of President William Clinton, ''elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the reelection of President Clinton.''

That was stated in the White House. The Attorney General responded that she would be ''happy to review it with the task force and get back to you,'' referring to me. She never did so.

I will skip over the March 12, 1999, request, which I will have printed in the RECORD in a moment, and refer now to the May 15, 1999, Judiciary Committee hearing on oversight of the Department of Justice, where the Attorney General agreed to respond in writing as to whether there were any ongoing investigations as to Mr. Fowler and Mr. Sullivan. She did not do so.

At the same time, in response to my questions, the Attorney General agreed

to respond in writing as to her thoughts on the plea bargain of Peter Lee, specifically, the propriety of the sentence given the seriousness of the offense. Notwithstanding this commitment, the Attorney General did not respond, which has led to our very detailed inquiry in this matter.

On June 8, 1999, in a closed hearing, in response to my questions, Attorney General Reno promised to write, No. 1, a report within a month on where the Department of Justice stood on prosecuting Wen Ho Lee, which was never done; a report on the Peter Lee plea bargain, which was never done; and details of the Johnny Chung plea, which was never done.

For purposes of brevity, I will skip over requests which the Attorney General committed to and did not respond to on December 2, 1997, July 10, 1998, July 23, 1998, and go to July 22, 1999, when I wrote to the Attorney General requesting all documents relating to the 1996 Federal election campaigns and had only a staff response which provided very little information.

On September 29 of last year, I again wrote to the Attorney General, pursuant to the investigation by the Judiciary subcommittee, to request the 10 pieces of intelligence information mentioned in the DOJ Inspector General Special Report on the Handling of the FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation. Again, no response.

When the Judiciary Committee was considering the subpoenas for the two individuals on March 23—just a couple of weeks ago—I was surprised, in the middle of the proceeding, to see the ranking Democrat on the Judiciary Committee start to read from a letter from the assistant attorney general of the Department of Justice.

The letter showed a copy to Senator HATCH, who had not received a copy of the letter. The letter made a number of references to this Senator. I was more than a little surprised to find a letter would be written and used in that kind of an argument without the basic courtesy of supplying a copy of the letter to me. So, on March 24, I wrote to the Attorney General asking her if she thought it was appropriate for Assistant Attorney General Robinson not to send me a copy of the letter, even though I was a topic of the letter and it involved a matter before the Judiciary Committee where I was the principal moving party.

I ask unanimous consent that the full text of a memorandum from my assistant, David Brog, dated today, concerning many requests of the Attorney General be printed in the RECORD.

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

To: Senator Specter.
From: David Brog.
Date: April 4, 2000.
Re: Requests made to AG Reno.

HEARINGS

July 15, 1998—Judiciary Committee Hearing—Oversight of the Department of Justice

You asked for the Attorney General's opinion as to whether it was ''specific and credible'' evidence of a legal violation when Mr. Karl Jackson testified that Mr. Huang said with earshot of President Clinton, ''elections cost money, lots and lots of money, and I am sure that every person in this room will want to support the reelection of President Clinton.'' The Attorney General responded that she would be ''happy to review it with the task force and get back to you.'' She did not do so.

March 12, 1999—Judiciary Committee Hearing—Department of Justice FY2000 Budget Oversight

You requested that the Attorney General make available to the Committee any writings, memoranda or documents which ''deal with Mr. LaBella with respect to his recommendations on independent counsel . . . or whether that issue came up in any of the Department of Justice documents which led to the appointment of Mr. Vega. Attorney General Reno responded that she would be ''happy to furnish you anything that I can appropriately furnish you on any matter relating to that.'' The Attorney General did not follow up by furnishing information or even to say that there was nothing she could ''appropriately'' furnish.

When you stated that Mr. LaBella was quoted as saying that he did not even get a phone call from the Justice Department that Mr. Vega was going to be nominated, the Attorney General responded that it was her understanding that he did, but that she would check and let you know. Notwithstanding this commitment to respond, she did not do so.

May 5, 1999—Judiciary Committee Hearing—Oversight of the Department of Justice

The Attorney General agreed to respond in writing as to whether there were any ongoing investigations as to Mr. Fowler and Mr. Sullivan. She did not do so.

The Attorney General agreed to respond in writing as to her thoughts on the plea bargain of Peter Lee, specifically the propriety of the sentence given the seriousness of the offense. Notwithstanding this commitment, the Attorney General did not respond.

June 8, 1999—Judiciary Committee Hearing—Closed Hearing

In response to your questions, the Attorney General promised to provide you with the following three things:

1. A report within a month on where DoJ stood on prosecuting WHL.
2. A report on the Peter Lee plea bargain.
3. Details of the Chung plea bargain.

Notwithstanding this commitment, the Attorney General did not provide any of these items.

LETTERS

December 2, 1997

You wrote to the Attorney General requesting that a copy of the Freeh memorandum be made available to the Judiciary and Governmental Affairs Committees. You received a response from Attorney General Reno and Director Freeh on December 8 stating that they must decline your request.

July 10, 1998

You wrote to the Attorney General reiterating your request from December 2, 1997, that a copy of the memorandum from FBI Director Freeh recommending appointment of Independent Counsel on campaign financing reform matters be made available. No response.

July 23, 1998

You wrote to the Attorney General requesting a copy of the LaBella report recommending Independent Counsel. No response.

July 22, 1999

You wrote to the Attorney General (Senator Hatch signed on) requesting all documents in the Department's possession relating to (1) the Department's investigation of illegal activities in connection with the 1996 federal election campaigns, and (2) the Department's investigation of the transfer to China of information relating to the U.S. nuclear program. DOJ staff responded by providing very little information.

September 9, 1999

Together with Senators Hatch and Torricelli, you wrote to the Attorney General regarding the redactions in the transcript of the June 8 closed session hearing. The Attorney General did not respond to you, but instead met separately with Senators Hatch and Leahy on the issue.

September 29, 1999

You wrote to the Attorney General to request the ten pieces of intelligence information mentioned in the United States Department of Justice, Office of Inspector General Special Report on the Handling of FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation (July, 1999). You further requested any analysis available to the Department of Justice related to the validity of the information and its sustainability for use in a prosecution or relevance to a plea agreement. No response.

September 29, 1999

You wrote a follow-up letter to the Attorney General regarding the documents you requested on July 22, 1999. Again, no response.

March 15, 2000

Your counsel, David Brog, was invited to DOJ offices to review the partially unredacted LaBella memo which had already been reviewed by other members of Congress. When he arrived, he was informed that he could not review, the memo, since the new head of the Campaign Finance Task Force had to review it in order to see if further redactions were necessary in light of some ongoing cases.

March 24, 2000

You wrote to the Attorney General regarding a letter from Assistant Attorney General James Robinson which was sent to Senator Leahy in time for the Judiciary Committee executive business meeting on March 23. You asked her for her view of whether it was proper for Mr. Robinson not to send you a copy of the letter even though you were a topic of the letter. No response.

Mr. SPECTER. Mr. President, I ask unanimous consent that the full text of the Memorandum on the Senate's Oversight Power Regarding Subordinate DOJ Employees and Open DOJ Cases be printed in the RECORD.

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

MEMORANDUM ON THE SENATE'S OVERSIGHT POWER REGARDING SUBORDINATE DOJ EMPLOYEES AND OPEN CASES

1. Congress has broad authority to hear testimony from subordinate DOJ employees

and to obtain information regarding open DOJ cases.

Congress has broad authority to conduct oversight of the Executive Branch, including the Department of Justice and the FBI. This authority includes the ability to obtain testimony and documents relating to open DOJ cases, and to take testimony from subordinate DOJ employees such as line attorneys and investigators who have direct knowledge of relevant cases. Congressional oversight authority is succinctly set forth in a recent Congressional Research Service analysis:

''[A] review of congressional investigations that have implicated DOJ or DOJ investigations over the past 70 years from the Palmer Raids and Teapot Dome to Watergate and through Iran-Contra and Rocky Flats, demonstrates that DOJ has been consistently obliged to submit to congressional oversight, regardless of whether litigation is pending, so that Congress is not delayed unduly in investigating misfeasance, malfeasance, or maladministration in DOJ or elsewhere. A number of these inquiries spawned seminal Supreme Court rulings that today provide the legal foundation for the broad congressional power of inquiry. All were contentious and involved Executive claims that committee demands for agency documents and testimony were precluded on the basis of constitutional or common law privilege or policy.

''In the majority of instances reviewed, the testimony of subordinate DOJ employees, such as line attorneys and FBI field agents, was taken formally or informally, and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases. In all instances, investigating committees were provided with documents respecting open or closed cases that included prosecutorial memoranda, FBI investigative reports, summaries of FBI interviews, memoranda and correspondence prepared during the pendency of cases, confidential instructions outlining the procedures or guidelines to be followed for undercover operations and the surveillance and arrests of suspects, and documents presented to grand juries not protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure, among other similar ''sensitive'' materials. Congressional Research Report,''—*Investgative Oversight: An Introduction to the Practice and Procedure of Congressional Inquiry* pp. 23–24 (April 7, 1995).

2. Examples of prior investigations in which Congress has heard testimony from subordinate DOJ employees and/or obtained information regarding open DOJ cases.

1. Teapot Dome—An Investigation of the Failure of the DOJ to Prosecute Alleged Meritorious Cases

Beginning in 1924, a Senate Select Committee conducted an investigation of ''charges of misfeasance and nonfeasance in the Department of Justice'' in failing to prosecute individuals involved in the Teapot Dome scandal. The Select Committee heard testimony from scores of present and former attorneys and agents of the Department of Justice and the FBI, who offered detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases. Some of the cases upon which testimony was offered were still open at the time. The Committee also obtained access to Department documentation, including prosecutorial memoranda, on a wide range of matters.

2. Investigation of FBI Domestic Intelligence Operations

Beginning in 1975, the House Judiciary Subcommittee on Civil and Constitutional Rights held hearings on FBI domestic intelligence operations. At the request of the Chairman of the Judiciary Committee, the General Accounting Office began a review of FBI operations in this area. In an attempt to analyze current FBI practices, the GAO chose ten FBI offices involved in varying level of domestic intelligence activity, and randomly selected 899 cases in these offices to review. FBI agents prepared a summary of the information contained in the files of each of the selected cases. These summaries described the information that led to opening the investigation, methods and sources of collecting information for the case, instructions from FBI headquarters, and a brief summary of each document in the file. After reviewing the summaries, GAO staff held interviews with the FBI agents involved with the cases, as well as the agents who prepared the summaries. GAO later did a follow up investigation in which it reviewed an additional 319 cases and held interviews with the agents involved with these cases.

3. While Collar Crime in the Oil Industry—An Investigation of the Failure of the DOJ to Effectively Investigate and Prosecute Alleged Crimes

In 1979, joint hearings were held by the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce and the Subcommittee on Crime of the House Judiciary Committee to conduct an inquiry into allegations of fraudulent pricing of fuel in the oil industry and the failure of the Department of Energy and the Department of Justice to effectively investigate and prosecute alleged criminality. A DOJ staff attorney testified in open session as to the reason for not going forward with a particular criminal prosecution. Although a civil prosecution of the same matter was then pending, DOJ agreed to supply the committee with documents leading to the decision not to prosecute.

4. Rocky Flats—A Review of a DOJ Plea Bargain

In 1992, the Subcommittee on Investigations and Oversight of the House Committee on Science, Space, and Technology commenced a review of the plea bargain settlement by the Department of Justice of the government's investigation and prosecution of environmental crimes committed by Rockwell International Corporation in its capacity as manager of the Rocky Flats Nuclear Weapons Facility. The Subcommittee took testimony from the United States Attorney for the District of Colorado, an assistant U.S. Attorney for the District of Colorado, a Department of Justice line attorney and an FBI field agent. It further received voluminous FBI field investigative reports and interview summaries. According to Subcommittee Chairman Howard Wolpe, the Justice Department was not initially cooperative and agreed to the Subcommittee's requests only after the Subcommittee threatened to hold DOJ witnesses in contempt:

''Our investigation was impeded by restrictions imposed by the U.S. Department of Justice. All of the witnesses, upon written instructions from the acting assistant attorney general for the criminal division which were approved by the Attorney General, refused to answer questions concerning internal deliberations in which decisions were made about the investigation and prosecution of Rockwell, the Department of Energy and their employees.''—*Statement of Chairman Wolpe, October 5, 1992.*

On September 23, the Subcommittee unanimously authorized Chairman Wolpe to send a letter to President Bush asking him either to assert executive privilege for the information that the Justice Department directed the witnesses to withhold, or to direct those witnesses to answer such questions. After failing to receive an adequate answer from either the White House or the Justice Department, the Subcommittee declared its intention to hold the U.S. Attorney for the District of Colorado in contempt. At this point, the Department changed course and accepted an agreement which provided that:

''The Department will issue a new instruction letter to all personnel who have received prior instructions directing them not to answer questions concerning deliberative privilege. The new letter will inform them that they must answer all Subcommittee questions fully and truthfully, including those which relate to internal deliberations.'' *Ibid.*

5. DOJ Influence on the EPA—A Review of DOJ Environmental Crime Prosecutions

From 1992 through 1994, the House Subcommittee on Oversight and Investigations conducted an extensive investigation into the impact of Department of Justice activities on the effectiveness of the Environmental Protection Agency's (EPA) criminal enforcement program. Overall, the Subcommittee conducted detailed interviews with more than 40 current and former Justice Department officials concerning the management and operation of the Environmental Division and environmental criminal enforcement policies. The Subcommittee also reviewed hundreds of internal DOJ documents on these matters. As the Subcommittee wrote in its report:

''One of the most significant accomplishments of the Subcommittee's environmental crimes investigation was its reinforcement of a number of important historical precedents regarding Congressional oversight of the Justice Department. The Subcommittee withstood repeated efforts to resist the exercise of its Constitutional responsibilities to oversee Executive Branch agencies. For months, Justice Department officials stalled on Subcommittee requests to interview DOJ line attorney and sought to deny Subcommittee access to numerous primary decision-making documents as well as documents prepared in response to the Subcommittee's investigation. However, the Subcommittee ultimately obtained the interviews and comments it deemed necessary to fulfill its oversight duties in a responsible manner.''—*Damaging Disarray—Organizational Breakdown and Reform in the Justice Department's Environmental Crimes Program,* a staff report prepared for the use of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce of the U.S. House of Representatives. December, 1994.

6. Governmental Affairs Hearing re Wen Ho Lee

On June 9, 1999, Mr. David Ryan, a line attorney at the DOJ OIPR (Office of Intelligence Policy and Review) testified before the Senate Governmental Affairs Committee about details of the Department's handling of the Wen Ho Lee investigation. Mr. Ryan appeared in response to a Committee subpoena.

7. Governmental Affairs Hearing re Charlie Trie

On September 22, 1999, three FBI line agents—Roberta Parker, Daniel Wehr, and

Kevin Sheridan, testified before the Senate Governmental Affairs Committee about the details of their investigation into Charlie Trie. These agents appeared in response to Committee subpoenas.

Mr. SPECTER. We are in the midst of some very serious oversight on the Department of Justice. We have seen the Wen Ho Lee case bungled badly by the Department of Justice and the chances for successful prosecution placed in real jeopardy. We have seen very serious espionage violations by Dr. Peter Lee involving nuclear power and involving detection of submarines, to which there were confessions, where a plea bargain was entered into without having a damage assessment and without having the trial attorney notified as to his authority to pursue very serious charges.

It is plain, in the context of what has gone on with the Department of Justice over the past many years in their refusal to provide information for oversight, even after the requests were made, and even after the Attorney General personally agreed to the request, that the only way to get to the bottom of it is to issue subpoenas and insist on congressional oversight so we can find out why these travesties of justice were carried out.

I thank the Chair and yield the floor.

FISCAL YEAR 2001 BUDGET—Continued

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to take such time as I may consume on the budget resolution.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CONRAD. Mr. President, we are now in the very happy circumstance, as a nation, to be on the longest economic expansion in our country's entire history. As this headline shows from the February 1 edition of the Washington Post, ''Expansion Is Now Our Nation's Longest.'' This 107 months of economic growth beats the record of the 1960s.

This is a remarkable circumstance as we meet to discuss the budget resolution this year. The question before this body and the other body and the President is, What is the budget policy to pursue to keep this economic expansion going? What is the best set of policies we can adopt?

Perhaps, to make a judgment on those questions, we ought to refresh ourselves on the history of how we got to where we are. This chart shows a comparison of the last three administrations with respect to the budget deficit. It shows, going back to 1981, 20 years ago, that the deficits were rising and rising dramatically, and we embarked on a period of not only expanding deficits but expanding debt in this country—taking on enormous debt. In fact, during this period, we quadrupled the national debt. That fundamentally threatened the economic security of our country. We saw, in the Bush administration, that the deficit absolutely skyrocketed. It went from an already high level of $153 billion all the way up to $290 billion.

Then President Clinton came into office. In 1993, we passed a plan to reduce budget deficits, to start getting our fiscal house in order. That was a 5-year plan. We can look at the 5 years of that plan and we can see that each and every year the deficit was coming down and coming down quite sharply. Those were very important decisions that were made in 1993. If my colleagues will permit me to sound a partisan note, not a single Republican voted for this plan of reducing the budget deficit. It was a controversial plan that cut spending and, yes, raised income taxes on the wealthiest 1 percent in this country. But let's remember what worked. It worked. It brought the deficits down. It got our country back on sound financial footing.

Then, in 1997, we passed a second plan. This time, it was bipartisan. This time, we worked together and it finished the job so that we are now running substantial surpluses. In fact, as shown here in 1998, a $70 billion unified surplus; in 1999, there was a $124 billion unified surplus. In the year 2000, we anticipate a $176 billion budget surplus. These are surpluses, the last 2 years, even counting Social Security as a separate trust fund. In other words, not including Social Security in the calculation, we balanced 2 years ago, last year, and will balance again this year. So we have made enormous progress in this country.

What a difference it has made. Because we got on a sounder financial footing, that took pressure off of interest rates. Lower interest rates contributed to making our economy more competitive. It took Government out of the position of competing with the private sector for funds, so interest rates came down. That made room for more productive investment. What we saw was an explosion in jobs. Over 20 million new jobs were created during this period. But the good news didn't stop there. We saw the unemployment rate drop to its lowest level in 42 years.

The point I am making is that we are pursuing an economic strategy that is working. It is working well for our country. We should not abandon it for risky schemes that some might propose. The unemployment rate is the lowest in 42 years. The inflation rate is at the lowest sustained level since 1965. These are facts. These tell us the economic game plan and strategy we embarked on in 1993 is working and working well. We have talked about deficits—and, of course, the deficits are the annual difference between the spending of the Federal Government and the revenue of the Federal Government. We also need to talk about the national debt. The debt is the cumulative total of the deficits. People often get confused about this question. But that is the difference. The deficits are the annual difference between spending and revenue. Of course, we don't have deficits anymore. We are in surplus, very significant surplus. The debt is the cumulative total of all those annual deficits. Even that debt is starting to come down. You can see we are right here on the line, so we have turned the corner.

We are actually starting to pay down the national debt. That is a course we must continue. It is absolutely critical for our economic future to keep paying down this debt. In fact, we are now in a position where we could pay off the national debt, completely retire the publicly held national debt, by the year 2013.

That is precisely what we should do to put our country in a strong position for when the baby boomers start to retire. We all know what is going to happen then. We are going to see a substantial increase in pressure on Social Security, Medicare, and other Federal programs. The best way to prepare for that day is to grow the economy so that it is best positioned to take that burden. How can we do that? Well, central to doing it is to get rid of this debt, dump this debt. That ought to be on the top priority list of every Member in this Chamber.

That is the record—a very positive record—of what has occurred. It doesn't end there because not only have we seen extraordinary periods of economic growth, not only have we seen the lowest unemployment, the lowest rate of inflation in many, many years—in fact, in decades—we have also seen Federal spending put under control. We now see that Federal spending is at the lowest level since 1966 as a share of our national income. This is as a percentage of our gross domestic product. We can see that we got to a period back in the 1980s where Federal spending was over 23 percent of our gross domestic product. Look where we are now. We are down below 19 percent and headed lower if we stay on this course. It is remarkable what has happened.

If we look at what the priorities are now of the various budget resolutions before us, this is what we see by way of comparison. Over the next 5 years of this budget resolution, we project a non-Social Security surplus of $171 billion. That is based on the assumption of no real growth in the Federal budget. That is what is called a real spending freeze. It adjusts for inflation, but nothing more. So over the next 5 years, we would have $171 billion under that set of assumptions—a real spending freeze and adjustments for inflation, but no more. Our Republican friends believe we ought to use nearly all of that money for a tax cut. This is the