

spending will increase \$37 billion, or 6.4 percent, over fiscal year 1999. Again, when we use the \$14 billion of the on-budget surplus and add it to what we have already allocated for 2000, we are now talking about a 6.4-percent increase in spending in the year 2000 over 1999. That is tremendous growth in Government spending.

On another note, we hear that Vice President GORE now supports a Medicare lockbox, a lockbox similar to the one we created.

As I stated earlier, Medicare Part A is the largest component of our Nation's on-budget surplus, accounting for approximately \$22 billion. Because of our strong economy and high employment, more money has come into the Medicare program via the payroll tax than has been spent in benefits. Again, we are either going to spend those on-budget surplus dollars on unrelated Government spending, or we can use it to reduce the national debt.

Last November, Senator ASHCROFT introduced the Social Security and Medicare Safe Deposit Act to wall off both the Social Security and Medicare Part A trust fund surpluses; in essence, to put them in a lockbox so the only other purpose for which they could be used would be to pay down the national debt. That is what we were going to do with it. The Senate had a chance this year to vote on a Medicare lockbox on April 7, when Senators ASHCROFT, BROWNBACK, GRAMS, and I offered an amendment to the fiscal year 2001 budget resolution. Unfortunately, Senator ASHCROFT had only 2 minutes to speak on the subject. I didn't get a chance to speak on it at all because no one was very interested at that time.

I remind my colleagues, the vote on the Medicare lockbox amendment was opposed by 43 Members of this Senate on the opposite side of the aisle; that is, 43 Democratic Members of the Senate voted "no" on the Medicare lockbox amendment. I thought the Medicare lockbox was a good idea then; I think it is still a good idea. Now, apparently, the Vice President thinks it is a good idea.

We need to lockbox Medicare to make sure that the excess money paid into Medicare Part A goes for debt reduction and is not going to be used for more spending or tax cuts. We need to use it for debt reduction, period, just as all the experts have said. Alan Greenspan, Chairman of the Federal Reserve Board; Daniel Crippen, head of CBO; David Walker, head of the GAO—all have said we should take the on-budget surplus and use it to pay down debt. I am pleased the Vice President is on board with a Medicare lockbox. I hope he will be able to convince Senators on the other side of the aisle that we need to make sure the on-budget surplus funds coming into the Treasury, which are mostly Medicare Part A dollars, are used to pay down the debt.

If my colleagues on the other side agree with the Vice President that we need to lockbox the Medicare surplus,

which comprises \$22 billion of the on-budget surplus, then they should have no problem supporting using \$12 billion to pay down the debt.

We are going to have an opportunity twice this year—once perhaps this week on the Defense appropriations bill—to use the remaining on-budget surplus to reduce the national debt or to pay for more spending. I think it will be one of the best budget votes my colleagues will have all year long. Not only will it keep down spending, it will help bring down our publicly held debt. We have to make sure we make the right decisions in terms of our on-budget surplus.

I would like to also take advantage of this opportunity to quote the Vice President. This quotation was in the Washington Post:

The temptation has always been to treat Medicare the way Social Security used to be treated—as a source of money for spending or tax cuts. And now that we have succeeded in taking Social Security off budget and using it to pay down the debt, we need to do the same thing with Medicare and put it in a lockbox.

I remind my colleagues that when the issue of the Social Security lockbox came up on the floor of the Senate, our colleagues on the other side of the aisle, on six occasions, all 45 of them voted against—voted against—the Social Security lockbox. My feeling is that we will find out this year whether or not the administration is in favor of lockboxing Social Security and lockboxing Medicare.

I think it is time we level with the American people and let them know that the on-budget surplus we have been talking about is primarily made up of overpayment of Medicare Part A payroll taxes, and that what we have been doing is proposing to use that for more spending or for reducing taxes. Let's lock it up. Let's put it in a lockbox. Let's make sure that the money that is being paid into Medicare is money for insurance for the elderly and is not used for tax reductions or, in the alternative, used to pay for other Federal spending. Now is the time to make that point. Now is the time to be counted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. VOINOVICH assumed the chair.)

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. THOMAS. Mr. President, I believe we have about 15 minutes left in morning business, is that correct?

The PRESIDING OFFICER. That is correct.

DECIDING THE SENATE'S PRIORITIES

Mr. THOMAS. Mr. President, I thank my friend from Ohio. I certainly could

not agree more that when we have—as we do and will—a surplus, we need to decide where our priorities are in terms of spending those dollars. I can tell you, if they are just left here, they will be spent. If our priorities do lie in funding what our programs are, in ensuring that Social Security maintains itself, and that Medicare is there, and when we want to ensure that we keep a balanced budget and start to pay down our debt, then we have to commit ourselves to do those things. I think it is an excellent idea for those dollars, so that they won't be spent for something else. I also think we ought to pay down the debt, and we hopefully will have some opportunity to get some tax relief. It is tougher, interestingly enough, when you have a surplus to make sure that the money is used as beneficially as when you are dealing with a deficit. That is what I wanted to talk about this morning.

That is how we might make Government more efficient. You know, we talk about that a lot. Most of us talk about less Federal Government and how do we make sure the dollars are spent as efficiently as they can be and, hopefully, how we can arrive at a situation where those people who earn the dollars can keep more of them. That ought to be part of our goal.

I think there are some things that this Congress ought to consider, and they seem very important to me—ways in which we intend to ensure that the Government is more efficient, that the Federal Government indeed is limited in size, and that we make certain the Federal Government does those things that are defined in the Constitution and not those other things that are not and should be left to the States and the people. That is what the Constitution says. That is what most of us want.

Particularly, I suppose, when you come from a State such as mine, Wyoming, where we have a relatively low population, where we have a lot of open space and not too many folks, then the way you have programs function is different than it is in Connecticut and different than it is in Pittsburgh. So you really need that flexibility and you need to be doing as much governance as can be done, in my opinion, as close to people as possible so that it fits. That is what we ought to be talking about—less bureaucracy and more responsiveness, and doing what we need to do. This budget process that we are going through now is quite important, not only with respect to spending the money, but we really define for ourselves what we think the priorities are in terms of the needs of the American people, and what the role of the Federal Government is to help satisfy those needs. It is difficult.

I think it is fair to say that governments have less discipline than the private sector. There is really nothing to force the Government to have to behave in different ways, which is true in the private sector. I come from a business background. I tell you, you have

to make changes from time to time because the economy makes it imperative that you do that, or you go broke. You are forced to change. That is not so with the Government. There is no competition there, so you are not forced to do things. I am not totally critical of the Government, by any means. I am only saying that there is a difference between how you run the Government and how you run the private sector. I believe there are a number of factors in the private sector that would help make the Federal Government much more effective. You have to force change. Change doesn't come about easily in a bureaucracy. Governments tend to go on as they have in the past. They tend to say that is what we have done before and what we will continue to do. It is resistant to change. So seldom are they forced to reorganize. Agencies are insulated, to some extent, by the Congress. If we don't do some things to bring about change, then change doesn't come about. I think it is our responsibility to do some of those things.

There are a number of ideas that I believe will help strengthen the system—ideas that are adapted from the private sector, to a large extent. They have to be initiated by the Congress, and there has to be a system in which the Congress exercises its responsibility for oversight to make sure that does not happen. There has to be a way that things are audited, that things are reviewed to see if, in fact, we are accomplishing the things that are set out to do.

The first would be, of course, to establish goals.

I have recently been involved in electric deregulation. We have had great battles over it. I am not sure what is going to happen or whether it will be done this year. We are seeking, however, to make some changes in the electric generating and distribution system. It has been a regulated utility for years. We want to see if we can't do it a little better in other ways.

Do you know what else we should do, in my opinion? We haven't really defined what we want. We get all wrapped up in what is going on. We are going to do this, or that, or this, when we haven't really clearly defined what we want the end result to be.

It seems to me it would be very productive if this Congress—maybe when we start to deal with campaign finance—knew what it wanted in the end. I think we could do that. If you are not certain where you are going—remember the old story of Alice in Wonderland. She fell through the hole and talked to all of the different people, and didn't get any advice. Finally, she saw the Cheshire cat up in the tree, and she was right at the junction of the road. She said: Cat, which road should I take? The cat said: Where do you want to go? She said: I don't know. The cat said: Then it doesn't make any difference what road you take.

That is kind of where we are sometimes. If we don't know what we want

to accomplish, then how do we get there?

I think instead of emphasizing the process, which we often do, we then need to measure results. That is really what it ought to be about. That is where you have the flexibility by saying you worry so much about how you get there but you measure the results at the end. There are things we can do.

Congress needs to first define where we are going, define how we get there, and then measure the results; give some flexibility so that things can be done differently in different places. The health care system delivery is much different in Wyoming from what it is in California. You have to have some flexibility to do that.

Congressional oversight is something that, unfortunately, we probably don't do as much as we should. That is what committee meetings are for. That is what audits are for. When you pass a law and say here is where we want to go, then you have to say: How are we getting there? We don't do that well.

The Republicans and the majority party have been putting emphasis on oversight. I think that is a great thing to do. That is why I like biennial appropriations—so you don't have to spend 2 years doing appropriations. We ought to do them every other year, and spend the interim year seeing if the money we are spending is doing the things we intended.

The Constitution divides the responsibilities in the Federal Government for a reason; that is, so that no one segment of Government controls everything. We have an executive branch; we have a legislative branch; we have a judicial branch. It is for good reason: To divide and strengthen the responsibilities and power so there is balance.

We, frankly, find that particularly this administration, as their time expires, is moving far beyond what the legislature has authorized and doing many things by regulation without talking at all with the Congress or, indeed, to the people. I think we have to really make sure that what the law intends is carried out.

Congress passed a bill in 1998, which I authored, which defines the various activities of Congress: Listing those activities that are inherently governmental, listing those that are not, and listing those that could better be done by contract in the private sector. We passed that bill. We have had some progress. There has been a listing, generally.

By the way, the Defense Department, in my opinion, does a better job of contracting than any other agency. That ought to be the role of an agency, to strengthen their ability to manage contracts, but to let those contracts go out to the private sector and people who do that professionally and more efficiently all of the time. I think that is something we really ought to be able to do.

We also need, of course, to find a way to terminate programs.

I mentioned in the beginning that Government tends to perpetuate itself. It seems to go on. I understand that. There ought to be a way to have some kind of sunset mechanism. After a period of time, hopefully, a job is finished. Not in every case, but in some cases the work is completed, and the mission is accomplished. Then we ought to do away with that agency or activity that was developed for a particular job. Unfortunately, in the political system, as you start a program of that kind, it builds its own constituency and seems never to go away. But we need to have a way to do that. I think the sunset idea is an interesting one.

We have been talking about these for some time.

I am really delighted to see in the news today what Gov. George Bush suggested. One is opening positions to commercial activities, and another one is result oriented and talking about doing the very things we are talking about here. If we could have an administration that agrees with Congress to move that way, we could do it.

I close by saying I introduced last week the Congressional Regulatory Review Reform Act of 2000. In 1993, a bill was passed that said regulations needed to be sent back to Congress for some kind of oversight. We found increasingly, particularly in this administration, that there was an effort and an agenda to move regulation by Executive orders that could not get through the legislative process—to sort of go around it. Unfortunately, Congress has allowed this to happen and has delegated much of its legislative responsibility to the bureaucracy in terms of the regulations that are written to implement the law.

Clearly, Congress can't go into huge detail, nor should it. But the important thing is that the regulations designed to implement the law need to carry out the intent.

In my subcommittee last week we had a meeting on national parks. We have a very good national park bill that was passed in 1998. Now we are implementing that bill. We are having discussions as to how we ensure the regulations that are developed in fact bring about the change intended in the legislation and that regulations don't simply keep it as it was.

The system we passed in 1996 has not worked as well as it should. Over 12,000 nonmajor rules and 186 major rules have been submitted to Congress—major rules being ones that have more than \$100 million in impact on the private sector. Out of 12,000, only 7 resolutions of disapproval have been introduced pertaining to 5 bills. None has passed either House. So it isn't working as it should.

We are trying to make some changes and say, rather than just going to the Office of Management and Budget, it ought to go to GAO, which is the general auditing organization. Then it should come to Congress so Congress

has an opportunity to take a look at it. If indeed it doesn't reflect the intent, Congress should have a chance to change it.

Those are some of the things that I think would help implement the things we are doing. It would help to have a smaller and more efficient Government. It would help us, Mr. President, as you pointed out, to set aside some of the dollars that ought to be used to pay down the debt and go back to the taxpayers. I think we have a great opportunity to do that. I hope we focus on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Mr. STEVENS. Mr. President, I rise to remind Senators that there is an order that requires amendments to this bill be filed by 3 p.m. We have been notified there are about 41 amendments that may be offered. Senator INOUE and I are prepared to deal with these.

If Members have amendments and desire to have a vote sometime tomorrow, please take time this afternoon to initiate that debate. There is no time limit on amendments yet, but we do intend to reach a time limit agreement on amendments later this afternoon. If Members have amendments and desire to have a considerable amount of time to present to the Senate, this is a great time to do that.

We will be working up a managers' package of amendments that we believe we can take to conference and work out. Senators may want to identify those amendments and present them. We would be pleased to consider them now and determine if we will put them in the managers' package so we can move the bill forward.

It is our hope we will finish this bill tomorrow afternoon. That is complicated a little bit by the fact we have a full Appropriations Committee meeting tomorrow afternoon to report out the Transportation appropriations bill. That may not take very long. It is our intention to keep working on the Defense bill, notwithstanding the fact we will be in committee on the Transpor-

tation bill. I urge Senators to introduce and possibly present amendments to the Senate so we can determine whether they should be included in our managers' package, which will be accepted by unanimous consent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. I thank the Chair.

AMENDMENT NO. 3308

(Purpose: To prohibit the use of funds for the preventative application of dangerous pesticides in areas owned or managed by the Department of Defense that may be used by children)

Mrs. BOXER. I send an amendment to the desk. I ask for its immediate consideration. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. REID, proposes an amendment numbered 3308.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8. **PROHIBITION ON USE OF FUNDS FOR PREVENTATIVE APPLICATION OF PESTICIDES IN DEPARTMENT OF DEFENSE AREAS THAT MAY BE USED BY CHILDREN.**

(a) DEFINITION OF PESTICIDE.—In this section, the term 'pesticide' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION USE OF FUNDS.—None of the funds appropriated under this Act may be used for the preventative application of a pesticide containing a known or probable carcinogen or a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class, in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or a daycare facility.

Mrs. BOXER. I will do my best to describe my amendment in about 10 minutes, if I might.

The PRESIDING OFFICER. The distinguished Senator is recognized.

Mrs. BOXER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. I say to the Senator from Alaska, I am asking for the yeas and nays on my amendment.

Mr. STEVENS. I will agree to that.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, if I may be recognized, I ask that it be scheduled for sometime tomorrow at a time to be agreed upon between the Senator from Hawaii and myself.

The PRESIDING OFFICER. Is there objection to the Senator's unanimous consent request?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I want to clarify with my friend from Alaska and my friend from Hawaii that we will have an up-or-down vote on this amendment and not a second degree? We can have a vote up or down.

Mr. STEVENS. We have no problem with agreeing that the amendment not be subject to a second-degree amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator is recognized.

Mrs. BOXER. I thank my friend from Alaska and my friend from Hawaii for agreeing to my request. I hope we will not have much opposition because I believe that this amendment is, in fact, consistent with the stated policy of the Department of Defense. I will explain what my amendment does.

My amendment would prohibit the routine use of particularly harmful pesticides on Department of Defense property or grounds where children may be present.

I was stunned to learn, about a year after I got to the Senate—so it must have been about 1984—that the way the laws were written and the way they applied across the Government was that our environmental laws were set to protect essentially 155-pound men.

Now, that is fine, if you are in that category, but what we find out is that people of a lesser weight, a different gender, pregnant women, the elderly, people who are ill, and little children, react very differently to that amount of pollution or pesticide, as the case may be. So I wrote a bill called the Children's Environmental Protection Act. I am very much hopeful that we can get it passed as sort of an omnibus bill that takes care of all of our laws in every Department to make sure that children, in particular, are protected.

So far we have not had much luck moving that bigger package, so what I have done is, on every bill that has come before this body, I have offered an amendment that would lower the risk for our children. In this particular case, we are saying to the Department of Defense: You have been good about putting the policy forward; we want to codify it and make sure that you do not use a pesticide containing a probable carcinogen or a known carcinogen, an acute nerve toxin or other toxins that would in fact harm our children.

Why is it important to limit the use of these pesticides around children? Clearly, by definition, pesticides are meant to kill living things. Exposure to pesticides has been linked to cancer,