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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE DEWINE, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Spirit of the living God, fall afresh on this Senate Chamber. Enter the mind and heart of each Senator and reign as Sovereign over all that is said and done this day. We praise You for the dedication of the Senators and for their earnestness to deal with the crucial issues before our Nation. May these days of genuine exchange of concerns and convictions move the Senate forward to an agreeable solution for the future of campaigning for office in America.

Lord, we are here to serve You and Your best for our Nation. Thank You for all the people who contribute to the Senate with such loyal and excellent service. Today we praise you for the life of John Roberson who worked in the Disbursing Office for 20 years. Now as his family and friends grieve his death, we ask You especially to care for his son Dave who has followed in his father's footsteps with his own 20-year period of loyal service.

Today, we renew our commitment to do all we can to serve the best we can and express Your care for whomever we can. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE DEWINE, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. DEWINE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately resume consideration of the campaign finance reform legislation. An amendment regarding self-financed campaigns is expected to be offered, with up to 3 hours of debate in order. It is also expected that some debate time will be yielded back and that a vote will occur sometime around noon today—certainly before the weekly party luncheons. We will be in recess from approximately 12:30 until 2:15 p.m. for the weekly conferences to meet. Amendments are expected to be offered throughout the day and therefore votes on amendments are expected to occur approximately every 3 hours.

I am concerned about the very inauspicious beginning that the Senate had on this legislation yesterday. I had described it as a jump ball, where everybody would have a free and fair opportunity to offer amendments and have debate but there would be votes on those amendments after 3 hours. I expected we would have a vote sometime between 5:30 and 6:30, as we did yesterday, and there would be debate on the next amendment last night and we would be ready for a vote now. That is not the case because of the spectacle that occurred at the end of the vote yesterday.

I thought it did not go well, and I thought the Senate looked very close to being silly on our first amendment on this very important issue. I was stunned, quite frankly; on an amendment as broadly supported as I know the amendment is, to give candidates that are running against superwealthy candidates some way to be able to compete, I can't help but believe that when we get a direct vote on that issue, it will pass overwhelmingly. My assumption was that it got tangled up just because it was the first vote and there was a desire to show that one side or the other was going to win. I was very disappointed in that.

I am also concerned, with the agreement that was reached, in all fairness, on both sides, that we would have amendments and regular votes every 3 hours, we had already slipped 3 hours on that. And also I hope, once again, that objections to Senators amending their own amendments will not be heard. The tradition around here is that we allow colleagues to amend their own amendments. I think that is when the confusion began yesterday in a very disappointing beginning.

But Senators on both sides worked last night and worked this morning, and I understand an agreement has been reached as to the amendment that will be offered in a few minutes. After that is offered, we will come back and have another amendment on this side of the aisle and Senator MCCONNELL and others will have an opportunity.

I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I tell the majority leader that we have an amendment. I don't believe it will take all 3 hours because it was debated last night. We have an agreement which is being written up now. So I believe that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

we could, within a fairly brief period of time, have a vote on it and move on to another amendment from the Republican side, thereby sort of catching up from yesterday.

I mention also that we were supposed to start at noon yesterday, but we didn't start until 1. I don't know whose decision that was. That is not important. We can catch up this morning. We met this morning and we are getting the final details, which we needed to do. This is a very complex, extremely complex issue.

The challenges of a millionaire declaring his or her candidacy in Wyoming are significantly different from doing that in the State of California. We tried to accommodate it and, frankly, we have. Those issues were still unresolved last night when the vote was attempted, and all of us were confident that we could work out the differences, bring up an agreement, which will be brought up in the name of Senator DOMENICI and Senator DEWINE and Senator DURBIN, and we can have a relatively brief period of debate and vote on it and then move to another amendment by Senator MCCONNELL, or whoever he designates.

Mr. LOTT. Mr. President, let me say to Senator MCCAIN—and then I will yield to Senator REID—I appreciate the fact that something has been worked out which appears to be fair to all sides. And since we already debated it for a time yesterday, it won't be necessary to rehash all of that. Maybe we can make up for some of the lost time.

The clear understanding, when the Senator from Arizona and I discussed this issue, was that we would try to keep it on a steady schedule and get amendments offered and voted on every 3 hours, or less if possible.

I yield to Senator REID.

Mr. REID. Mr. President, we are hopeful that the first vote is not indicative of what the future is going to hold. I hope that will be the downside of the work on this important piece of legislation. I think yesterday was well spent. There were relatively very few quorum calls, maybe just for brief moments, and I think we were able to accomplish a lot last night and this morning. I also say that during this next day or two, there are a number of Members who wish to give statements about the bill itself. They can do this during the time these amendments are pending. Some of them want to take the full 3 hours. I have already told Senator MCCAIN that I am not too certain that we need to alternate. We don't have many amendments over here. So I publicly advise those on the other side of the aisle who want to offer amendments, they should get them ready because we are not going to have a lot to offer.

Mr. LOTT. If I may respond to the last suggestion, that would be fine. However, we want to make sure that, if we don't alternate, at the end we don't have amendments show up that would be offered, one behind the other, on the other side. I know that is not the Senator's intention. That is one of the reasons why we alternate, so that one side or the other won't have a block of amendments at the end of the process.

Mr. REID. I appreciate the Senator yielding. There are three Republican amendments. There would be one Democratic amendment, and we would go back to the Republican side. That is how we should do it.

Mr. LOTT. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The PRESIDING OFFICER. Under the previous order, the Democratic leader, or his designee, is recognized to offer an amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that the amendment Senator DOMENICI is going to offer is not yet ready, but we want to start talking about it, the procedure being at such time the amendment comes from legislative drafting, Senator DURBIN will be recognized when the Chair feels that is appropriate. He will yield at that time to Senator DOMENICI, who will offer an amendment on his behalf, and whoever else wants to be on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask the Senator from Nevada if he agrees that we ought to begin the 3-hour time limit.

Mr. REID. I agree.

Mr. MCCONNELL. Mr. President, I ask unanimous consent, even though the amendment has not yet been laid down, since we are going to be discussing it, that the 3-hour time limit begin with this discussion. We understand most of that time may be yielded back, but at least this will begin the time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe the agreement of the Senate as we adjourned yesterday was that the Democratic side, this Senator in particular, would be offering an amendment. I am prepared very shortly to yield to the Senator from New Mexico and the Senator from Ohio and to acknowledge their leadership on this issue. We are addressing probably one of the most complicated problems we face, a Supreme Court decision in Buckley v. Valeo which said that a person who decides to run for office and is personally wealthy cannot be limited in the amount of personal wealth they spend in order to obtain this office.

Meanwhile, other candidates who are not personally wealthy face all sorts of limitations on how much money they can raise from individuals, how much they can raise in a given period of time, how much they can raise from political action committees.

The effort in which I have joined Senator DOMENICI and Senator DEWINE is a response to that, I hope a reasonable response to that, which says we know the day will come when wealthy people will run for office, but we also want to say if you are not wealthy, you should have a chance to compete and to deliver your message to the voters and to appeal to them for support.

We have come up with a proposal which Senator DOMENICI and Senator DEWINE will describe in detail. We were having conversations on the floor, up to the beginning of this speech, about aspects of this matter which we hope to address. If we cannot address it particularly in the language of this amendment, we will acknowledge what we consider to be some of the questions that will be raised and try to address it later in debate. We have been in conversation with Senator MCCAIN and Senator FEINGOLD. They are familiar with what we are doing. I do not purport to suggest they support it. They can speak for themselves. We believe this is a responsible way to address a serious problem we face in political campaigns.

If the Senator from New Mexico is prepared, at this point I yield to him with the understanding that when the amendment arrives, the Senator from New Mexico, Mr. DOMENICI, and Senator DEWINE, and I will join as cosponsors with others.

I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to the Senator from Illinois, I thank the Senator for his cooperation and help. Obviously, the Senator came on board with the idea encapsulated in the Domenici amendment yesterday, and as we progressed through it, it appeared that a number of Senators wanted some changes. So we set about yesterday evening—and well into the evening—to try to arrive at changes necessary to accommodate a wide variety of Senators and still make it effective.

There is no question, anytime you work on something as complicated as this, although we think we have done a good job, it may very well be in due course, as this bill evolves further, that there may have to be other amendments as people analyze and find other problems that might be inherent in this situation.

I thank in a very special way Senator DEWINE from the State of Ohio. From the beginning, we had hoped that yesterday we would introduce a Domenici-DeWine amendment. I introduced the amendment which was debated yesterday. Many people at least understand what we are trying to do and what the problem is. To the extent we are trying to figure out a solution, Senator DEWINE has been a marvelous partner and an excellent leader.

Today I will briefly explain what we are trying to do and some of the basic fundamentals, and then I will yield to Senator DEWINE.

The way we will determine the trigger for the nonwealthy candidate—that is, the candidate confronted with an opponent who will spend a lot of their own money—will vary in States depending on the voting age population. That is Senator DEWINE's idea. In essence, it says to a Senator in a State such as Idaho, if somebody decides to run and spends their own money in large quantities, that Senator is going to be able to raise money somewhat easier than he or she would have if they were bound by the 26-year-old law which has $1,000 individual contribution limits per election and $5,000 in money that can come from PACs.

Essentially, once you hit the formula amount, this is what will happen. When you reach the first level, the individual limits are raised to $3,000 under current law. That means you can raise $3,000 in the primary and $3,000 in the general. When you hit the next level, which Senator DEWINE will talk about, the contribution limits for the nonwealthy person are raised six times in the primary, $6,000 in the primary, $6,000 in the general.

Then something new was brought into the discussion yesterday evening, principally based upon Senator FEINSTEIN's discussion, after having faced what one might call a superspender. We have a superspender defined, and Senator DEWINE will define what that is when he speaks.

We eliminate the party coordinated expenditure limits, all hard dollars—until the poor candidate raises up to an amount equal to the self-financing of the superspender. I assume during that period of time they can continue to raise the $6,000 from individuals.

The way it is done, it requires a bit of bookkeeping, but everybody keeps a lot of books now. Everybody has records galore. Obviously, there are floating triggers that will come about based upon when the wealthy candidate, or superspender, starts putting their money into the campaign.

There is one other provision that has been in both vehicles for Senators who spend their own money and get elected, a requirement that they cannot change their mind about how to finance that campaign and start raising money to pay back their debt after they are elected. We passed that around yesterday, and everyone seems to understand it. If you incur debt from a personal loan and then you get elected as Senator, and then you go around and say, now I am the Senator, I want you to get me money so I can pay back what I used of my own money to run for election. It is clear in this amendment that you cannot do that in the future.

All that is future, prospective.

Senator DEWINE will now explain the triggering mechanisms and how this will apply to each State. We will have a chart so every Senator can see how it applies. I thank Senator DEWINE, who has been a real help. To the other Senators on the floor, particularly Senator MCCAIN, thank you for your help. Senator MCCAIN clearly said if we did not win the other one, we would put this together and it would be bipartisan, and he joined.

There are a few things in this amendment we both know have to be ironed out in the future, but I think it is an excellent amendment.

For the first time in history, we think we are legally addressing the issue of a person who asserts their constitutional rights—which the Court said is constitutional—to spend their own money, but they do it in inordinate amounts as compared to what a candidate on the other side could be expected to raise under current restrictive laws, which are 26 years old and ought to be fixed.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Ohio.

Mr. DEWINE. Mr. President, this chart we will discuss in a moment was prepared last night by my law clerk, Susan Bruno. She has been working on that, and we thank her for it.

I congratulate and thank my colleague from New Mexico, Senator DOMENICI, and my colleague from Illinois, Senator DURBIN, for their work on this amendment. The amendment we have now is the result of weeks of discussions and negotiations among Senator DOMENICI, Senator DURBIN, and myself. That culminated last night in further discussions involving more Senators, both Republican and Democrat.

I thank the members of our staff who worked long into the night after we had set the basic parameters ourselves for what this discussion would be.

The amendment we have in front of us is bipartisan, and it is the work product of a great number of people. But let me particularly thank Senator DOMENICI for taking the lead and for being one who had this idea, frankly, over a decade ago, and who has been talking about this idea year after year. We are now to the point where we have the ability to see this amendment enacted into law.

Let me, again, thank Senator DOMENICI, Senator DURBIN, Senator COLLINS, Senator MCCAIN, Senator FEINGOLD, and others for their input, their suggestions, and their work during these negotiations.

I believe the amendment, with their help, is a consensus approach that will help make our election process more fair and more equitable.

It is unfortunate that we need such an amendment at all. But the sad reality is in campaigns today we are moving down a road where personal wealth is becoming the chief qualification for candidates seeking office. The reality is in the last several election cycles, both parties have looked around the country to try to find wealthy candidates who can self-finance their own campaigns. This is no reflection on those candidates. But it is the reality of life today.

This amendment attempts to bring about equity and fairness and also, quite candidly, to increase the opportunity for all candidates to get their ideas to the public.

This amendment is truly about the first amendment—it is about free speech—and it is about allowing candidates to have the opportunity to take their ideas into the marketplace, to broadcast them, to be able to pay for the commercials, and to have their exchange of ideas in that political marketplace that our Founding Fathers deemed so very important.

The reality is, though, personal wealth has changed the whole dynamic of today's Federal elections. It has changed it in a way that no one in 1976, when the Supreme Court handed down it's decision, could have envisioned. No one could have envisioned the amount of money individual candidates now pour into their own campaigns.

The fact is, as I said on the Senate floor last night, there currently exists a loophole, but a constitutionally protected loophole, for candidates to use their own personal money to finance their own campaigns. This loophole, of course, resulted from the 1976 Supreme Court case, Buckley v. Valeo. In that case, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act of 1974. In the Buckley case, the United States Supreme Court struck down limitations on the following: One, campaign expenditures; two, independent expenditures by individuals and groups; and, three, expenditures by candidates from their personal funds.

The Buckley decision has effectively created a substantial disadvantage for opposing candidates who must raise all campaign funds under the current fundraising limitations. Current fund limitations, of course, are $1,000 per donor. So you have the situation where the candidate who cannot self-finance has to raise money in a maximum of $1,000 increments but has to then go up against another candidate who can put in maybe an unlimited amount of money—millions and millions of dollars.

The fact is, because of the Constitution, because of the Supreme Court's decision, and because of the statutes we have written, we now have what, for the general public, would appear at least to be a rather ludicrous situation. That situation is that everyone in the country is limited to $1,000 they can put into a candidate's campaign—everybody in the country except one person. That one person who has the ability to put money in, in an unlimited fashion, in an unlimited amount, is, of course, the candidate.

That, I think, to most people would seem to be an absurd situation. But this is a constitutional issue. This is, if it is a loophole, certainly a constitutionally protected loophole—unlimited personal expenditures from rich candidates but limited personal contributions for everyone else. That is the reality today.

This reality has resulted in enhanced personal wealth in campaigns to such an extent that I think no one even 10 years ago could have imagined its importance.

The whole dynamic of political campaigning has fundamentally changed in this country because of this Court decision and because of the ability in the last few years of candidates to self-finance their own campaigns.

It has made it more difficult for nonwealthy opponents to compete and to get their messages and their ideas across to the public.

Our amendment tries in a constitutionally acceptable way to correct this. It would create greater fairness and accountability in the Federal election process by addressing the inequity that arises when a wealthy candidate pays for his or her campaign with personal funds—personal funds that are defined, by the way, to include cash contributions and any contributions arising from personal or family assets such as personal loans or property used for collateral for a loan to the campaign.

The agreement we reached this morning and that was hammered out last night—the amendment we will be offering in just a moment—has very important implications for our democracy, as I will explain.

The basic intent of our amendment is to preserve and to enhance the marketplace of ideas—the very foundation of our democracy—but giving candidates who are not independently wealthy an opportunity to get their message across to the voters as well.

Specifically, our amendment would raise the contribution limits for candidates facing wealthy opponents to fund their own campaigns.

The contribution limit increases are based, as my colleague from New Mexico has said, on a sliding scale depending on the size of each State and the amount of the wealthy candidate's personal expenditures.

The amendment creates a simple three-tiered threshold test to determine the contribution limit increases. This threshold test is based on the individual voting age populations of each state, in recognition that the cost of elections vary greatly between the states. The actual calculation of the thresholds uses a baseline formula and multiples of that baseline. Our population-based calculation allows the individual contribution limit increases to kick in sooner in states with smaller populations, where candidates get more bang for the buck. A half million dollars in a campaign in Wyoming, after all, goes a heck of a lot farther and can buy a lot more television air time and direct mail pieces than it can in Ohio or in California. Simple put, this formula recognizes that a one-size fits all approach won't work for all states.

The baseline is based on the following formula: $.04 the voting age population + $150,000. The first threshold starts at double the baseline.

When a wealthy candidate crosses the first threshold, the opposing candidate's hard money cap for individual contributions, which currently is $1,000, goes up three times to $3,000. The second threshold is a double the first threshold—and the hard money cap increases to $6,000.

So when you get to that second threshold, when the wealthy candidate puts in that second amount of money or hits that level, the second one kicks in, which means then the nonwealthy candidate who was not being self-financed can raise six times what the current law is. The current law, of course, is $1,000. That would take it up to $6,000 you can raise from an individual donor.

Finally, the third threshold begins at ten times the baseline; once a wealthy candidate exceeds the third threshold, it removes the caps for State party coordinated expenditures of hard money.

Our amendment also, as my colleague from New Mexico has indicated, includes a proportionality provision, a provision that means for all cap increases, a less wealthy candidate can use increased caps to raise only—only—up to 110 percent of the amount contributed by the wealthy candidate. This applies to all three of these thresholds.

Proportionality is important because it really helps level the playing field from both directions so the wealthy candidate is not punished or is not inhibited from putting his or her own money into the campaign, which is very important. What this means, in plain language, is that we try to increase free speech; we give that nonwealthy candidate the opportunity to get his or her message out. We do not punish the wealthy candidate. And we take care of that in this well-crafted amendment by saying we will limit how much that nonwealthy candidate can raise above the caps, above the limits, and we limit it to, logically, how much money has been put in by the wealthy candidate.

So the wealthy candidate, again, is not punished, is not inhibited, is not discouraged from putting in his or her own money. I think this makes a great deal of sense. This was a provision that was worked out, again, last night.

Finally, our amendment includes a notice provision. This requires candidates to notify the Federal Election Commission within 24 hours of crossing a threshold. Candidates also must notify the FEC within 24 hours of any additional contributions totaling $10,000, once they are over a threshold.

That is our amendment in a nutshell. The fact is, the Supreme Court has ruled that personal expenditures cannot be limited. Let me say this very clearly: Our amendment is not trying to change nor challenge that. We accept that. It is the interpretation of the Supreme Court, in interpreting the first amendment to the Constitution, which we must and do respect.

This amendment is not an attempt to undo what the Court decided. It is not an attempt to limit personal expenditures, nor in any way to inhibit those expenditures, nor in fact to punish people for making those expenditures. Rather, it is an attempt to correct for the unintended effects of the Court's decision.

Again, no one—no one—when the Buckley case came out in the mid-1970s, could have envisioned what we have seen today. This amendment is based upon our additional experience—25 years of experience—in seeing how this has played out. It is an attempt to correct the inequities in the system and establish fairness in the process.

I believe the courts are likely to uphold this provision because it addresses the public perception that there is something inherently corrupt about a wealthy candidate who can use a substantial amount of his or her own personal resources to win an election—not that there is anything corrupt about that particular candidate. It is the perception. It is the perception that the public looks at this and, frankly, says something is just wrong with this.

The Supreme Court has said Congress has a compelling interest in addressing this perception. This amendment is narrowly tailored, and closely related to such concerns about that perceived corruption. The reality is the courts carved out a constitutional protection for wealthy candidates. Our provision offsets that without infringing on the rights of the wealthy candidates. Our provision expands the rights of the opposing candidate. Our amendment expands free speech. In fact, this sort of approach to campaign financing actually bolsters first amendment rights of candidates who do not have extensive personal resources.

Finally, the proportionality provision is key to ensuring that a wealthy candidate is not punished by the less wealthy candidate's ability to raise funds with lower hard money caps.

Candidly, our amendment does not completely level the playing field. I think in most cases that would simply be impossible. We cannot do that. However, it is a step towards increasing

fairness and accountability in our election process. And it is a step, again, to expanding the individual's rights, those who do not have that independent wealth, giving them the opportunity to take their ideas out into the marketplace and to share them with the public, and giving them the resources to share them.

It is a reasonable approach. It is a reasonable thing to do, especially now that we are reforming our Nation's campaign finance laws.

This is a great opportunity for us. We are today, with this amendment, fine-tuning the process, correcting something the Court could not have foreseen 25 years ago in Buckley; and that is that the unlimited personal expenditures can hurt an opposing candidate's ability to compete fairly. When that happens, when huge funding disparities exist between a wealthy candidate's unlimited personal expenditures to their own campaigns and a less wealthy candidate's limited individual contributions from others, it is the voters and our democracy that suffers the most.

In conclusion, wealthy candidates have an easier time communicating today with voters. That is just the reality of our current process. They have the money it takes readily at their disposal to get their messages out. When running up against such self-financed machines, less wealthy opponents have less chance to challenge those messages, less chance to get their own ideas on the table, less chance to communicate with the voters, and to give them an alternative point of view.

As a result, it is the voters who have less chance to make informed choices in elections. And that is just not good for our democracy. In essence, this struggle between rich and not so rich candidates really is a struggle for the soul of democracy. I say that because the free flow of ideas and information is the basis—the very foundation—of our political system. The exchange of ideas is a prerequisite for democratic governance. And it is ''ideas,'' as John Maynard Keynes once said, that ''shape the course of history.''

The more robust the marketplace of ideas, the better the political process. For our democracy to fully function and thrive, we need many ideas—ideas competing with each other. That is the basis for the critical thinking process, the basis for debate and challenges to societal norms. That is the basis for how we make changes in our society, for how we make the world a better place. When there are fewer ideas being disseminated, there is a greater likelihood of political and societal stagnation. And when there is such stagnation, there is no social change, and the world is worse off for it.

Thomas Mann once said:

> It is impossible for ideas to compete in the marketplace if no forum for their presentation is provided or available.

That, unfortunately, seems to be the case for many less wealthy candidates who face the power of the self-financed candidates. Our amendment is a move away from that kind of inequity. It is a step toward providing candidates the forum for the presentation of their ideas. By taking that step, the free flow of ideas, the spirit, the essence, the foundation of our democracy is preserved and emboldened.

We have charts on the floor which we can share with all Members of the Senate. We have a breakdown that shows State by State exactly where those thresholds are and at what point they would kick in.

We would be more than happy to share those with any Members of the Senate who would like to take a look.

Again, it makes eminent sense to have a distinction between when the thresholds kick in between the State of Wyoming and the State of Ohio. It just makes eminent sense.

Again, I thank my colleague from New Mexico, my colleague from Illinois, and my other colleagues who have worked long and hard on this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join in the statement made by the Senator from New Mexico, Mr. DOMENICI, and my colleague, Senator DEWINE from Ohio, in cosponsoring this amendment. A lot of people listening to this debate can't understand the world we live in here, a world where whenever you decide to be a candidate for the Senate, you face the daunting task of convincing your family that it is a good idea and putting together a good campaign team. Then the reality hits you. Your message, whatever it is, to be delivered to voters across America, is going to be a very expensive undertaking.

I represent the State of Illinois with some 12 million people. How do I get their attention to tell them what I feel, what I would like to do in the Senate? The obvious methods are the use of radio, TV, direct mail, and telephone. All of those are very expensive. All of those are increasingly expensive every 2 years. The cost of television advertising, for example, goes up 20 percent every 2 years. So if you are running for reelection after 6 years, you have to raise some 60 percent more in funds to buy the same amount of television in my State and other States just to deliver your message in a campaign.

When Members of the Senate come to the floor and start talking about raising $1,000 here or $3,000 here or $6,000, I imagine most families across America say: What kind of world do they live in that they would be asking an individual to give them $6,000 of their money for a political campaign? Very few people do that in America.

Thankfully, for a lot of us, we have those who support us and will do it. For the vast majority of families, they must be scratching their head at this debate and saying: Why don't they live in the real world where real people don't go around asking friends or even strangers for $6,000?

If you are going to mount a campaign in the State of Illinois to appeal to 12 million people and some 8 or 9 million voters, you have to raise over $10 million to get your message out.

Let me offer another insight. It costs you 50 cents to raise a dollar, so about half of the money you raise goes into the overhead of a campaign, the administrative costs of staff people, mailing out invitations, following up, making sure people are there. It is an extraordinarily expensive business.

It often puzzles me that people who are not otherwise capable of managing million-dollar companies manage multimillion-dollar campaigns that come and go in a matter of 12 months. That happens in this business of politics. That is the world in which we live.

There are ways to change it. We could change it pretty dramatically. We could say television time is free for candidates. That would really change it in a hurry because two-thirds of the money that most candidates spend is on television. If the television didn't cost you anything, if you had access to it where you could go on and, instead of doing a 30-second drive-by spot, you ended up having 5 minutes to explain your position on tax cuts or Social Security, the voters would have a chance to see you.

Of course, there is resistance to that idea from the people who own the television stations. They make a bundle of money off political candidates. They can't wait for these campaigns to get started because we literally shovel money at them in the closing weeks of campaigns. The managers of these stations have a perpetual smile for weeks on end when they see all the candidates lining up to pay for the advertising on their television stations. So the idea of free television is not one that has gone very far—nor free radio. The idea of free postage is not likely going to occur either.

We live in a commercial world where we are trying to basically deliver our message to the voters in a fashion that is extremely expensive. Now we have the Supreme Court, which 25 years ago jumped into this debate and said, if you are independently wealthy, if you are a multimillionaire, we can't limit how much money you want to spend out of your own pocket.

An individual candidate who is not independently wealthy is limited on how they can raise money. Under current law, I can only raise a $1,000 maximum contribution from each person from my primary election campaign and my general election campaign and $5,000 for each campaign from political action committees. It sounds like a lot of money, until you start adding up the $1,000 contributions it takes to reach $1 million. If you have a $10 or $12 million campaign in Illinois, imagine how many people you have to appeal to, to raise $10 or $12 million.

The Supreme Court, in Buckley v. Valeo, said if you happen to have a lot of money, then you can put all you want into it; you are not limited as to the amount of money you can invest in a political campaign.

We have come down to two categories of candidates in America, the M&M categories: the multimillionaires, and the mere mortals. The mere mortals, frankly, stand in awe of those who can write a check and fund their campaign. What we are trying to address with this amendment is to level the playing field so that if someone shows up in the course of the campaign who is independently wealthy and is willing to spend $10, $20, $30, $40, $50, $60 million of their own money—I am not making these figures up, as they say; that has happened—then at least the other candidate has a fighting chance. That is what this amendment is all about. I have joined with Senator DOMENICI and Senator DEWINE to try to create this fighting chance.

How do we do it? Currently, you can only accept $1,000 per person per election. We have said: If you run into the so-called self-financing candidate who is going to spend millions of dollars, then you can accept a larger contribution from an individual. The calculation and formula we use is based on the number of people living in the State. Senator DEWINE explained it earlier. For example, in my home State of Illinois, the U.S. Census projected the voting-age population for the year 2000 was 8,983,000 people. We have a baseline threshold plus $150,000 which says that you can put $509,000 into your campaign of your own money. That is your right to do, under the law and under this amendment.

If you decide to put in over $1 million, if you put in $1 million, then the candidate who doesn't have $1 million to put in, whether they are a challenger or an incumbent, can raise up to $3,000 from those who will contribute, as opposed to a limit of $1,000. Furthermore, in Illinois, for example, if you put in $2 million of your own money, then we allow the individual contribution to go up to $6,000.

I am sure most people listening to this can't imagine someone writing a check for $6,000 to a political candidate. The folks who will do that are few and far between. The honest answer to that is, unless you control the overall cost of political campaigns, you have to face the reality: People will show up with a lot of money in the bank, spend it on the campaign, and literally blow away any type of political opponent.

Who loses in that process? The voters lose. If the system works as it is supposed to, you have a choice on election day. In order to have a choice, you have information about all candidates. That means you have an information source not only from a wealthy candidate but from someone who is not so wealthy. This amendment, with its own formula approach, allows people to raise money so that they can keep up with self-financing candidates.

If in my home State of Illinois someone decides to put in $5 million or more, then we allow the Democratic or Republican Party in my State, through their coordinated expenditures, to really reach that same level, up to 110 percent of the amount that is being given by that candidate to his or her own campaign.

This is an imperfect amendment. It is an effort by us to address a serious problem. It has in it an element that is important. It is an element of fairness, an element of opportunity. It basically says that in America we won't let you buy an election. If you are going to come in and try to do that, then you are going to at least give the other candidate a chance to compete.

There is one element in this amendment which I have discussed with the sponsors that I hope we can address either with a second-degree amendment, or a later amendment during the course of our debate, and that is the money on hand. If an incumbent Senator has millions of dollars on hand and somebody walks in and decides to put in a million dollars to oppose them, I think you should take into account how much money the incumbent Senator has on hand. This amendment does not do that. I would like to suggest a modification to it at some point.

But I believe our colleagues in the Senate will have a good opportunity later this morning to cast their votes on this amendment and to basically say that from the Senate's side, we are going to try to level this playing field and try to give a voice to all candidates. We are not going to say this is a system that is open to the highest bidder. It is going to at least allow men and women to compete with some element of fairness.

I thank my colleague from New Mexico, as well as my colleague from Ohio. Both of them, and our staffs, worked late into the night last night to prepare this amendment that will be forthcoming shortly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank Senator DOMENICI, Senator DEWINE, and others. Last night, I believe we could have avoided the vote we had. I hope in the future and during this debate we will make sure we try to handle it in a more sensitive fashion. I will take the responsibility for that.

We probably should have tried to—because we knew there were several areas that needed to be worked out, which have been worked out, and we are just awaiting the legislative counsel's language so we can move forward with the amendment—we probably should have waited until this morning on the amendment. But that is done. The fact is, as we committed last night, we would reach agreement and work out the differences. There were several specific areas that had not been worked out last night, especially proportionality, among others. I am pleased we worked it out and we are now ready to move forward as soon as the language comes over, and we can vote on this amendment and move on to other amendments.

I do believe the principles of McCain-Feingold have been preserved because this deals in hard money. Yes, it lifts some restraints on hard money, but there is no soft money that would be permitted under the Domenici-DeWine-Durbin amendment. So it also addresses, in all candor, a concern that literally every nonmillionaire Member of this body has, and that is that they wake up some morning and pick up the paper and find out that some multimillionaire is going to run for their seat, and that person intends to invest 3, 5, 8, 10, now up to $70 million of their own money in order to win.

So when I see the significant support for this amendment, I think those reflect a genuine concern, as we know both parties have now openly stated that they recruit people who have sizable fortunes of their own in order to run for the Senate.

I don't think this is a new phenomenon, Mr. President. I think it has been going on for years and years. But as money seems to play a greater and greater role in politics, and as television advertising continues to be more and more important, then, obviously, the ability of someone to achieve office with what is apparently an unfair advantage over a candidate of lesser wealth is being addressed, at least in part, by this amendment.

Also, I add to the sponsors of the amendment—and I already discussed this with Senator DOMENICI and Senator DEWINE —this isn't a perfect answer. We all realize that. We know there are some areas that have gone unaddressed, and if there needs to be further addressing, that is why we have another nearly 10 days of debate and amendments. So I am glad we were able to work out the differences that existed last night. Obviously, those negotiations needed to take place, and I hope we can move forward on this amendment as soon as the legislative language comes over from the legislative counsel, so we can move on to another amendment at the earliest moment.

Again, I thank Senator DOMENICI and Senator DEWINE and Senator DURBIN and others for their efforts on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what are the rules guiding debate at this point?

The PRESIDING OFFICER. There are 3 hours evenly divided. The amendment has not yet been offered.

Mr. BYRD. What a mess.

The PRESIDING OFFICER. Under the previous agreement——

Mr. BYRD. Without the amendment being offered?

The PRESIDING OFFICER. That was stipulated by consent.

Mr. BYRD. All right. Mr. President, when Cineas the Philosopher visited Rome in the year 280 B.C. as the envoy of Pyrrhus, the Greek general, and had witnessed the deliberations of the Roman Senate and had listened to Senators in debate, he reported that, ''Here, indeed, was no gathering of venal politicians, no haphazard council of mediocre minds.'' This was in 280 B.C.

In 107 B.C., Jugurtha, that Numidian prince, was in Rome. When he was ordered by the Roman Senate to leave Italy and set out for home, after he had passed through the gates of Rome, it is said that he looked back several times in silence and finally exclaimed, ''Yonder is a city that is up for sale, and its days are numbered if it ever finds a buyer.''

What a change; what a change had come over that Senate in less than 200 years! I think we might also, with great sadness, reflect upon the report by Cineas when he referred to the Roman Senate after he had witnessed it—as I say, not as a ''gathering of venal politicians, not a haphazard council of mediocre minds,'' but in reality ''an assemblage of kings.'' What a Senate that was that he reported to Pyrrhus as being, in dignity and in statesmanship, as a ''council of kings!'' It is in even greater sadness that we noted Jugurtha's words: ''Yonder is a city up for sale, and its days are numbered if it ever finds a buyer.'' But that is what is happening in this land of ours and in this body of ours.

When I came to the Senate, Jennings Randolph and I ran for two seats, and we won. He ran for the short term, the 2-year seat that had been created by the death of the late M.M. Neely, and I ran for the full term.

At that time, I ran against Senator Chapman Revercomb, a fine member of the Republican Party, but Randolph and I ran on a combined war chest of $50,000: two Senators on a combined war chest of $50,000. We did not have television in those days, we did not have high-priced consultants, and our hands were not manacled by the shackles of money.

Today what do we find? What does the average Senate seat cost—$6 million or $8 million? Both parties are enslaved to those who give. The special interests of the country are the people who are represented—the special interests, for the most part.

The great body of people out there are not organized, and they are not represented here. We are beholden to the special interests who give us—when we go around the country holding out a tip cup saying, ''Give me, give me, give me,'' they are the people who respond and they are the people for whom the doors are opened. They are the people for whom the telephone lines are opened when the calls come in.

I offered an amendment on this floor one day, and I thought: I will at least get a half dozen votes. I got one—one vote. Those in this body on both sides who were slaves to the particular interest group on that occasion ran like turkeys to the fire escapes. I thought I would get half a dozen votes at least. I knew the amendment would not be adopted, but after hearing all the brave talk of some of the Senators on both sides, I thought: At least I will get his vote, I will get his vote, and I will get her vote. I got one vote, my own.

That is what it has come to in this body. We are at the beck and call, we know the feel of the whiplash when the votes come, and we are owned by the special interest groups.

That does not mean that every Senator does not have a free will. Senators exercise that free will about which Milton spoke in ''Paradise Lost''—freedom of the will. That does not mean that the conscience of every Senator here is bought, that his vote is bought. It does not mean that at all, but it means that in our day and time, it cannot be said of this Senate that it is not a gathering of venal politicians. In Jugurtha's words: ''Yonder is a city up for sale, and its days are numbered if it ever finds a buyer.''

Mr. President, as one who has been in this body now going on 43 years, I mourn the days of old when I came here. We still have good Senators. They are bright, they are dedicated, but the yoke, the Roman yoke that they have to go under to come here, is appalling—appalling. It is sad. I compliment those on both sides who are seeking to do something about it, who are trying hard to deal with reality here and in such a way that the people might still look upon this body with some confidence and respect. Yet, I do not think that they will be overly successful in the effort.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. REID. Mr. President, I say to my friend, referring back to the days when he was the leader, does he recall how many times he offered, on behalf of the Democrats, a motion to invoke cloture on campaign finance reform?

Mr. BYRD. I offered a motion to invoke cloture eight times during the 100th Congress.

Mr. REID. Does the Senator recall the motion to invoke cloture being offered so many times to any other measure?

Mr. BYRD. Up to this point, there has been none.

Mr. REID. So if I understand what the Senator has said, when he was majority leader in the 100th Congress, an attempt to invoke cloture was tried eight times unsuccessfully, and that holds the record for any legislative issue of which the Senator is aware.

Mr. BYRD. That is right.

I thank the Senator, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the distinguished Senator from Texas is here, and I yield her as much time as she needs off our side.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, I will be brief.

I know my colleague from New Mexico and my colleague from Ohio have been working very hard on this amendment. I appreciate everything they are trying to do.

I have a separate amendment that has been incorporated into this amendment. It has the same purpose, and I hope when everything is worked out, our purpose will succeed. Our purpose is to level the playing field so that one candidate who has millions, if not billions, of dollars to spend on a campaign will not be at such a significant advantage over another candidate who does not have such means as to create an unlevel playing field.

In fact, I think it was Senator DURBIN who used these numbers: In the 2000 elections, candidates took out personal loans for their campaigns of $194 million for Federal races. In 1998, it was $107 million. In 1996, it was $106 million. That is a lot of strength. We pride ourselves in our country on trying to have a level playing field to keep our democracy balanced.

Under our Constitution, it is very clear that we cannot keep people from spending their own money however they wish to spend it. I will not argue that point ever. That is their constitutional right. They have a constitutional right to try to buy the office, but they do not have a constitutional right to resell it. That is what my part of this amendment attempts to prevent, so a candidate can spend his or her own money but there would be a limit on the amount that candidate could go out and raise to pay himself or herself back.

My amendment and the amendment of Senator DEWINE and Senator DOMENICI is $250,000. If a big State should have more, certainly I would look at what is reasonable. I want a level playing field. I want people to be able to spend their own money, but they need to know they are doing it because that is what they want to do, not because when they win they will be able to go out and repay themselves, so it is not a risk they have to take.

I have put my own money in campaigns in the past and I have taken the hit for it. A lot of people in this body have. It is a risk. It is a risk I was willing to take. It happened to be a risk I lost. Other people have been able to do that. Some have lost, some have won. I never repaid myself the full amount that I loaned. I think we need to have the level playing field.

We have a constitutional right to spend our money. No one argues that. I do believe a retired police officer or retired teacher should be able to run for public office on a level playing field and get the variety of support from his

or her constituents and have as level a playing field as we can have protecting the rights of the wealthy candidate to spend that money, but limiting what could be paid back.

I thank Senator DOMENICI and Senator DEWINE who have worked so hard on their amendment. Their amendment includes other ways of leveling the playing field by letting the other candidates have no limits or bigger limits. I think that is fine, too. The point is, everyone would like to see the most level playing field we can find, the most numbers of contributors who care about this candidate being able to get behind someone and have a fair chance of getting the message out. That is what my part of this amendment does.

I thank all colleagues for coming together on an amendment, an amendment I hope will work. If for some reason this amendment goes down, I hope my amendment, which I introduced as a bill 2 years ago, I hope it prevails and we will be able to work something out as we go through the 2 weeks of debating this bill that will be fair and that will give everyone a chance to have the support of the biggest number of people and contributors in a person's home State, to have the ability to get a message out that the people can decide if they like or don't like.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, one of the advantages of having been around here a while is I remember when this idea first surfaced by the distinguished Senator from New Mexico in the late 1980s. He correctly identified this at that time as one of the significant problems developing. Now, some 13 or 14 years later, we are finally getting an opportunity to address one of the significant issues, one of the significant problems in our current campaign system.

One, obviously, is the hard money contribution money limit being set at $1,000, back when a Mustang cost $2,700 which only exacerbated the problem Senator DOMENICI is talking about because it is harder for a nonwealthy candidate to compete, given the eroding contribution limit.

The other, obviously, is the cost of reaching the voters, the television time. That, I am sure, will be discussed in the course of this 2-week debate.

I thank Senator DOMENICI for his important work on this over a lengthy period of time and congratulate Senator DEWINE for his contribution and the Senator from Texas, Mrs. HUTCHISON, for her contribution as well.

This is an important amendment. It will advance this debate in the proper direction, and given the support of Senator DURBIN and others on the other side of the aisle, we look forward to its passage later in the day.

Mrs. HUTCHISON. Mr. President, I clarify that our amendment takes place in the future. It does not jeopardize someone who based his or her actions on the law as it is today, but for the future, when everyone is on notice this law would then take effect if the amendment passes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Parliamentary inquiry: Under the unanimous consent agreement, a vote must occur on an amendment, if not this amendment, at 12:30 p.m.

The PRESIDING OFFICER. Under the unanimous consent agreement, there are up to 3 hours of debate after which a vote on an amendment in relation to the amendment shall occur.

Mr. DODD. Further inquiry: I presume the time will begin to toll once the amendment is introduced, and the fact there is no amendment pending per se, other than the one we are discussing, the time is not really tolling; is that correct or am I incorrect?

The PRESIDING OFFICER. By consent, the time has been charged.

Mr. MCCONNELL. The time began to run on the amendment when the discussion began at what time?

The PRESIDING OFFICER (Mr. ENZI). Nine-fifty.

Mr. DOMENICI. If I could explain.

Mr. DODD. Certainly.

Mr. DOMENICI. The Senators involved in this with their staff worked very late last night. The amendment is very complicated and it is being drafted, and it has just been received. We cannot help that. It is now being looked at and it is practically ready. It is a very lengthy amendment. They think they have found some unintended words and they are trying to fix that.

We have been explaining the amendment. Senator DEWINE explained the state-by-state formula very much in detail. I explained the intent and the basic ideas, and as soon as we get it, we will introduce it and then there will be additional time until we vote.

Mr. DODD. I thank my colleague.

That raises a concern. I have been around long enough to sense when something will happen. I get a sense this amendment will be adopted and maybe by some significant numbers based on the sponsorships and the statements made.

I will oppose the amendment. I may be the only person opposing it, but I am deeply worried about it. The mere fact that we will vote in an hour on a highly complicated, very lengthy amendment that goes to a significant issue in this debate, and I cannot look at it, is an indication of the kind of trouble we may be getting ourselves into.

I appreciate the constraints of the managers and the leadership to move this debate along. However, I am troubled. Let me state why. I have great respect for the authors. We are trying to accomplish something. I have been, myself, a candidate with an opponent who announced they would spend significant millions of their own money against me, so I am not unfamiliar with facing a challenger who has great personal wealth. However, it seems to me this is what I would call incumbency protection. We are all incumbents in the Senate. We raise money all the time during our incumbency. I suspect most sitting Members who have some intention of running again have amassed something between $½ million and $1 million. If you have been here for a couple of years, I suspect you have done that. If you have been here longer, I know colleagues have amounts in excess of $3, $5, and $7 million sitting in accounts, earning interest, waiting for the next time they run.

I don't like the idea of a multimillionaire going out and writing checks and running, I suppose. I understand the law. The Constitution says if an individual in this country wants to spend his or her money that way, there is nothing we can do here to stop them. What you are trying to do is level the playing field.

It isn't exactly level, in a sense, when we are talking about incumbents who have treasuries of significant amounts and the power of the office which allows us to be in the press every day, if we want. We can send franked mail to our constituents at no cost to us. It is a cost of the taxpayer. We do radio and television shows. We can go back to our States with subsidized airfares. We campaign all across our jurisdictions.

The idea that somehow we are sort of impoverished candidates when facing a challenger who may decide they are going to take out a loan, and not necessarily even have the money in the account but may decide to mortgage their house—I don't recommend that as a candidate. But there are people who do it. They go out and mortgage their homes. I presume if you mortgage your house, that is money in your account. It is not distinguished in this amendment. You go into debt.

For people who decide they want to do that and meet that trigger, all of a sudden that allows me as an incumbent to raise, I guess, $3 million at one level, $3,000 at one level, and $6,000 at another. The gates are open, and the race is on.

I am just worried that we are going in the absolute opposite direction of what the McCain-Feingold bill is designed to do.

Again, I find it somewhat ironic that we are here deeply worried about the capital that can be raised and the candidate who is going to spend a million dollars of his own money to level the playing field. But those who oppose this bill don't have any difficulty with that same individual writing out a million-dollar check in soft money, in a sense. It is somewhat of a contradiction to suggest somehow that we are going to protect ourselves against that million-dollar giver and we don't have anything here to restrain this million-dollar giver in soft money. I find that somewhat ironic.

Again, I respect those who fundamentally disagree with McCain-Feingold. I don't agree with their arguments, but they have an argument to be made.

It seems to me if we are going to go that route to do so, but the idea that all of a sudden we raise the threshold of hard money to $3,000 and $6,000 for an incumbent sitting with a treasury of significant money on hand, even though you may not be personally wealthy, but the fact is that you have this kind of money in your accounts—why not suggest, then, if you are an incumbent and, in the case of Wyoming, you go to $500,000, whatever the trigger is, I say to the Presiding Officer, or the Senator from Connecticut or California—if I have that amount of money in my treasury, why not let the challenger, in a sense, reach the $3,000 and $6,000 level of individual contributions in order to challenge me if I have it not in my own personal account but in my political account?

Mr. DOMENICI. Mr. President, will the Senator yield for a question?

Mr. DODD. Yes.

Mr. DOMENICI. First of all, there is no soft money in this amendment.

Mr. DODD. I understand that. My point was those who oppose the bill feel as though individuals ought to be able to make whatever contributions they want in soft money. I was making the observation as a contradiction.

Mr. DOMENICI. May I also say to you, if you are worried about the person who wants to put in their own money, and it will trigger raising the personal caps, you understand that before we are finished with the McCain amendment, it is going to be amended in terms of caps. Caps aren't going to remain at $1,000. You understand the caps are going to be raised.

Mr. DODD. I understand some are going to try to do that. I am not going to support it. But I understand there will be an effort to do that.

Mr. DOMENICI. It will happen because that $1,000 is 26 years old with no interest or inflation added, and it remains the most significant cap on Senators and Representatives. And it is too low. You have to spend all your time raising money, which is the other side of the equation. If it gets raised, also the person who had an idea of putting his own money in can look at it again and say, well, if I can raise $3,000, or $6,000, whatever it is changed to, and the PACs are changed to double, it might be that they will choose not to put their own money in because they could actually have a shot at financing.

When you put in all of the negatives that exist today in terms of the bias of big money, I think this bill is a good effort to try to equalize that. Is it equal in every respect? No, it is not. Does it take care of the fact that an incumbent may have already raised some money? No.

But let me tell you when you have a situation that says to somebody who is, as was defined here, a super spender, who gets up into the 10's, 20's, 30's, 40's, or 50's of the super spenders, to tell you the truth, I don't have an awful lot of concern about them, in fact, not having a fair shake in this election. They are going to spend enough money to make sure they do. They know that. They assess it and their money. They say they are going to put in whatever is necessary to get a fair shake.

I am more worried about them putting in their money and the person running against them, say, in the northeastern United States, is not an incumbent; the person running is a challenger. There is no way, under current law, that person could raise enough money to become known and do what somebody who spends $40 million can. That is the kind of person I am worried about.

Mr. DODD. That very race that I think my colleague is talking about was a fairly close race in the end. I can think of two specifically where, in fact, the individual raising that kind of money became a liability, and they lost.

I would like to reclaim my time.

Mr. DOMENICI. I would like to ask you about one other subject.

I think you should know what we are doing, respectfully, which is to say that anybody who puts in their own money, however they got their own money, when they get elected, they cannot use their Senate seat to raise money to pay off what they put in an election. You raised one where somebody mortgages their house and puts in the money. If they mortgage their house, they still have to put in this threshold money, which is a lot of money to be from a home mortgage.

Mr. DODD. I appreciate that.

I come back to my point. I know there are super wealthy candidates. I guarantee that there are a lot more incumbents sitting with super treasuries seeking reelection than there are individuals with vast amounts of money seeking Senate seats. We have them, but it doesn't automatically mean that they are guaranteed a seat. You see it in several jurisdictions.

My colleagues know what I am talking about and know the races specifically that I am referring to where millions of dollars was spent by individuals who financed their own campaigns, and they lost. In fact, I think they lost in no small measure because people were somewhat disgusted by the fact that they were giving the impression of buying a Senate seat. The mere fact you write checks out of your own personal account does not guarantee you a seat in the Senate.

We are clearly moving in the wrong direction. My issue is not that there is too little money in politics. I think there is too much. I hear my colleagues say the $1,000 needs to be increased. My big worry is what happens to that $25 contributor, the $50 or $100 contributor who we used to rely on and call upon to help support these candidates? We don't pay attention to them anymore. We spend all of our time looking for the large contributors.

By the way, a large contributor is $1,000 in my book or, a person who gives $2,000. Now we are going to raise it to $3,000 and $6,000 with the mere suggestion that you might finance $500,000 or $1 million in a Senate election.

So the doors are open. Now the argument is made that we have done it here and we ought to do it over there for the other side as well. All of a sudden, we have opened the gates, and we are up to $3,000, and $6,000, and forget about that $50 contributor, that small individual we are trying to engage in the political life of America. They are not going to get any attention whatsoever. My view is that is dangerous. I think it is worthwhile that people are invested in the political life of America with their time and their financial resources. I have no objection whatsoever to the idea that people write a check to support candidates of their choice for State, local and national office.

What I find deeply troubling is that they no longer will be solicited because their contribution doesn't amount to anything because we are going to go after the big-dollar givers, the $3,000 giver and the $6,000 giver. What percentage of Americans can actually do that?

If we are financing elections across the board for the House and the Senate by only soliciting those kinds of contributions, or at least the bulk of those people, I think we are putting our democracy in peril.

I understand the concern my colleagues and incumbents have about facing the wealthy opponent. But I don't think that concern should outweigh our determination to try to reduce the amount of money that is entering political life in America.

By adopting this amendment, as much as I empathize and understand the concerns my colleagues have, it looks to me as though all we are doing is trying to protect ourselves rather than trying to level that playing field.

If I am the only one to oppose it, I will do so.

Despite the good intentions of the authors of this amendment, I think it takes us in exactly the wrong direction. I think it makes a mockery of McCain-Feingold. I think we are beginning to just shred that piece of legislation. I know there is a strong determination to get a bill, but a bill that has McCain-Feingold's name on it, and ends up doing what this amendment would do, I do not think deserves the label it might otherwise get.

With that, Mr. President, I will oppose the amendment and yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Democratic leader.

Mr. DASCHLE. Mr. President, let me say to my colleague, the Senator from Connecticut, he will not be the only person opposing this amendment. I thank him for his eloquent, extraordinarily lucent description of this amendment and what it may mean. He

is right on the mark. I share his sympathy, his empathy, for those who may be faced in the future with the circumstances some of our colleagues already have been faced with—running against a well-financed, independently wealthy opponent.

I think the Senator from Connecticut puts his finger exactly on the problem. This moves us away from limiting the money in the system. This ''cure'' creates even more financial pitfalls and political difficulties than the current system.

This amendment, however well intentioned, has three major problems. First, and foremost, it is an amendment that will create different standards in different States. As a result of the different standards that are created, most likely it will be declared unconstitutional. It will allow different candidates to raise different levels of money in different States depending upon circumstances. I cannot imagine that a system so confusing and biased could be upheld in any court of law. I cannot imagine that any court would look favorably at this inequitable distribution of opportunity.

Secondly, this puts even more political power in the hands of fewer and fewer people. When we began this debate we were trying to address this very problem—the concentration of political power in a wealthy few. Even with the limits as they were in the last election, almost half of all total contributions to Senate candidates came from donors who gave at least $1,000. So if the individual contribution limits now are raised to $3,000 or $6,000, or even higher if the underlying individual limits are changed by this amendment process, we know wealthy donors are going to control the field even more. Why we would want to do that in the name of campaign reform, I do not know?

I heard somebody say this is in the spirit of McCain-Feingold. This flies in the face of McCain-Feingold. There is nothing in the spirit of McCain-Feingold in this amendment. This is not reform. This makes a mockery of reform.

Finally, I cannot imagine why the compromise has not addressed one of the real problems that I see in this approach, which is that if an incumbent has $5 million in the bank or even $10 million in the bank, and his opponent declares that they want to spend some of their own money to mount a vigorous challenge, the incumbent gets to take advantage of the raised individual contribution limits. In my state of South Dakota, if my opponent wanted to spend over $686,000 of their own money, I could take advantage of the new limits even if I might have $5 in the bank myself. If the same forces that want to pass this amendment turn around and triple the underlying contribution limits, I would be able to go out and raise as much as $18,000 from every individual who wants to contribute to my campaign.

How is that fair? Regardless of what money we may have in the bank, how is it we would not look at that? Just because I might have a wealthy opponent, should I be allowed to open up the floodgates here and take whatever money I can raise? How is that limiting the influence of money? No, instead this protects incumbents. How is that in the spirit of McCain-Feingold? How can we seriously look at anybody and argue that this legislation benefits the true spirit and intent of what it is we are trying to do today?

I think the ranking member of the Rules Committee, the Senator from Connecticut, has articulately put his finger on the problem. We have to oppose this if we really want to support meaningful campaign finance reform. Do not let anybody out there tell you that somehow, by supporting this, we are moving in the right direction. This moves us down the wrong track. We ought to oppose it. It ought to be defeated. I support McCain-Feingold, but I do not support this.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, I listened with interest to the comments of the Senator from Connecticut. I am convinced that if he wants to offer an amendment to the Domenici amendment that says these amounts we are talking about for self-funded candidates also apply to incumbents who have those amounts in their existing campaign funds, I would be happy to support such a modification of the Domenici amendment.

Mr. DODD. If my colleague would yield, my fear is once we have done that, we are raising, of course, the hard limits, which takes us, as far as I am concerned, in the wrong direction with the bill. I respect those who say they are going to be raised anyway. But my concern is that if we keep on ratcheting up those levels, then we are running contrary to what I hope are the underlying motivations behind the underlying bill.

So I merely pointed it out to show the inconsistency in someone's personal wealth and a person's political wealth. We are applying one standard on personal wealth and not the same standard on political wealth.

I appreciate the point. Someone else may offer the amendment. But I thank the Senator for raising the point.

Mr. BENNETT. The Senator from Connecticut is exactly right. The reason I would support that is I am one of those who would increase the limits. So this gives us an opportunity to support the increase in limits in a number of other ways. But I appreciate this debate.

I will repeat what I said yesterday about my own experience, because I ran against a self-funded, wealthy candidate. If I had been under the restrictions of the present law, let alone the restrictions of McCain-Feingold, I would never have gotten anywhere in the primary. The only way I was able to compete in the primary was to spend my own money and match the money that was being spent by a wealthy opponent.

As I said yesterday, and repeat for my friend from Connecticut, who has an interest in Utah politics, my opponent—making the point of the Senator from Connecticut—outspent me three to one and lost. So that the expenditure of huge sums does not automatically result in somebody being elected.

But, nonetheless, his willingness to spend $40 a vote in that primary made it impossible for anybody to challenge him unless it was, as it turned out, a self-funded candidate who would come along and spend $15 a vote. And that is about how it worked out. Actually, I do not think I spent quite that much per vote. But he spent $6 million. I spent less than $2 million. I was able to get enough to get my message out and win, but if I had to raise that less than $2 million, at $1,000 a person, I guarantee you, I would not have been able to compete in any way. That is why I am sympathetic to the amendment of the Senator from New Mexico.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to colleagues, I will be relatively brief. I do not have the full context of this amendment and this debate, but my understanding is that this amendment is very similar to the amendment we voted on last night. I would like to repeat some statistics I presented last night that I think apply.

Right now, do you know how many citizens contribute $200—just $200 or more? One quarter of 1 percent. One-quarter of 1 percent of the people in this country contribute over $200. Do you know how many people contribute over $1,000? One-ninth of 1 percent of the population. Do you know the reason? Because a whole lot of people cannot afford to give that kind of money to campaigns.

What we have here is an amendment that purports to improve the situation by now creating a situation where you have people who are wealthy and have their own financial resources and finance their own campaigns now challenged by people who are viable because they are dependent upon people who are wealthy and have financial resources.

The contest is between the wealthy with financial resources versus the people who have access and are dependent upon the wealthy with financial resources. And this is called a reform? If the first thing we do on the floor of the Senate is pass an amendment to put yet more money into American politics, I don't think people will find that all that reassuring.

I say this because the more I follow this debate, the more convinced I am that public financing is the answer.

From the time I came here, this has always been a core question. Bill Moyers, who is a hero journalist to me, gave a speech and sent me a copy of ''The Soul of Democracy,'' in which he argues basically what is at stake is a noble, beautiful, bold experiment, over 220 or 230 years, of self-rule. That is what is at stake, our capacity for self-rule.

If you are worried about what to do about millionaires or multimillionaires running their own campaigns with their own resources, the way to deal with that is to have a clean money, clean election, have a system of public financing. We have seen some States such as Maine, Vermont, Massachusetts, and Arizona lead the way on this, where basically people all contributed to a fund. Then you say, to abide by agreed-upon spending limits, you get public financing. Basically the people themselves, who have contributed $5 or whatever per year in a State or in the country, they control the elections in their government and the capital and all the rest. It is much more of clean politics.

If someone says, no, I won't abide by that because I have zillions of dollars, and I will just finance my own campaign and go way beyond the expenditure limits, then out of that clean money/clean election fund, money is given to the candidate who has agreed to abide by this to match that. That would be the direction in which you would go.

I don't know why Senators are so concerned about wealthy people running for office and financing their own campaigns and basically clobbering everybody else because they have the money. If this is the concern of my colleagues, they should embrace public financing. That is what we want. Then we have a system that is honest, clean, and which basically says all the people in the country contribute a small amount. We are willing to abide by this. As to those candidates who don't, who when they run finance their own campaigns, there is additional money to match that. That is the direction in which we should go.

Before I take a question from my colleague, I want to say that one of the amendments I will bring to the floor is an amendment—it is an interesting proposition based upon an Eighth Circuit Court of Appeals decision in Minnesota—that says: You change three words in Federal election law and you make it possible for any State that so desires to apply some system of public financing, whatever the States decide it is, not just to State elections but to Federal elections. If Utah wants to do it or the people in Minnesota want to do it and they vote for it or the legislature votes for it, then they ought to be able to do it. We don't tell them what to do. We just say that if a State wants to apply some system of public financing, some kind of clean money, clean election to Federal races, they should be able to do so. That would be an amendment that goes in the direction we are going to have to go.

McCain-Feingold is very important and should not be watered down because I think it is an important step in the right direction. However, I cannot believe that what we have here—and I am very worried this is a harbinger of what is to come—is an amendment that says we are going to vote for reform. We are going to now put more money into politics. Those of you who run for office, here is the way we will create a level playing field. You can be even more dependent upon the top one-quarter of 1 percent that now you can get $6,000 from or $5,000 from, or wherever you want to take the spending limit, in which case we are even more dependent on those folks; they have more clout, even more power.

And that is called reform. I just don't get it. Later on, there is going to be an amendment to raise campaign limits from 1 to 3 and 2 to 6—unbelievable.

One more time—then I will take a question from my colleague—one-quarter of 1 percent of Americans made a contribution greater than $200 in the 1996 cycle—probably about the same in the 2000 cycle—.11 percent, one-ninth of 1 percent of the voting-age population, gave $1,000 or more. We are not talking about the population but the voting-age population. Now you are going to give wealthy citizens even more clout? You are going to give them an even greater capacity to affect elections and call this reform?

I yield for a question from my colleague.

Mr. BENNETT. I thank my friend. Since he has raised the issue of public financing in the campaign, I ask him if he would explain how the public financing would work with respect to special interest groups that raise their own money and run their own ads. We saw in the last election, for example, groups such as the Sierra Club and the National Rifle Association become very active in politics. We are no longer in a position where it is just Republicans running against Democrats, as far as the airwaves are concerned, but a whole host of groups.

I ask the Senator, would he support public financing for political ads for even the Sierra Club or the National Rifle Association?

Mr. WELLSTONE. I appreciate the question. There is a three-part answer. You know I am long-winded. The first part is that you could have additional public financing to match that. The second part is that the amendment we are talking about here doesn't deal with that problem either. My colleague is raising yet another issue. I agree, it is a serious issue, but this amendment doesn't address that problem. My colleague can raise this question, but it doesn't make a lot of sense in the context of this amendment. That is yet a whole separate issue with which we have to deal.

My third point concerns another amendment I am thinking of which gets at part of the problem he is raising. I am very worried that what we are going to have is a bigger problem with the Hagel proposal. As much as I respect my colleague from Nebraska, I plan to be in vigorous opposition against it. I am worried that if you do the prohibition on the soft money, it is going to shift to the sham ads, whoever is running those ads. The Senator mentioned some organizations. I could mention others. I am worried about that. It is like jello; you put your finger here and it just shifts to over here.

In the McCain-Feingold bill, you deal with labor and you deal with corporations. I am very worried that there will be a proliferation of all sorts of organizations, and labor and corporations with good lawyers will figure out basically how to make sure that their soft money also goes into this.

I would like to go back to the original McCain-Feingold formulation, which was in the bill that passed the House, to say that you have that 60-day prohibition on soft money applied to all those sham ads, which I would say to my colleague from Utah would be a very positive step.

Mr. BENNETT. I thank the Senator for his response. I agree with him that my question didn't have anything to do with the amendment. It was stimulated by the Senator's endorsement of Federal funding. I thank him for his response. I am prepared to debate the other issues he raises in the appropriate context. I think we are both getting far away from the amendment.

Mr. WELLSTONE. I don't think the first 75 percent of what I said was at all far away from it. Again, we have an amendment that purports to be reform. The message to people in the country is, we are going to spend yet more money. Now we move from millionaires who can finance their own campaigns against people who are dependent upon millionaires who can give them ever larger and larger contributions, with the top 1 percent of the population having more clout, more influence, more say. I don't view that as reform.

I yield the floor.

Mr. REID. Mr. President, I can remember the first time I went to New York City—amazing things to me—those tall buildings, those people—you know, being from Nevada—teams of people milling around. But I have to acknowledge probably the most fascinating thing I saw was these people on the street playing these games. They would try to entice people to play. I learned later it was a shell game. I watched with fascination because nobody could ever win. No matter what you did, you always picked the wrong place for that little object they were trying to hide.

I say that because I think that is what is happening with campaign finance reform. In 1987, I came to the Senate floor saying: We have to do something about campaign finance reform; we can't have another election like I have just been through.

Well, I have been through two subsequent elections, and each has been progressively worse, as far as money.

Over these years, each time we were going to bring up campaign finance reform, I looked with great expectation for the system to be made better. But like the shell game I saw in New York, you never picked the right spot. It was always gone when you got there, and we never did get to campaign finance reform. I can see that is what is happening today.

All last week, I was kind of elated because Senators MCCAIN and FEINGOLD had worked to get their legislation on the floor. I felt there was movement and that we could finally do something—if nothing more, get rid of soft money. Based on what happened last night, and I see what is happening today, I am very disappointed. I can't see, with all due respect to my friends—and they are my friends, the Senator from Wisconsin and the Senator from Arizona—how in the world they could support this amendment. If we are talking about campaign finance reform, this is going in the opposite direction, as has been so well put by the manager of the bill on our side, the ranking member of the Rules Committee, the senior Senator from Connecticut.

The shell game is being played here. This is not campaign finance reform. I may not think the underlying campaign finance reform bill of McCain and Feingold is perfect, but it is something I can support. The Senator from Connecticut is not going to be alone. We already know he has a vote from the Senator from South Dakota, the Democratic leader. I acknowledged last night I wasn't going to vote for this thing. If we are going to have campaign finance reform, we are going to have campaign finance reform.

As the Senator from Connecticut said, just because it has the name ''McCain-Feingold'' on it doesn't mean it is campaign finance reform. We keep moving away from it. I don't know how anybody can support the underlying bill. I want to support campaign finance reform. I have wanted to support it since 1987. I have spoken on this floor as much as any other person about campaign finance reform. But today, again, I see the shell game. I hope that I am wrong.

Yesterday, I acknowledged the great work of the Senators from Wisconsin and Arizona in moving this bill forward. I don't, in any way, want to imply anything negative other than disagreeing with the point of this legislation. But I want to say that I think the senior Senator from Kentucky has been masterful. I say that in the most positive sense. He has been one of the few people who has been willing to stand up and speak his mind. We have a lot of people who are doing things behind the scenes to try to deep-six this bill, but the Senator from Kentucky has never backed down a second, and I admire him. I disagree with him, but I admire him for what he has done. In my estimation, I think he has done very good legislating. I don't agree with him, but I have the greatest respect and even admiration for the way he stood up when few people would oppose this legislation, and he did that. I respect that.

Mr. President, we should acknowledge what is happening here. This underlying McCain-Feingold legislation is slowly evaporating, and we are going to wind up with something else. It may have the name, but it is not going to be what I wanted to vote for.

I suggest the absence of a quorum and ask that time be equally charged.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEWINE. Mr. President, let me briefly respond to my friends and colleagues from Connecticut, South Dakota, and Nevada in regard to this amendment. I certainly respect their opinions and respect their comments.

Mr. President, the fact is that this amendment will enhance free speech. It is true this amendment will move toward a more level playing field and does address a problem that has arisen in the last few years when, because of a constitutionally protected loophole, the wealthy candidate is the only person in the country who can put an unlimited amount of money in a particular campaign—his or her own campaign. Everybody else is limited to $1,000 but not the candidate. So what has happened is there has become a great search every election cycle, where both the Republicans and the Democrats go out and they don't look for people with great ideas. Some mechanics may have great ideas. They don't look necessarily for people with a great deal of experience or who bring other attributes, although a mechanic may have all of those things. What they look for and what the great search around the country is for is people who have money—the more the better. If you can find someone who has that money and is articulate, and they are from a key State or from a State that is getting ready to elect a U.S. Senator, then you have found what you were looking for.

There is an inequity in the current system. But that is not why this amendment is being offered, and that is not why we should vote for this amendment. We should not be concerned about the candidate who is running against the millionaire, not directly concerned about that candidate. It is not just to level the playing field or to make it more equal. What we should be concerned about is the public and whether the public will have the benefit of a free debate, free-flowing debate, a debate where both candidates have the ability to get their ideas out.

This amendment enhances free speech, and it does it in a very rational way. Again, I point out to my colleagues who have come to the floor to criticize this amendment, this amendment does not allow soft money. This amendment deals with very regulated, very much disclosed hard money. It basically builds on the current system. Where there is the most accountability in the system today, and where we have had the fewest problems today is with hard money and with individual donors.

That is what this amendment builds on. It simply says that a person who is faced with a millionaire putting his or her own money into the campaign has the opportunity, because of this amendment, to go out and raise money from many people. When they raise that money, in each case it will be disclosed very quickly. It will be open to public scrutiny. It will all be very much above board, and the end result will be not that the candidate who is the millionaire will have a smaller megaphone—that millionaire who is putting in his or her own money will have the same megaphone they had before this amendment—but what it means is that the candidate who is facing that multimillionaire will also have the opportunity to have a bigger megaphone, to grow that megaphone if, in fact, he or she can go out and convince enough people to make individual contributions. That is what this amendment does.

Will it put more money into the political system? Yes, it will put more money into the political system. I maintain, however, that the effect of that money will be to enhance the first amendment and not diminish the first amendment. It will be to enhance people's ability to communicate and get a message across without in any way hurting someone else's ability—namely, the millionaire—to get their message across.

My colleague and friend, the minority leader, talked about the differences between the States. I understand what his perspective is, but I think, based upon the State he is from, he understands there is a fundamental difference between the expenditure of $1 million, or let's say half a million dollars, in South Dakota and a half a million dollars in the State of Ohio. The half a million dollars in South Dakota has a lot more impact than a half a million dollars in the State of Ohio. It seems to me it is incumbent upon us to make that distinction.

How do we do it? First, I will talk about how we do not do it.

We do not make any difference in regard to whether there is a multiple of three or multiple of six. We do not change that among the States. We do not change the categories among the States, but what we do say is that in a smaller State, when the millionaire puts in a certain amount of money, that money does have more of an impact in that smaller State than it has

in a larger State and, therefore, we start the process earlier and we kick it in earlier.

For example—and this is the chart my colleagues have—I will take the first State, and that is the State of Wyoming. Recognizing the difference that money has in Wyoming versus Ohio, we provide that the first threshold, which means you can raise $3,000 from a donor instead of $1,000 from a donor, that is triggered in Wyoming when the millionaire, the person who is self-financing their campaign, puts in $328,640. The candidate who is running against the millionaire in Wyoming would then have the opportunity to raise three times the limit for each donor, which is $3,000.

In Ohio, we do not reach that threshold until that self-financed candidate has put in $974,640. There is a difference in the impact that money has in one State versus the impact in another State. We do not even kick that in until that person has put in close to $1 million in the State of Ohio.

It makes eminent sense to do it this way. It has been well thought out, and, frankly, it enhances the chance that a court will look at this and say, yes, that is a rational approach.

Again, this is an amendment that has a lot of protections built in, and probably the most important one was added last night. That was the concept that a wealthy candidate should not in any way be disadvantaged by the fact that he or she is exercising their constitutional right to put their own money into a campaign.

How do we ensure that? We ensure it by simply saying that the amount of money the nonwealthy candidate can raise above the normal caps will be limited to the amount of money that the wealthy candidate puts in. If the wealthy candidate puts in $5 million, the nonwealthy candidate can only raise, with the enhanced caps from individuals, a total of that up to $5 million.

It guarantees the wealthy candidate will not be disadvantaged, that he or she will not have a smaller megaphone and there will not be a disincentive for them to actually put their own money into the campaign.

They will still have the ability to do that. They will not be penalized if they do that, but what it says is when that does happen, when the wealthy candidate does contribute a significant amount of money to his or her own campaign, then the nonwealthy candidate can go back, as a practical matter, to previous donors and try to get them to give an additional $1,000, $2,000, or $3,000, depending on where they are.

It is a lot of work. It is something that is not easily done. It is something that will make sure there are more and more people involved in giving money, will involve more people in the process, and will enhance freedom of speech.

In summary, this is a well-crafted amendment. It is an amendment that deals in a constitutional way with a problem of perception, and that perception is that someone today who is wealthy enough can buy a seat in the Senate. We know that may or may not be true in a particular case, and we also know that many people who are wealthy and who are self-financed are fine people and fine candidates. That is not the issue.

What this amendment is aimed at dealing with is the perception, and the perception that someone can buy a seat in the Senate with their own money. It begins to level that playing field. It makes it more competitive. It enhances free speech, and it does not diminish in any way what that wealthy candidate can say or do or their ability to get their message out, but enables the person who is not wealthy to also get their message out. We have done it, I think, in a rational way.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, after a long night and legislative counsel drafting this amendment and then all of our collective staffs working on it to make sure we had a draft we could offer, we are now at that point. This amendment may need some technical and drafting changes as we move through this process, and that will be done.

Essentially, Senator DEWINE has explained the technical part of this bill. I want to, once again, talk about why this bill is imperative for the United States.

While we are here on the floor debating a McCain bill to change the campaign laws of America because we are concerned about excess money coming from sources—soft money, hard money, too much of this, too much of that—and I am not sure I agree with everyone, but I am saying where we are there is a new and growing situation that involves this amendment and what we are trying to do. That is the right of wealthy Americans, men or women, to spend as much of their own money as they desire in a campaign. Nobody is going to change that. This amendment cannot change that. The Supreme Court has said that is a right.

That right is being exercised in growing numbers by those who put not a few thousand, not a few million, but tens of millions of dollars of their own money into campaigns.

What is wrong with that is not that they can put up $10 million, but their opponent is bound by 26-year-old caps that are so low that to match somebody who puts $10 million of their own money in, in a middle-size State, the opposition must spend days upon days seeking $1,000 contributions per election and seeking $5,000 per election from political action committees.

I never have figured out how much a person would have to spend of their time to match a $10 million contribution from a wealthy person or superwealthy contribution. It is an enormous amount of time. It is frequently fruitless because you can't raise enough money to match.

I am not concerned today about making sure the candidate who puts up millions is treated precisely as the person running against him, whether the person is incumbent or otherwise. However, what we do is say the man or woman running against the big contributor—the $5 million, the $3 million, the $20 million, we even had over $50 million of their own money spent—the opposition candidate has to have a change in those $1,000 cap restraints and the $1,000 has to be raised substantially. The hard money that can come from parties has to also be changed substantially so the person running against a wealthy candidate who spends a lot of their own—and I just described that; the other side of the aisle described it also, somebody on the other side of the aisle said as much as $50 million—in a simple way raise the level of funding that the opponent can raise from the American people, citizens of their State and from their party. That is fair. If it turns out in the process you do not match equal dollars, that is all right with this Senator. We tried very hard to make sure the person running against the wealthy candidate gets a fair share.

AMENDMENT NO. 115

I send an amendment to the desk for myself, Senators DEWINE, DURBIN, ENSIGN, FEINSTEIN, and COLLINS, and I ask it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DEWINE, Mr. DURBIN, Mr. ENSIGN, Mrs. FEINSTEIN, and Ms. COLLINS, proposes an amendment numbered 115.

Mr. DOMENICI. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCONNELL. I believe we have agreed we will vote at 12:15.

Mr. DODD. If I can make a point, my concern is that I don't know if I have the final version of this amendment. I gather still technical changes are being made as we stand here. I count 20 pages to this amendment. Am I right, roughly 20 pages?

Mr. DOMENICI. It is 12 pages.

Mr. DODD. We are just getting an amendment that raises hard money caps, based on triggers and formulas from 50 States. I am uneasy about this body taking on an amendment such as this without knowing the implications and going directly contrary to the thrust. While the bill focuses on soft money, many believe the issue of the amount of money in campaigns, raising this limit makes it that much easier later on for people to raise the caps on

hard dollars. Nothing in here provides for the challenger who faces the incumbent with how many millions they may have in their own political account.

I am troubled by this body on a matter such as this, when hardly a speedreader would have time to read this amendment, understand it, digest it, and adopt it all in the next 10 minutes. It is troubling to me. I understand the need to move along. I oppose this amendment.

Mr. MCCONNELL. I say to my friend from Connecticut, the choice is between 12:15 and 12:50. We debated it 3 hours yesterday and we debated it for 3 hours this morning. We can agree to vote at 12:15 or vote at 12:50.

Mr. LEVIN. When he says ''agree to vote,'' are you assuming there is a vote to—a motion to table either side?

Mr. MCCONNELL. I am not assuming anything.

Mr. LEVIN. Mr. President, let me say the current version of this amendment represents a significant improvement over where it was last night for a number of reasons.

First, last night's version did not keep a cap on contributions once the trigger was triggered. The extra contributions triggered on but did not trigger off. This version intends to trigger off the extra increased contributions when the limit of the declaration of the wealthy person is reached. That is a significant improvement. That is consistent with the purpose of McCain-Feingold—limits, trying to hang on to limits for dear life.

Those limits have been blown by the soft money loophole and this current version—and it is an improvement over the earlier version—at least restores limits because you are not just triggering on the increases from $1,000 to $3,000 or $1,000 to $6,000. You then trigger off the increases when the declared amount by the wealthy self-financed person is made or is reached, either one. That is an improvement.

Second, I think the variation among the States is an improvement.

However, there is still a major problem, and I will address my friend from New Mexico and Ohio on this problem. In the effort to level the playing field in one area, we are making the playing field less level in another area under this language. As the Senators from Connecticut and Nevada, and the Democratic leader, have pointed out, the playing field will be less level for the challenger. For instance, the challenger, who might want to put $1 million into the campaign, is self-financed to that extent. He or she may mortgage a home to get the $1 million so that he or she is able to compete against the incumbent, where the incumbent has $5 million in a campaign account. We make that situation less level, not more level, because the incumbent is able to then raise money at the higher contribution levels.

It seems to me that is a significant flaw which we should attempt to address, and we should attempt to address it in this amendment before we vote on it.

Now, the only way we can offer a second-degree amendment to a pending amendment under our unanimous consent is if the motion to table is made and fails. That is the only way in which a second-degree amendment can be offered. Since this is complicated language which is being presented to the Senate at this hour with very little opportunity for many Members to read it or think through it, I suggest we do one of two things. We either amend the unanimous consent in this case so we can vote after we have had a chance to second degree it, or at least consider the language so we can determine if we want to second degree the amendment. If that is not acceptable to the proponents, it seems to me we should move to table, the motion to table will be defeated, and then it will be open to a second-degree amendment. Since that is the only way in which anybody who wants to offer an amendment in the second degree can offer it, it seems to me that is an appropriate way to proceed.

Let me summarize, I think this amendment is an improvement over what we began with in a number of ways. We have a trigger off as well as a trigger on. That is a plus. And there is variety among the States. That is a plus. However, it creates an unlevel field. As the Senator from Connecticut pointed out, along with the Senator from Nevada, there is an unlevel playing field which is created, a greater lack of a level playing field in the case of the incumbent who has that campaign fund, who is then being challenged by somebody who can self-finance to the extent of $½ million or $1 million. The incumbent who already has the financial advantage and the incumbency advantage is then also given the advantage of having the higher contribution limits.

The effort to level the playing field in a very appropriate way, as the Senator from Ohio is doing, makes the playing field less level against the challenger.

This would be up to the managers of the bill. But I suggest that the Members of the Senate be able to read this amendment, either delay the vote, or make it open to a second-degree amendment. Or, in the alternative, I suggest that we have a motion to table, which then presumably would be defeated, but which would open up the amendment to being read and considered and to a second-degree amendment.

Mr. MCCONNELL. Mr. President, I was talking to the assistant Democratic leader. We agreed that we ought to have this vote at 12:15. It is my understanding, I believe, that he is going to propound a consent agreement for that.

Mr. REID. Mr. President, this has been cleared with Senator DODD and managers of this bill. I ask unanimous consent that we have a vote on or in relation to this amendment at 12:15, and following that vote, our party recesses would take place. We would be in recess and reconvene at 2:15 today. The next amendment being offered would be a Republican amendment.

Mr. MCCONNELL. Mr. President, reserving the right to object, does that mean an up-or-down vote on the Domenici amendment?

Mr. REID. No, it doesn't. We are under a unanimous consent agreement. Whatever happens happens.

Mr. MCCONNELL. Let me raise the issue. If the Democrat amendment is not tabled, then it is open to second degrees. So the next amendment is not necessarily a Republican amendment.

Mr. REID. The unanimous consent request indicates that if a motion to table is not offered, then it is anybody's opportunity.

Mr. MCCONNELL. If a second-degree amendment were a Democrat amendment, from a parliamentary point of view, we would be potentially in an extended discussion, which is what I see my friend from Michigan smiling about.

What we feared when we entered into this consent agreement in the first place was the potential for anybody who wanted to kind of work mischief and to filibuster a second-degree amendment. I ask my friend from Michigan, is it his intent, then, to second degree the Domenici amendment once it is not tabled, thereby preventing Republicans from offering the next amendment?

Mr. LEVIN. No. I am not intending to prevent Republicans from offering the next first-degree amendment at all. I am not sure I want to offer a second-degree amendment. With an amendment this complex, I want there to be an opportunity for Members to read it, consider it, and decide whether or not to offer a second-degree amendment. I may try to offer a second-degree amendment along the lines that we talked about. In no way am I trying to prevent Republicans from offering amendments.

Mr. MCCONNELL. I don't know whether this is acceptable to the Senator from New Mexico. Since we were debating this issue all day yesterday and have been all day today, there are some Senators who, in order to make progress on the bill, might want to go to another amendment. I am wondering about temporarily laying it aside or staying on this with a motion to table.

Mr. DOMENICI. What would be the status of the Domenici amendment? If we would set it aside, it would be an amendment that has not been tabled, and that is subject to amendment pursuant to the unanimous consent agreement. Is that correct?

Mr. DODD. No. Wait a minute. Reserving the right to object, my point is that under the unanimous consent request a pending amendment cannot be a second-degree amendment unless there is a tabling motion. If there is a

tabling motion, and that does not prevail, then that amendment is subject to amendment.

Mr. DOMENICI. I assume we are going to do that right now. Are you going to try to table it? You are going to lose.

Mr. DODD. It can be done in a number of different ways: withhold and lay the amendment aside; then bring up a Republican amendment after the recess lunches and work on this amendment; or vote on this amendment; or have a tabling motion; and, if you do not prevail, then the amendment is subject to future amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Mr. President, let's continue the discussion for a moment.

Mr. DOMENICI. Mr. President, I would like to proceed. I believe it is 12 pages long. We have counted it. We have had hours in that Cloakroom with staff from every Senator who is interested. The amendment we started with was rather lengthy. We just added to it. But we have added what all of these Senators wanted as if they were sitting in there in terms of modifying the Domenici amendment to make it a real Domenici-DeWine amendment which includes the state-by-state formula that he wants as well as proportionality that other Senators sought.

I want a vote up or down when the time comes. I hope it will come quickly. If it doesn't, we will vote at whatever time this time expires. If somebody wants to table it, I would now, here and now, urge that we not table it. It is a very good amendment. If you want to fix it up, you can fix it up a little bit. It still has to go to conference. But essentially a vote to table this is a vote not to do anything about the growing situation of extremely wealthy Americans using their own money while, for the most part, the person running against him is encumbered by statutes in terms of what they can raise that are totally unreasonable versus a candidate who puts in $10 million, $20 million, $30 million, or $40 million. That is the issue.

At this point, I yield the floor and hope we will vote soon.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I say in all due respect to my good friend from New Mexico that you have provisions in here, as I look at this thing, where you have inserts that I can't even find. Insert 301 in someplace, insert from 301—I am looking at an amendment that I can't even follow. With all due respect, this is pretty serious stuff. I need to have a guide to get me through this. You are asking me to vote in a couple of minutes on a 12- or 15-page amendment that is very important. This is a significant amendment.

It seems to me that we ought to take a little time either to get this right or not. But if you are going to rush this thing through without any explanation, I say to colleagues who want to, come over here to see an amendment insert that I can't find.

We ought to vote to table it, or take a little time and then sort this out so at least Members know what they are voting on. But to vote on this right now under these circumstances would be a travesty. It is not the way to proceed.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Nevada?

Mr. MCCAIN. Reserving the right to object, and I will not, Mr. President, let me point out a couple of things.

One is we have spent a long time on this issue. Negotiations included virtually every Senator who was interested in this amendment. There are two parliamentary procedures. If the motion to table fails, yes, a second-degree amendment is in order. But a tabling motion to the second-degree amendment also is in order at any time. There is no timeframe.

It is also available to further amendments in the future which could be designed to affect the Domenici-DeWine amendment as well. If this issue is to be revisited with another amendment, it could be done as well. You don't necessarily have to go to a second-degree amendment.

I point out to my colleagues that we have 2 weeks. We have now been on this amendment for a number of hours, depending on at what they are looking. We ought to be able to get this issue resolved quickly and move on to other amendments.

I can understand the frustration of the Senator from Kentucky because he was under the impression that the next amendment would be his amendment, or one of the supporters of his position on the overall bill.

I hope we can have an up-or-down vote with the full and certain knowledge that another amendment to clarify or to change the underlying amendment would be in order at any time, and by having an up-or-down vote, we can move on with the amending process.

I hope my colleagues can understand the logic of that. There is a limitation of time. I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, the vote will be at 12:15.

The PRESIDING OFFICER. The vote will be at 12:15.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, does the Senator from New Mexico yield 3 minutes?

Mr. President, first, I say that if this amendment is adopted, I want to make it clear, given the concerns raised by the Senator from Connecticut, which I think are legitimate, that we have agreed on working together to work out a technical amendment package that is agreeable to all of us.

We have an agreement as to the concept of the amendment, and we will make sure that if the amendment is added to the bill it reflects our agreement. Without that, I certainly agree with the Senator from Connecticut that there will be problems.

There needs to be changes, and there needs to be some time to evaluate and make the changes.

I thank everyone for all the hard work that was put into this. It is a very complicated issue. Senators have very strong feelings on it. Ever since the Buckley case held that Congress cannot restrict a candidate's spending of his or her own personal wealth, we have struggled and struggled with how to handle the situation where candidates have such disparate, unequal personal fortunes. Understandably, there is a great concern among Members of this body about the possibility of facing a very wealthy challenger. Many of us have had that experience, including myself. To the extent that an incumbent Senator is wealthy, it is very difficult to find a viable challenger.

The amendment offered by Senator DOMENICI yesterday was certainly well intentioned, but it had at least two significant flaws. First, it allowed candidates who faced a wealthy candidate to raise unlimited funds from their contributors under increased limits. It even permitted, in my view, a very serious problem. It even permitted parties to pump unlimited funds into a race based on a situation where somebody would put over $1 million of their own money into a race.

Secondly, it did not recognize the obvious fact that $500,000 of personal spending in Maine is much more significant than $500,000 of personal spending in a State such as California or New York.

I am pleased that we have addressed both of these problems in this compromise. I am not happy with the idea that we are raising individual limits in this way. I believe this sets a dangerous precedent both for the future of this debate and for future debates, but the amendment is much improved, and in the spirit of compromise, I intend to support it.

However, this is not an amendment that I believe is essential to reform. In fact, I would rather see that we address this problem in a different way. But this is a process in which we have to show some flexibility. So while I will vote for it, I fully understand that some very strong supporters of our bill must vote against it. That is fine. I want to assure those who are watching that a vote against this amendment is not, to my mind, an antireform vote.

I also add that with regard to those who have worked so hard on this amendment, especially on the other side of the aisle, if they are successful, I hope those Senators will be part of our reform effort and will join us as this process proceeds with the common goal of passing—I ask for an additional 2 minutes.

Mr. DOMENICI. I ask the Senator, are you in favor of the amendment or against the amendment?

Mr. FEINGOLD. I am in favor of the amendment.

Mr. DOMENICI. Thank you very much.

Mr. FEINGOLD. Let me conclude and say it is essential that those who are a part of adding these items and these new considerations to the bill be part of the solution, which is to pass this legislation without too many amendments that would actually undercut its ability to get through this body and be a good piece of public policy.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

The other side has time.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I will be glad to yield to my colleague from Michigan.

Mr. LEVIN. I want to ask the Senator from Wisconsin a question. Would the Senator be open to a question?

This amendment will create a less level playing field in one area; that is, when the incumbent has the large campaign fund, say, of $5 million, and the challenger then puts in $1 million of his own, this opens it up to the incumbent to have the higher contribution limits, which is a tremendous advantage, on top of the incumbency advantage.

Is the Senator from Wisconsin committed to an amendment which would try to correct that deleveling of the playing field that is created by this amendment?

Mr. FEINGOLD. Mr. President, in answer to the Senator from Michigan, I think that is a problem that should be addressed.

Mr. DODD. I yield back whatever time we have.

The PRESIDING OFFICER. All time is yielded back.

Mr. DODD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The question is on agreeing to amendment No. 115.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—70

Allard	Carnahan	Domenici
Allen	Chafee	Durbin
Baucus	Cleland	Ensign
Bennett	Clinton	Enzi
Bond	Cochran	Feingold
Boxer	Collins	Feinstein
Breaux	Conrad	Frist
Brownback	Corzine	Gramm
Bunning	Craig	Grassley
Burns	Crapo	Gregg
Campbell	DeWine	Harkin
Hatch	Lugar	Shelby
Helms	McCain	Smith (NH)
Hollings	McConnell	Smith (OR)
Hutchinson	Miller	Snowe
Hutchison	Murkowski	Specter
Inhofe	Nelson (FL)	Stevens
Jeffords	Nelson (NE)	Thomas
Kerry	Nickles	Thurmond
Kohl	Roberts	Torricelli
Kyl	Santorum	Voinovich
Landrieu	Sarbanes	Warner
Levin	Schumer	
Lott	Sessions	

NAYS—30

Akaka	Dorgan	Lincoln
Bayh	Edwards	Mikulski
Biden	Fitzgerald	Murray
Bingaman	Graham	Reed
Byrd	Hagel	Reid
Cantwell	Inouye	Rockefeller
Carper	Johnson	Stabenow
Daschle	Kennedy	Thompson
Dayton	Leahy	Wellstone
Dodd	Lieberman	Wyden

The amendment (No. 115) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived——

Mr. MCCONNELL. Mr. President, may I make one brief announcement?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the next amendment will be offered on the Republican side. I had indicated to my colleague, Senator DODD, it will be either in the area of soft money or an amendment concerning lobbyists. We are going to work that out during lunch. It will be laid down at 2:15 p.m. Of course, the amendment will be laid down at the beginning. We will not have the confusion that surrounded the last amendment, and everyone will be fully apprised of what is in it.

Mr. DODD. Mr. President, before adjourning, I ask our colleagues, if they have amendments on this bill, to get them to us, and those who are interested in having amendments offered, let us know so we can start to line up these amendments and make sure all interested parties are aware of what amendments are coming. It would be very helpful.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:42 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

AMENDMENT NO. 117

Mr. BENNETT. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 117.

Mr. BENNETT. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to prohibit separate segregated funds and nonconnected political committees from using soft money to subsidize hard dollar fundraising)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. PROHIBITING SEPARATE SEGREGATED FUNDS FROM USING SOFT MONEY TO RAISE HARD MONEY.

Section 316(b)(2)(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(c)) is amended by inserting before the period at the end the following: '', except that the costs of such establishment, administration, and solicitation may only be paid from funds that are subject to the limitations, prohibitions, and reporting requirements of this Act''.

SEC. 306. PROHIBITING CERTAIN POLITICAL COMMITTEES FROM USING SOFT MONEY TO RAISE HARD MONEY.

Section 323 of the Federal Election Campaign Act of 1971, as added by section 101, is amended by adding at the end the following:

''(f) OTHER POLITICAL COMMITTEES.—A political committee described in section 301(4)(A) to which this section does not otherwise apply (including an entity that is directly or indirectly established, financed, maintained, or controlled by such a political committee) shall not solicit, receive, direct, transfer, or spend funds that are not subject to the limitations, prohibitions, and reporting requirements of this Act.''.

Mr. BENNETT. Mr. President, this is a very simple amendment. It is very short. I hope it is very much to the point. I refer to it as a consistency amendment; that is, it brings a degree of consistency to McCain-Feingold that has not been there before.

I must confess I didn't read McCain-Feingold all that carefully in previous debates since I was opposed to it and I was convinced it was going to fail. I opposed it on constitutional grounds. I still feel that way about McCain-Feingold, but there is now a prospect that it might pass. That being the case, I think it appropriate we address some aspects that we perhaps did not look at before.

The fundamental proposition within McCain-Feingold, as I understand it, is that soft money is evil, soft money must be banned, soft money leads to the appearance of corruption, and therefore McCain-Feingold is drafted to eliminate soft money.

As we went through McCain-Feingold carefully, we discovered it does not eliminate all soft money. So my amendment, to be consistent, does eliminate all soft money. Let me be specific as to that which is not eliminated under McCain-Feingold and would be eliminated under my amendment; that is, the use of soft money to pay the administrative expenses of PACs, or political action committees.

I have something of a history with PACs by virtue of the fact at one point

in my career I worked for the late and legendary Howard Hughes. Mr. Hughes, or Mr. Hughes' executives, rather, constitute the fathers of PACs because in California, where Mr. Hughes had his operations, they initiated what was at the time a whole new idea in politics. Mr. Hughes' executives were tired of California politicians coming to them and saying: We want political contributions. So they said: Let's do something different. Come to our plant and address our employees, and when you have finished addressing our employees, we will pass out envelopes and pledge cards to our employees and they can pledge money to you or to your opponent, depending on how they received your presentation when they were there.

To my knowledge—and I can be corrected on this—this was the beginning of a political action committee. I can remember when I was employed by the Hughes organization, every politician in California wanted to take advantage of this opportunity. They all wanted to come by the Hughes companies, address the Hughes employees, make their points, and then walk away when it was over with a single check that represented the aggregate of the commitments the employees had made to that particular candidate.

It was considered at the time to be individual participation in politics at its finest, and it became, I believe, the pattern for the political action committee that we now have.

But it is very different from what we now have in that now instead of simply inviting the candidates in and letting them speak to the employees and then inviting employees to make contributions in whatever fashion and whatever amount the employees may want to do it, in today's political action committee, the organization—be it a union or a corporation—goes out and actively raises the funds itself. It doesn't involve the candidate in any way except when it gets to the point of disbursing the funds.

It has become a major business activity—I say ''business activity''—a major campaign activity on the part of corporations and unions.

The administrative costs of running this activity are traditionally borne by the corporation and union. In other words, this is a soft money contribution on behalf of the corporation or the union which is not disclosed in any way.

Let me share with you some numbers that come from the summary page of reports filed with the Federal Election Commission.

The International Brotherhood of Electrical Workers Committee on Political Education reported that they raised in the calendar year $2,653,257.29. That is a high enough figure to get everybody's attention. What were their operating expenditures? Zero.

Mr. President, you and I and every other person who is in this body knows that you don't raise $2.6 million without having any overhead. Indeed, the rule of thumb is that you spend a minimum of 25 percent of your receipts in raising the money, and sometimes it can go as high as 45 percent.

If we simply take that kind of rule of thumb and say a third of $2.650 million is $700,000, or $800,000, that means this report is prima facie evidence of an $800,000 soft money contribution to this PAC by the overhead of the union. It is not just unions. There are businesses that do it. I will give you some summary data with respect thereto.

For example, Bank One had receipts of $2,378,211 on their FEC report, and they showed operating expenses of $259.46. Again, we know that couldn't possibly be true if you take the rule of thumb and apply it. It is somewhere, once again, between $700,000 and $800,000 that it would cost to raise that amount of money. This is an effective soft money contribution of between $700,000 and $800,000.

Let me be clear. Based on my past history and my voting prospects, I do not object to Bank One doing that. I do not object to the soft money that they contributed.

But McCain-Feingold, as a bill, does. If it passes, I believe it should be consistent because this soft money contribution, unlike the others that we have heard so much about on the floor, is not disclosed. This soft money contribution must be devised by the kind of mathematical analysis I have just applied to it. I could be completely wrong. I do not know that it is $700,000 to $800,000 that Bank One put into rates raising that much money because it is not disclosed in any way. This is not to imply any wrongdoing on Bank One's part because the present law does not require it. They are abiding by the present law in a perfectly legitimate and proper way.

The same thing can be said of the International Brotherhood of Electrical Workers Committee on Political Education. The present law does not require them to disclose the amount of soft money they put into raising the $2.6 million that they report on their FEC report.

But if we are going to be consistent, if we are going to say that soft money is bad, this amendment that I am offering will close a significant soft money loophole. It will close the loophole where soft money is currently being spent by both corporations and unions and is not being disclosed in any way.

I don't know how controversial this might be. But I offer it because I think it shines an appropriate spotlight on an aspect of the McCain-Feingold bill that has not been discussed in the past.

I have no desire to take the full hour and a half. I see that there doesn't seem to be a great deal of interest one way or the other on this. But I will be happy to yield for questions or comments by any Member of the Senate who wishes to discuss this amendment.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. BENNETT. Certainly.

Mr. MCCONNELL. Is the understanding of the Senator from Kentucky correct that the principle involved in the amendment of the Senator from Utah is that if all Federal political parties, and State and local political parties in even numbered years have to operate in 100-percent hard dollars, then those organizing political action committees which are the possessors of 100 percent of the hard dollars must raise their money through 100 percent hard dollars as well? In other words, the administrative costs of the parties that engage in 100-percent hard dollars would also be applied to corporations and unions. Is that the principle established?

Mr. BENNETT. The Senator from Kentucky is correct. All of us are familiar with the requirement to cover our administrative costs for fundraising out of the proceeds of that fundraising effort. The Senator is correct that this amendment would simply put PACs on the same course as individual candidates. A PAC could not raise money with the advantage of soft dollars any more than a candidate would.

The Senator from Kentucky is further correct in that it has an impact on what happens at the State party level because I understand now that a State party can use soft dollars to do certain kinds of things unconnected with advertising or direct contributions to candidates. They would say: No, you can't do that if there is a fundraising effort. The fundraising expenses must be paid out of the fundraising receipts and cannot be solicited in soft dollars.

Mr. MCCONNELL. Is the principle of the Senator from Utah that even though he, like the Senator from Kentucky, does not oppose non-Federal money, if such a standard of Federal money only is established for the national political parties, and State and local parties in even numbered years, then that same principle should apply to everyone participating?

Mr. BENNETT. The Senator from Kentucky is correct. That is exactly the position I have taken.

In the interest of full disclosure of motive, I know there is some conversation on this floor about raising the limits for hard dollar solicitations. I am solidly and strongly in favor of raising the limits on hard dollar solicitations. I recognize if this loophole for soft dollars—as I have pointed out—is, in fact, closed it will increase the pressure when we get to the appropriate amendment to raise the hard dollar limit because it will shut off one significant source of soft dollar contributions that is currently in the bill.

I don't want to fly under any false pretense. I am hoping that by the passage of my amendment we will not only achieve the intellectual consistency I have been discussing with the Senator from Kentucky, but, quite frankly, it would create some political pressure to raise the hard dollar limits

because I think raising the hard dollar limits is a salutatory thing to do.

So let there be no mistake that that agenda is in my mind as I offer this amendment. But nonetheless, I think the amendment has an intellectual sustaining consistency to it because it takes the position that if, as McCain-Feingold says, soft money is inherently corrupting, or gives the appearance of corruption, this is a form of soft money that is even more the appearance of corruption because under McCain-Feingold it is, A, allowed and, B, not disclosed.

Mr. MCCONNELL. Then as a practical matter, just sort of putting it another way, the treasury funds of unions and corporations cannot be used to underwrite fundraising or administrative costs in political action committees?

Mr. BENNETT. The Senator from Kentucky is exactly correct.

If this amendment passes, treasury funds in the union, treasury funds in the corporation, cannot be used to pay the expenses of political fundraising in a political action committee that is organized by either the union or the corporation.

Mr. MCCONNELL. I thank the Senator from Utah for the answer.

Mr. BENNETT. As I said, the amendment is very short. It is very straightforward. It does not require the kind of complex analysis that went into the amendment of the Senator from New Mexico, which required an entire evening to review and rewrite. I think it is very straightforward. I am not anxious to prolong the debate, but I will, of course, be here to respond to any comments anyone might have one way or the other.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, at the appropriate time I am going to make some comments about the pending amendment. But as has been the custom over the years, our distinguished former leader, the distinguished senior Senator from West Virginia, makes it a point, at the change of the seasons in our country, to remind us of the importance of transition, hope, and promise.

In the midst of this debate, I would like to yield whatever time the Senator from West Virginia may need for some remarks that do not pertain directly to this amendment but do pertain to the spirit in which this body ought to consider legislation in any season.

So with that, Mr. President, I yield whatever time the senior Senator from West Virginia may need.

Mr. BYRD. Mr. President, I thank my friend.

The PRESIDING OFFICER. The Senator from West Virginia.

MILLENNIAL SPRING

Mr. BYRD. In the midst of this very important discussion on a very serious subject, if we could take just a few minutes to call attention to the coming of spring.

It used to be that Senators would take note of these things years ago when I first came here. They would talk about Flag Day, Independence Day, Easter, the Fourth of July—I already mentioned that—and the coming of spring, the coming of summer, the coming of fall, the coming of winter, and so on. Those things do not seem to be of great interest around here anymore. But as one who has been here a long time, I still like to hold on to the old ways.

Percy Bysshe Shelley said:

Oh, Wind, if Winter comes, can Spring be far behind?

Well, spring is here. I was asked by my friend from Nevada, Senator REID, if I might think of a poem that could be appropriate for this occasion. I have thought a little bit about it, and the words of William Wordsworth come to mind. I hope I can remember them. He said:

I wander'd lonely as a cloud
That floats on high o'er vales and hills,
When all at once I saw a crowd,
A host of golden daffodils;
Beside the lake, beneath the trees,
Fluttering and dancing in the breeze.

Continuous as the stars that shine
And twinkle on the Milky Way,
They stretch'd in never-ending line
Along the margin of a bay:
Ten thousand saw I, at a glance,
Tossing their heads in sprightly dance.

The waves beside them danced; but they
Out-did the sparkling waves in glee:
A poet could not but be gay,
In such a jocund company:
I gazed—and gazed—but little thought
What wealth the show to me had brought:

For oft, when on my couch I lie
In vacant or in pensive mood,
They flash upon that inward eye
Which is the bliss of solitude;
And then my heart with pleasure fills,
And dances with the daffodils.

Mr. President, today is the first spring day of the third millennium. We have survived the great change of the calendar, and the world did not end. We endured the buffeting of a winter of uncertainty, with skyrocketing fuel bills—and we are still very much engaged in that matter—threats of nor'easters—I wonder why these television people always say ''nor'easters.'' They just are trying to join in the spirit of things, I suppose. But I still call them northeasters—threats of nor'easters and even earthquakes now behind us.

The NASDAQ, the New York Stock Exchange, the Dow, the S&P 500—all have been on a roller coaster ride of short heights followed by heart-stopping plunges. The uncertainties of last year's Presidential election have become a comedic staple of dimpled, pregnant, and hanging chads, the punch lines obscuring the gravity of ensuring the stable transition of government power. But today, it is spring—it may not be the first spring day, but it is the first day of spring—and it is a good time to pause, and take a deep breath—ah—and savor the moment.

The change of seasons is a reassuring constant in our lives. The slow swing of the celestial clock chimes in close harmony with our deepest nature. It is as deep and calm as our own mother's, keeping time with the lullabies she used to lull us to sleep with, as infants. Today, the peals ring in the spring.

Across the country, warm days call us forth, out of our stale houses, away from our rumpled, dormant winter hibernations in front of yammering, yakking television sets. As we rake the drifts of dead leaves from the sheltered corners where they have gathered, we stir up the sweet perfume—ah, the sweet perfume—of the awakening earth. Under the cold brown coverlet of dirt, spring's life-force is beginning to stir. The dainty crocus sparkle amid the straw colored remains of last year's lush lawn.

I was commenting to my wife Erma about those crocuses outside, just beside the front porch of our house. Gaudy daffodils, about which Wordsworth wrote, reward the early bumblebee. Young squirrels are chasing—and they like peanuts. I have several squirrels at my humble cottage in McLean, and each night I take a handful of peanuts and put them under a table there just outside the door that goes out into my backyard. Those squirrels, by the time I rise in the morning, by the time I have a chance to take my little dog Billy Byrd out for a walk, sneak away, taking those peanuts from underneath the table. Then I will, a little later, open the door, and there are two, three, four, five, or six squirrels, and I toss them out a handful of peanuts.

Those young squirrels are chasing each other up and down and around tree trunks in a three-ring circus display of acrobatics. Talk about acrobatics, they can put on a show. Already, the first robins have returned, and birds are warbling their finest arias in between the labors of nest building. The turquoise skies of autumn faded to the pale aquamarine of winter, but now glow as vibrantly as a star sapphire.

Again rejoicing Nature sees
Her robe assume its vernal hues,
Her leafy locks wave in the breeze,
All freshly steep'd in morning dews.

So wrote the poet Robert Burns. With all these signals, I do not need a calendar to tell me that the vernal equinox heralding the official arrival of spring is at hand.

In the rejuvenating warmth of the spring sun, the dot.com die-off no longer looms as threateningly as the extinction of the dinosaurs. It is possible to view the stock market correction—I say to my dear friend from Connecticut, Senator DODD—with equilibrium, if not with enthusiasm. We have made it through another winter, a winter of our discontent, to paraphrase Shakespeare. The great Bard also said—and truly—''Daffodils, that come before the swallow dares, and take the winds of March with beauty.'' With the daffodils, hope also blossoms.

Mr. President, I hope for a spring of millennial proportions—a spring of renewed vigor and energy in this nation to tackle the challenges ahead. I hope for new growth in our economy. Over the past weeks, the Senate has been debating the budget and tax cuts. It has been a difficult task, made more so by the lack of detail provided by the administration. The size of the tax cut promise has been clear, but the spending plans to accompany it have been vague. The administration is asking us to trade our cow for a handful of magic beans but, unlike Jack in the fable, I am not so sure that this fairy tale will end well. It may be that the giant comes crashing down on us in the form of large future deficits. After all, these projected surpluses are based upon projections of economic growth that have not, and may not, materialize.

Every good gardener knows, especially in springtime, that garden plans made in the glow of a winter's fireside do not always pan out when faced with the vagaries of late frosts, early droughts, or insect infestations. Indeed, one fierce storm can lay low all of one's efforts in a single blow. A wise gardener dreams big but takes care of the basics first. He builds rich soil, clears it, weeds it well, plants strong seedlings, and tends to them carefully. Patience and a long viewpoint are the watchwords. On the national economic level, that means paying down the debt and maintaining the economic infrastructure that is the soil for our current and future economic growth. Just as a garden needs hoses to carry water and flats in which to tend seedlings, so the nation needs transportation networks to carry commerce and schools in which to nurture and teach our children. Then as prosperity blossoms can some blooms be harvested in the form of targeted tax cuts, leaving most of the plant intact to set seeds and prepare for the coming winter. But one certainly does not pull up the entire plant at the first sign of fruit! That is short-sighted and imprudent. It leaves nothing to carry the family through the winter that will surely come.

But now, Mr. President, it is springtime and everything feels possible. Let us rejoice—my dear friend, Senator MCCAIN, and Senator DODD, an equally dear and trusted friend—let us rejoice in the new growth and in the growing strength of the brightening sun. Let us take up with patience the gardener's hoe and weed the row before us. Our diligence and care now will bring us rewards later. Let us savor the moment and rejoice in the first day of spring. Who knows whether we shall see another, so let us rejoice in this one. I close with the words of the poet Robert Browning that have always captured for me the spirit of this time of year:

The year's at the Spring,
And the day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his Heaven—
All's right with the world!

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank our distinguished colleague from West Virginia. In the midst of a debate on campaign finance reform, this was a needed respite from the minutia of fundraising, attempts to modify the present system. His words of eloquence are always welcome in this body but never more so than in the midst of the debate today.

I appreciate his quoting of Robert Burns and Browning and Wordsworth, but listening to him describe the arrival of spring and the departure of winter is poetic in itself. I can see one day people quoting ROBERT C. BYRD, the poet, when they welcome the spring at some future year.

Mr. BYRD. Mr. President, I thank my distinguished friend for his overly gracious comments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator BYRD for his annual admonition to all of us to conduct ourselves in a way that reflects the dignity and comity of this institution and reminds us of the transience of all this and the importance of friendships and relationships that are established in this very unique organization.

There is a time for us to pause and reflect. There is no one in this body who gives us a more enlightening opportunity than the distinguished Senator from West Virginia.

So I thank Senator BYRD. And I also admire the vest he is wearing today as well. I thank the Senator and I will speak on the pending amendment.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Continued

Mr. MCCAIN. Mr. President, it is kind of obvious what the strategy is that is going to be employed here, and that is to sort of love this legislation to death. In other words, let's not leave any stone unturned; let's make sure this is a perfect bill, and anything less than that is not acceptable. So let's have a series of amendments, which I certainly admit are very clever, including this one.

I want to point out that this bill says, basically, ''except that the cost of such establishment, administration, and solicitation may only be paid from funds that are subject to the limitations.'' In other words, only hard dollars can pay for a political action committee's establishment, administration, and solicitation.

Well, Mr. President, we try to help PACs. We try to help political action committees because they provide us, generally speaking, with small donations that are an expression of small individuals' involvement, as opposed to the so-called soft money, which we are trying to attack. So we have tried to, in the past, make it as easy as possible for political action committees to function, rather than make it difficult.

Also, the Senator from Utah interprets this as some way to put pressure on to increase hard money limits. Hard money limits will be debated, and I am confident, to some degree, that hard money limits will be raised. But here is the situation: We have a company, a corporation, in Salt Lake City, UT, and it has a PAC. Where is the office of that PAC? Generally speaking, they don't go out and rent a building or a home or something. They set up a PAC in one of the offices in their building. Usually, the person who administers that PAC—it is not their sole job. It is something that they many times do on a voluntary basis and many times with small compensation for their time, and they are located usually in the building. That is generally the way PACs are administered. So how do you get money for your PAC? You probably put it in the company newsletter, where you say, ''All employees who want to contribute to Acme PAC, please do so,'' and then that money comes in and the individual puts it in their account, et cetera.

How do you assess the cost of that? Who pays for that? The CEO, probably on an annual basis, calls the senior managers together and says: I want all you guys and women to contribute to our political action committee. It is that time of year. We are in an election year and we want to support good old BOB BENNETT. He has always been a friend of business.

What is that worth? How do you assess the cost of that good friend of Senator BENNETT's soliciting money for his political action committee so he can support him? Does a notice of contributions in an internal newsletter have a value? What is the value in a newsletter?

What about the electricity costs of the office that houses the PAC of the employee who does it on a part-time basis? Well, what we need, obviously, is a new arm of the IRS, or the FEC, or maybe a new organization that we could call the ''PAC police,'' who say, aha, you spent 2 hours today, and that, at your hourly salary, is so much money, and that has to come from hard money donations. Clearly, my friends, this is not an amendment that would have an effect that we could ever enforce, that we could ever make a reasonable kind of a thing. Obviously, it would have some debilitating effects on PACs.

The authors of this amendment could not really understand too well how political action committees—particularly the small ones—operate, and think somehow that we could assess the costs and then take that out of hard money and put it into some kind of payment or payback.

So I have to oppose this amendment. I think it is not workable. I don't think it is logical or reasonable to do so. The Senator from Utah mentioned the fact that this is soft money and that we are

banning all soft money. Well, as the Senator from Utah knows because he mentioned that he read the bill, we don't ban soft money in a lot of areas such as for State parties, or we don't ban soft money in some other areas. But we certainly are banning soft money for the use in Federal campaigns.

So I have to oppose the amendment. I hope that my colleagues will understand that this amendment is not an acceptable one.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I yield 15 minutes to my good friend and colleague from the State of New York, Mr. SCHUMER.

Mr. SCHUMER. Mr. President, I thank the Senator from Connecticut for yielding. I thank all of my colleagues—the Senator from Kentucky and the Senator from Connecticut for leading this debate, as well as, of course, my colleagues from Arizona and Wisconsin for their leadership on this issue, which is something I believe in, as they do.

As we go through this debate on campaign finance reform, I guess there are two ways to look at it. They are the larger picture and the smaller picture—the forest or the trees. When you look at the trees, it is awfully difficult to come up with a perfect bill. I think every one of us has found numerous objections to any proposal that is made. None of them works perfectly. None of them is without flaws. Much of what we will talk about today and over the next two weeks will be in discussion of those trees: It will be better to do something this way or there is an inequity when ''A'' is put slightly disadvantaged to ''B.'' I can figure out a scheme that will work for my State better than the present one. Over and over again, we can hear arguments just like that. And because of the fragility of campaign finance reform, because it has taken so long for it to come here, because it is not easy for people to reform themselves, which is basically what we are doing, any one of those arguments, those trees, could end up ruining the whole forest.

The other way to look at this is as a forest, Mr. President. Our system is simply a mess. I say this to my colleagues on my side of the aisle particularly but to everybody here as well: We believe in Government. We don't believe Government is an enemy. We believe Government is something to do good, to improve the lives of people. We believe it is basically a necessity. And this system of finance so erodes confidence in this Government that we have all dedicated our lives to seeing that something has to change.

The forest is the right argument here—looking from 10,000 feet at the landscape is far more important than looking from 100 feet above the landscape on this issue. It may not be true of all issues, but it is true of this one. So if I had a plea to make to my colleagues, who I know are torn on this bill, who I know are ambivalent about whether this provision or that provision not only affects them—those who write and say, well, they are just interested in their own survival, hegemony, that is really not fair because we all live with this system. We all have ideas about it, like a carpenter would have better ideas about how to carve a chair, or a doctor might come and tell us how to design a better medical system. I say to my colleagues who do care about this Government, and we have devoted our lives to it, that if there were a watchword for this debate, it would be a simple one: Do not let the perfect be the enemy of the good because if there was ever a place where the perfect or the desire to attain perfection could kill the good that would come about, it is in campaign finance reform. That is what we have seen over and over.

I know there are some, such as my colleague, my friend from Kentucky, who are just opposed to this bill in broad concept. He believes it violates the first amendment, and he has put his money where his mouth is and his courage in supporting the amendment against burning of the flag. So I do not begrudge his point of view; I disagree with it. We are not going to win him over.

The worry I have is with many of my colleagues who are unsure, who look at one imperfection or another in this bill and let it be, let those imperfections prevent us from moving forward at all, as move forward we must.

When the Founding Fathers put together our Government and when you read the Federalist Papers and some of the commentaries, the thing they probably worried more about than anything else, even more than the overarching power of a central government, was the apathy of the citizens, the lack of involvement by the citizens. They wondered if people would put themselves forward for public office, and they wondered if people would participate in a government where they had control.

For quite a while, in the flush of democracy and with so many of the early issues, those worries subsided, but since World War II, they have come back at us larger than ever in the history of our country.

The percentage of people who vote, the percentage of people who regard the Government with only cynicism, the percentage of people who believe they do not have any power, even the brief antidote of the Florida election has not stemmed that tide.

One of the main reasons people have that apathy, that cynicism which is so corrosive to democracy, is the way we finance our campaigns. They know they cannot write out large checks, and they believe, rightly or wrongly, that those who can have far more weight than they do. I think most of us in this body have to say certainly that appearance is there, even for those who do not agree that the reality is there.

We are here really not just to fix a system, not just to tinker and say we can make it a little better here, a little better there, not just to smooth off the surface; we are here in an attempt to revitalize our sacred democracy.

I say to my colleagues, that is what is at stake, no less. If we pass up the opportunity to pass a bill, if each of us has to have his or her own way and say, I want it my way or no way, we are not just changing the balance of power between the parties or how this candidate or that candidate might run in a new election. We are passing up an opportunity to stem the tide of negativity toward our Government which at least, it seems to me, is probably the greatest problem this Government faces as we move into the 21st century.

I urge my colleagues to summon forth and see the big picture. I urge my colleagues to not get mired in every single detail because there is no perfect system. There is certainly no perfect system with Buckley v. Valeo as the supreme law of the land, and there is probably no perfect system without Buckley v. Valeo as well. We are not going to achieve perfection, and none of us is going to be 100 percent or even 90 percent happy with the bill, but the alternative, which is we do nothing—this is our last chance, that is for sure—the alternative of doing nothing and allowing the mistrust to continue, the alternative of throwing up our hands, which is what the public will think, in deadlock and not reforming is too great a danger and too foreboding to the Republic to entertain.

I urge my colleagues, again, to keep their eye on the ball, keep their eye on the big picture, keep their eye on the problem we face and make sure we pass McCain-Feingold because it is so important to rejuvenating the democracy we have.

There is one final point I will make on an issue I will be speaking a lot about the following week, which is the Hagel amendment and soft money.

I have seen, during the brief time I have run for higher office, how dramatically this has changed, not only the amount of soft money but the restrictions on soft money. It is such that in the 2000 elections, one could do virtually the same thing with soft money as one could with hard money. Yes, there may be a little sentence put in the commercial that says, ''Call up so and so,'' or even some words that are put at the bottom of the ad that can hardly be seen, but the bottom line is that the ability to spend soft money on virtually everything has made a mockery of the original law we passed in the seventies.

The Hagel amendment, which will allow lots of soft money to continue to cascade into our system, is, in my judgment, a killer amendment. It is a killer amendment not simply because of what it means for McCain-Feingold in terms of how many votes it has, but it is a killer amendment in the sense that the whole idea behind McCain-

Feingold—which is to limit the influence of large contributions—would be thrown out the window.

When it comes to the Hagel amendment—and he is a good friend of mine and I respect completely his sincerity in offering this amendment—but when it comes to the Hagel amendment, we would end up being a little bit pregnant and that just does not work.

I thank my colleagues for their efforts. I say to my friend from Wisconsin, he has done a marvelous job on our side. I say to, again, my friend from Connecticut that he, too, has led the early hours of this debate extremely well and extremely fairly, and that also goes for the Senator from Kentucky.

I hope in this body we can debate the issue as seriously as we can, and then my sincere hope is that at the end of the day, we emerge with the same basic bill that the Senator from Arizona and the Senator from Wisconsin introduced.

I yield back whatever time remains to me.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from New York. His comments are among the most important comments that have been made so far in this debate and, frankly, on any other debate we have had on campaign finance reform in the last 6 years. That is because he has identified the real issue.

When the Senator from New York was in the other body, he was part of the solution there. He was part of the effort to get through a similar bill in the House where people did see the forest for the trees, exactly the point the Senator from New York is making.

There are so many amendments that are attractive to us, including many provisions that Senator MCCAIN and I have offered in the past, having to do with free television time, having to do with other improvements in the system that many of us would like to see. We have to keep our eye on the ball, as the Senator from New York has suggested. I don't know if he is a Mets or Yankees fan.

Mr. SCHUMER. Yankees.

Mr. FEINGOLD. Yankees.

Keeping the eye on the ball is the final goal and the central issue. I am grateful after all these years of the frustrating process of coming to the floor and having a few speeches and a cloture vote and having to shut it down, we can have a Senator from New York talk about something real, about a process that can have an end and actually work. It will require the kind of unity and discipline of reformers on both sides of the aisle that has been demonstrated in the other body on a number of occasions.

My hat is off to the Senator from New York, but also the reformers in the other body, particularly Representatives SHAYS and MEEHAN, who have shown the way. Now it is up to the Senate to do what the Senator from New York suggested. There will be attractive amendments on aspects of public financing which I would like to see that could upset the balance we have. There will be poison pill amendments to try to embarrass one particular series of interests such as unions, to try to kill the bill, and then there will be so-called alternatives, as the Senator from New York has suggested—in particular, the Hagel alternative offered by a colleague we all respect—which is, in fact, worse for the current system because it will put the stamp of approval on the soft money system once and for all.

I think the Senator from New York is right. I don't think we will ever be able to change it if we adopt that kind of amendment. I am grateful to him for his work in the House, especially grateful to him for his work with a small group of Members who have been working on this for over a year, and particularly grateful for his leadership that has started today and will continue through this process of pointing out that the Hagel alternative is, frankly, worse than no bill at all. My thanks, again, to the Senator from New York for his leadership and his commitment to this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I enjoyed listening to the Senator from New York and will respond in a moment. We are on my amendment so I would like to talk about the details of my amendment. Before I do, the Senator from Arizona gave an example of volunteer activity, all of which is currently exempted under Federal law and which would continue to be exempted under Federal law.

My amendment goes to organizations such as those we have all seen in the field where there are a number of paid employees devoted full time to PAC activities, occupying dedicated facilities that can be easily identified, running up travel expenses that are clearly billed to that activity. There would be no difficulty on the part of the cost accountant, be it in a union or a corporation, to identify that kind of PAC activity. There is no question that the sort of informal activity of people talking in the workforce, saying they want to support Senator BENNETT or Senator MCCAIN, does go on, is voluntary, is completely exempted from all law now, and would continue to be exempted. My amendment would not apply to that.

I also point out McCain-Feingold has some of the same aspects of how to anticipate time because, as currently drafted, in Federal election years, McCain-Feingold requires State, district, and local parties to use 100-percent federally regulated hard dollars for the entire salary of any State, district, or local party committee employees who spend 25 percent or more of his or her time in a single month in any of the above-mentioned Federal election activities. If it will be difficult, as the Senator from Arizona described, to figure out what constitutes volunteer activity on behalf of a PAC and what constitutes activity that should be reimbursed out of the hard dollar profits of the PAC, it will be equally difficult, if not more so, for some Federal official to determine what constitutes 25 percent or more of an individual's time in a single month on a particular Federal activity. There will be hairsplitting in that regard that will go further than the hairsplitting to which the Senator from Arizona objected as he made his comments about my amendment.

Let me respond in a different way to the comments of the Senator from New York when he said we should look at the forest. I agree with him absolutely. We should look at the forest. I have tried to do that in all of my activity with respect to campaign finance reform since I first came here in 1993.

The forest I look at, that must be preserved and protected—indeed, that which I have taken an oath to preserve and protect—is the Constitution of the United States. I do not want to be part of a Congress that dilutes the freedoms that are outlined in the Constitution of the United States and, specifically, the first amendment thereto.

We are in the 250th anniversary of the birth of James Madison, little Jimmy, as he was called by his contemporaries, because he was short. That seemed to be the kind of nickname that stuck with him. I make this interesting point about Madison before I go on. This comes from an article on money and politics that was printed in the Wilson Quarterly in the summer of 1797. Reference has been made to the Founding Fathers. The Founding Fathers were geniuses, the Founding Fathers gave us an incredible legacy, but the Founding Fathers were also very practical politicians or they wouldn't have been in the positions where they were.

Quoting from the Wilson Quarterly:

> George Washington spent about 25 pounds apiece on two elections for the House of Burgesses, 39 pounds on another, and nearly 50 pounds on a fourth, which was many times the going price for a house or a plot of land.

Going back to the debate we had with the amendment of the Senator from New Mexico, George Washington was a wealthy man, trying to buy his election, if we use today's rhetoric.

Washington's electioneering expenses included the usual rum punch, cookies and ginger cakes, money for the poll watcher who record the votes, and even one election eve ball, complete with fiddler.

Now it talks about James Madison and money:

> James Madison considered the ''corrupting influence of spiritous liquors and other treats'' ''inconsistent with the purity of moral and Republican principles.'' But Virginians, the future president discovered, did not want ''a more chaste mode of conducting elections.'' Putting him down as prideful and cheap, the voters rejected his candidacy for the Virginia House of Delegates in 1777.

Leaders were supposed to be generous gentlemen.

Madison's attempt at purity, though futile, signified the changing ideological climate. Madison obviously learned elections cost money, even in the days of the Founding Fathers.

The one thing that Madison guaranteed would happen in every election was that there would be complete freedom of expression at every place and at every point.

Since this is the 250th anniversary of Madison's birth, may I, with the suspension of belief, resurrect James Madison and place him in the gallery, if you will, in the press gallery, because James Madison has a history of being an author and a journalist, being the author of much of the Federalist Papers. Let us have Madison up there, listening to this debate. Now, he would turn to one of his friends in the press gallery to have him explain terms that would be unfamiliar to him. He would say: What is hard money? What is soft money? What is the difference?

What is it used for? He would have explained too much hard money is this and soft money is that. He might have a little trouble understanding the difference because he would say: Wait a minute. In the first amendment that I authored you were free to speak in whatever way you wanted. You could be like Washington and buy rum punch and ginger cakes, if that is what it took to get the voters to listen to you; or you could run an ad. You could print a pamphlet. That is what Hamilton and Jay and I did. We went out and raised money and printed our own pamphlets and circulated them. Maybe you have seen them.

Madison's friend up there in the press gallery might say: Yes, I have seen them.

We call them the Federalist Papers today. But we must remember that when they were written, they cost money. Madison could not have spoken if he had not raised and spent some money. Money was speech all the way back in James Madison's time.

As James Madison sits there in the gallery, and he hears the details of McCain-Feingold, James Madison says: Wait a minute. You are telling me that there will be limits on how Americans can participate in the political process?

Yes. There will be limits.

James Madison asks: Who is in charge of this outrageous idea?

You see the handsome young fellow from Madison, named after you, from Wisconsin, his name is RUSS FEINGOLD. He has been pushing for this.

James Madison says: I must do something about this. I must express my opinion with respect to Senator FEINGOLD.

He snaps a finger and gets his partner, Alexander Hamilton, to join him.

He says: Alexander, look what is happening. There is that fellow down there from Wisconsin. He comes from a town named after me. He is trying to limit Americans' ability to speak in politics. What do we do about it?

Alexander Hamilton says: You do whatever you always do when you want to make a statement. You write a letter to the New York Times.

James Madison says: Great, Alexander, let's do that.

Alexander Hamilton and James Madison sit down and write a letter to the New York Times protesting the activities of Senator FEINGOLD.

The editor of the New York Times says: We are not going to run it.

Madison says: Well, Alexander, you certainly lost your cachet. There was a time when anything you said in New York automatically was run in any newspaper. What do we do?

Alexander Hamilton says: Well, we are going to have to buy an ad in the New York Times. That way they cannot censor our speech. Money is required. How much money do you have, little Jimmy?

Madison puts his hands in his pocket, and he pulls out whatever money he brought with him from the 18th century. And he says: Ready cash, I have $7.23. How about you, Alexander?

Alexander Hamilton says: Don't get into the issue of money. I don't want to talk about the blackmail payments I have been making. It is a very sore political point. I can't help you. But maybe the amount of money you have will do the job.

So they call the New York Times and say: How much is the full page ad in the New York Times?

The New York Times says $104,000.

I have $7.23. I can't speak unless I raise some money. Who do we know that knows how to raise money?

Snap of the finger and Benjamin Franklin appears.

Benjamin, you were one of America's good businessmen. He said: Yes. And I put mine in a CD that has been accumulating interest ever since I died in the 1700s, and I have enough for an ad in the New York Times. But let me be practical with you. Not only am I a practical businessman, but I recognize that most of the people in Madison, WI, don't read the New York Times. That is going to come as a great shock to you, Alexander Hamilton. You think the whole world reads the newspapers in New York. The fact is, if we are going to have an influence by running our ad, we are going to do it in Madison, WI.

They contact the Madison, WI, paper, and find out that the cost of a full-page ad is 10 percent of the cost of the New York Times; $14,000 on a Sunday gets you a full-page ad in the newspaper in Madison, WI.

Let's do it.

But while they are debating, while they are doing this— again we are compressing time—McCain-Feingold passes and is the law of the land, and it is within 60 days of the election of the Senator from Wisconsin.

Alexander Hamilton, James Madison, and Benjamin Franklin walk into the newspaper and say: We want to buy an ad urging people to vote against Senator FEINGOLD.

The editor of the newspaper says: In the name of campaign finance reform, we will not permit you to buy that ad. We will not permit you to express your opinion about Senator FEINGOLD or any other candidate. We will forbid you from speaking.

As they turn to walk from the editor's office, with Madison and Hamilton disconsolate about the fact they cannot speak their mind, Benjamin Franklin says: I can fix it.

How can you fix it, Benjamin? He says: I told you I put my money in a CD, and it has been accumulating interest ever since the 1700s. I have enough to buy the newspaper. I don't have to buy the ad. I have enough to buy the paper. Once we own the paper, then we will have unlimited free political speech because, you see, the impact of McCain-Feingold means the people who have the most speech are the people who truly have the most money—the people who own the newspapers, the people who own the television station, and people named Turner who own networks. They have complete freedom of speech because they have enough money. And it has taken almost 250 years for me to accumulate enough. But I, Benjamin Franklin, have enough that I can buy their newspaper. And then I can run an editorial attacking Senator FEINGOLD every day of the week, if I so choose.

At that point, there are absolutely no limits on any speech. But you, James Madison and Alexander Hamilton, there are limits on your speech placed there by McCain-Feingold saying that there will be no political speech from you during the 60 days before the election.

We come back to reality. James Madison, Alexander Hamilton, and Benjamin Franklin are not available as witnesses in this particular debate, even though I called them up rhetorically. But I am moved to do that by the comment of the Senator from New York who says we must look at the forest and we must protect the big picture. The big picture, as we are debating McCain-Feingold, has to do with freedom of speech. It has to do with robust debate of the American economy. It does not have to do with getting money out of politics because the reality in the big picture is that we never have had money out of politics, starting with George Washington and his rum punch and his ginger cakes. And we never will have money out of politics. Somebody will find a way to do it.

I am a cosponsor with Senator ALLEN who has offered the Virginia Plan. I am not sure it is going to be offered on this floor. But it is offered in the arena of public opinion. I hope it gets offered.

Historians will recognize that the Virginia Plan was James Madison's plan for the Constitution.

What is the Virginia Plan for campaign finance reform? Two sentences.

The first one, worthy of James Madison, says: No American, any provision of law to the contrary notwithstanding, shall be prohibited from expressing himself or herself in any way in any arena or any contribution to any party or any candidate.

That sounds like first amendment language to me. That sounds like James Madison language about which he would be very comfortable.

Then the second one, recognizing where we are in technology, says—I am not quoting the legal language, just the effect of it—every one of those donations will be in the modern world disclosed, using the technology that is available to us.

This means in all probability, 48 hours, and it is on the Internet for everybody to see. Forty-eight hours, and electronically the contribution is there. That is the Virginia plan.

When I discuss this with people outside the Senate, they all say: Gee, that makes a lot of sense. Why don't you start voluntarily disclosing within 48 hours right now? If you are such a great campaign finance reformer, why don't you do that immediately?

I say: You know, there was one candidate for President who did that.

It is a very interesting thing to do. I recommend it to all of you in your town meetings.

I say: There was one candidate for President who did, in fact, disclose every one of his donors within 48 hours.

Question: Do you know who it was?

I did this to a group of political science students the other day.

The first answer I got back was Ralph Nader.

I said: No, Ralph Nader did not do it.

Then someone answered: Well then, was it JOHN MCCAIN?

I said: No, it was not JOHN MCCAIN.

Then someone answered: Gee, Al Gore?

I said: No. The candidate who did it is now sitting in the White House. His name is George W. Bush. He got little or no credit for doing it from those who sit in the press gallery because they do not want to admit that he was on to a good idea—in my opinion, a better idea than the bill we are debating.

None of this has had anything to do with my amendment, and I recognize that. But none of the debate on the other side has had anything to do with my amendment either. And, if I may, if the Senator from West Virginia can talk about spring, I hope the Senator from Utah can talk about the Constitution.

I remain ready to answer any questions about my amendment or respond to anything about my amendment. But, so far, there has been little or no debate about it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Does the Senator from Utah yield the floor?

Mr. BENNETT. Yes.

Mr. MCCONNELL. I congratulate the Senator from Utah for a brilliant discourse on the importance of the first amendment through the course of the debate and in all of our discussions on campaign finance reform. He has made it so clear and understandable for all of our Members. I congratulate him for his contribution.

With regard to his amendment, I am told we will be prepared on both sides to vote at 4 o'clock. I will enter that consent in a moment.

But let me say, with regard the Senator BENNETT's amendment——

Mr. REID. Why don't we do that consent request now?

Mr. MCCONNELL. Mr. President, I ask unanimous consent that a vote on the Bennett amendment occur at 4 o'clock.

Mr. REID. A vote on or in relation to.

Mr. MCCONNELL. It is my understanding, talking to the Senator from Nevada, it was going to be an up-or-down vote.

Mr. REID. I do not know of anyone who wishes otherwise. I think it will be an up-or-down vote.

Mr. MCCONNELL: On or in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the only request I have is Senator FEINGOLD wants 5 minutes and Senator LEVIN wants 5 minutes and Senator DODD needs 5 minutes. The time will be a little uneven, but if the Senator will agree to that.

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

Mr. MCCONNELL. Mr. President, let me say, having been involved in this debate over the years, I have frequently heard the words, ''Don't let the perfect be the enemy of the good.'' My friend from Utah recalls that we hear that from time to time.

I have taken a look at when that comes up, ''Don't let the perfect be the enemy of the good,'' and every single time those words come up—''don't let the perfect be the enemy of the good''—is in relation to an amendment that might have some impact on organized labor—some impact.

I have watched this carefully now for some 10 or 12 years, and every time the words ''Don't let the perfect be the enemy of the good'' are expressed, it is because there is an amendment pending that might have some impact—ever so tiny—on organized labor.

Now, the Bennett amendment is very evenhanded. It is not targeted at organized labor, by any means?

Mr. BENNETT. That is correct.

Mr. MCCONNELL. Is that correct? I ask the Senator from Utah, this is not an amendment targeted at the heart of organized labor?

Mr. BENNETT. The amendment deals with activities on the part of corporations every bit as much as on the part of labor.

Mr. MCCONNELL. I thank my friend from Utah.

So this is not about organized labor. It is about how you raise money for political action committees.

It has been said on the floor of the Senate that a political action committee cannot get started without expenditures of soft money. We all know that is not true. There are a number of leadership PACs formed by Members of the Senate and the House. We do not spend soft money to get those leadership PACs up and running. You get a few hard money checks. You file with the FEC. You get a few hard money checks and you are up and running.

Believe me, it is possible to start a PAC without the expenditure of soft money, I say to my friend from Utah. Is that correct?

Mr. BENNETT. Mr. President, I have never started a leadership PAC because I have never been in a leadership position. But I understand that it is, indeed, easy to do; and it is done only with hard money. There does not seem to be any difficulty in keeping track of who is volunteering and who is being paid.

Mr. MCCONNELL. I thank the Senator from Utah.

So this is really an amendment that is quite simple. The principle of the underlying bill, which I, as the Senator from Utah, do not support, is that Federal elections should be conducted in Federal money, hard dollars. And in pursuit of that principle, McCain-Feingold requires the national political parties to operate in 100 percent Federal dollars, so-called hard dollars—100 percent.

And in even numbered years, it essentially requires all the State and local parties in our country to operate, similarly, in Federal hard dollars.

So in the name of fairness, we ask the question, Why should labor and business be allowed to, in effect, subsidize their hard dollar activities, which are their political action committees—100 percent dollars—and why should they be allowed to subsidize the raising of their hard dollars when America's political parties can't do it, and when America's State and local parties can't do it in even numbered years? Where is the fairness?

If the idea is that Federal elections should be conducted in Federal dollars, why is that principle only going to be applied to the Nation's political parties?

The Bennett amendment is quite simple. It is easily understood. For those who believe soft money is a pernicious thing undermining our democracy, then why should they think it would only be pernicious when raised and spent by political parties but perfectly OK when raised and spent by labor and business?

That is the heart of this amendment. That is what this vote will be all about. We will have that vote at 4 o'clock. I think that pretty well adequately describes our side of this amendment.

I will be happy now to yield the floor at this time.

Mr. DODD. Mr. President, I yield 5 minutes to my friend and colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I very much oppose this amendment. The Supreme Court has told us over and over again that the standard for contribution limits that is constitutional is the appearance of corruption, the appearance of impropriety, and the appearance of undue influence, that large contributions or the solicitation of large contributions can create.

There is no such appearance problem with these expenditures. In fact, the expenditures which the Senator from Utah would require to be paid for out of hard dollars has explicitly been excluded from that requirement by law since 1974. So since 1974, the statute under which we have all operated has excluded:

> . . . the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

The administrative expenses, the establishment expenses, and the solicitation of contributions to a PAC have not been considered to be limited by the hard money restrictions of law since 1974.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. LEVIN. If I could finish my remarks.

Mr. MCCONNELL. Just a quick question: Isn't that precisely the point? That is precisely the point of the Bennett amendment.

Mr. LEVIN. That is exactly the point of the Bennett amendment: to repeal a law which has been in place since 1974 and has created no harm. Sometimes we say around here that the cure is worse than the disease. This is a cure looking for a disease. There is no disease here that has been shown.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. LEVIN. If I could continue, this is just an effort being made to try to say: Oh, you guys over there who are trying to ban soft money, you are not being perfectly consistent because, look, you allow the establishment, administration, and solicitation of contributions to a PAC to be paid for out of treasury dollars. You are not being totally consistent.

The answer to that is, wait a minute, the law of 1974 also says that communications by a corporation to its stockholders and executive administrative personnel and their families or by a labor organization to its members and their families on any subject, that is not subject either.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. LEVIN. I will in a couple of moments.

Here we have a cure looking for a problem. There has been no problem on this. There is no practical way to keep track of these expenses, no practical way to do this. A corporation sends out a newsletter to its stockholders or to its executives saying: Which of the candidates out there should our PAC contribute to? Now someone has to sit and figure out: What is the cost of printing that newsletter; what page is that notice on; is that on page 1 where it has the biggest impact or on page 4 of the newsletter; what part of the postage of that newsletter goes to that issue; how much of the time of the secretary who took the minutes of that meeting where we discussed that issue can be attributed to that request.

You have a bookkeeping nightmare that you are creating for no problem. There is no problem, that I know of, that has been shown over these almost 30 years. Yet in order to try to show some kind of a flaw, looking desperately for a flaw in the ban on soft money, the proponents of this amendment say: Aha, you are not being consistent.

Well, we are being consistent because in the case of banning soft money, there is a disease that needs a cure—unlimited contributions to political campaigns that are being accomplished through soft money.

The Supreme Court said: We can prohibit that constitutionally. That is what the Supreme Court has said.

I don't know of any evidence that this particular provision in law, which has been in place for 26 years now, has created a problem. I say to my good friend from Utah, this amendment is not needed. It has not been shown to address a problem in the law. It will create a bookkeeping nightmare to try to in any way comply. It will put people into an illegal netherworld for no good reason that has been demonstrated.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DODD. I yield 1 additional minute.

Mr. LEVIN. The appearance of impropriety, the appearance of corruption, which is the only basis on which we can act as a justification for limiting contributions of a large size to candidates, that justification does not exist here with corporate or union treasury money being spent to administer a PAC.

I urge that we either table this amendment or defeat this amendment. I am sorry my friend from Kentucky did not have a chance to ask me the additional question. I would be happy to try to answer it, if our good friend from Connecticut wants to yield the time.

Mr. DODD. Mr. President, I think our colleagues have covered this. I think we can get to a vote fairly quickly. As my friend from Utah knows, I think of myself as the third Senator from Utah. I am not sure Utah thinks of me as its third Senator, but he and I have a wonderful relationship and have worked so closely together over the years that I am not comfortable disagreeing with him on his amendment. I admire him immensely.

In addition to what my colleague from Michigan has said about the 1974 law, there is also a restriction in the 1974 law which doesn't pertain to any other kind of activity that has otherwise been described. Under the 1974 act, unions, corporations and membership organizations can only solicit their own members and stockholders, unlike other organizations which can solicit from the universe within the country. Under the 1974 act, as you are establishing your PAC, you can only get the support from your own organization's membership. That is a significant restriction which applies to them which does not apply to others.

In addition, there is this balance that was written into the law in 1974, as the Senator from Michigan properly points out, where there has not been any identifiable abuse of this exception in the law whatsoever here.

Secondly, because of the universe to which they are restricted in soliciting dollars, they then have allowed, in a sense, their general treasuries to be used in order to communicate with their restricted class and membership—not with people outside of that restricted class membership but with their own membership. Were they communicating to the universe at large, then I think the point the Senator from Utah has raised would be appropriate. But when you are restricting, under the 1974 act, the audience to which they can communicate, it seems to me this balance is appropriate, narrowly tailored and proper. To disrupt that now would be a mistake.

The point the Senator from Arizona made is also worth repeating; that is, this is awfully difficult. One of the things we don't want to do is create situations which make people potential targets of indictment. This gets pretty amorphous, as to what constitutes an expenditure of soft dollars in order to solicit hard dollars for your PAC.

Again, the Senator from Michigan and others have made this point. When you get into this area in trying to identify how much has been committed or whether or not it was committed at all, a simple address by the CEO or the president of a local to the membership of that community—how would you put a value on that? Your inability to do so or to provide a proper accounting of it exposes you then to the potential of indictment. I don't think anyone in our interests here should try to necessarily do that. It is so difficult to write that into law, even when the law has only civil jurisdiction.

I urge a rejection of the amendment. A communication which is specifically protected by the Constitution and recognized by Buckley, where it is involved in a significant balance between the ability to communicate with your restricted class or membership and only that group, then the resources of that organization to do so are appropriate and proper. To upset that balance would be a mistake.

The law has worked well for 26 years. We ought not to change it at this

point. For those reasons, I respectfully urge our colleagues to vote against the amendment.

I yield whatever time my colleague from Wisconsin so desires.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. FEINGOLD. Mr. President, I thank the Senator from Connecticut. I thank the Senator from Michigan especially for his excellent remarks on this amendment, and also the Senator from Arizona. We are united in our opposition to it. I, too, as the Senator from Connecticut, find it a little bit unpleasant to oppose the Senator from Utah. We have thoroughly enjoyed working together and share quite an affection for his beautiful State and appreciate those opportunities. On this one, we really have to call this amendment what it is. It is simply another attempt to change the subject.

Somehow it doesn't trouble the Senator from Utah or the Senator from Kentucky that soft money to the parties was $82 million in 1992, $260-some million in 1996, and is now approaching $500 million in the year 2000. That doesn't bother them. That is just fine. What does bother them is somehow trying to undo a reasonable balance that was created back in 1974 in the law at the time after Watergate and in the Buckley decision.

The problem is not PACs. The problem isn't how PACs raise their hard money contributions. We used to think PACs were the problem. I hope the American people now realize that PACs are limited to giving $10,000. We used to think that was a lot of money. Unfortunately, given this insane soft money system, it is starting to look as if it is spare change. But that is what the Senator from Kentucky and the Senator from Utah want to change the subject to: Worrying about how union members and perhaps corporate entities get their people together and spend a little money in order to raise the modest amounts that can be contributed through PACs. It is a blatant attempt to change the subject.

It does not relate at all to the real abuse in the system, the horrible situation where huge contributions on the very day that votes are made are given to the political parties, and then legislation passes creating an appearance of impropriety or corruption that is very disturbing to the American people.

To reiterate, the 1974 act that created PACs had an explicit tradeoff. Separate segregated funds that are connected with the union or corporation can use their treasury funds for their administrative costs, but they can solicit only their members or executive and administrative personnel for contributions. On the other hand, nonconnected PACs must use their PAC money for the costs of administration, but they can solicit the general public. That was the tradeoff.

That was the balance to which the Senator from Connecticut referred. As he said, this amendment would disturb the balance. That tradeoff has been a part of the law for 25 years. It is not a loophole. It is not a cesspool of soft money. It is working. It may not be perfect, but it is the very thing that, along with other things, survived after the Buckley case. We have a fairly decent, but not perfect, system of campaign financing in this country. That is what is falling apart.

There is also a constitutional dimension to this amendment. The law allows corporations and unions to communicate with their members when a union or a corporation solicits members for a PAC contribution. That solicitation is a communication. We cannot interfere with that communication without running afoul of the first amendment. I would think, given the frequent speeches by the Senator from Kentucky on the first amendment, that would concern him as well.

Let me say that I, as well as my lead author, Senator MCCAIN from Arizona, oppose this amendment. It may be particularly targeted at unions because they have less money and may be perceived that way. As the so-called paycheck protection amendment, this is an attempt to cripple a labor union. It is a poison pill amendment targeted at labor unions and perhaps at corporate PACs, as well, and is not reform.

Corporate labor PACs have been permitted to use treasury funds for their administrative costs since the passage of the 1974 act. As the Senator from Michigan said so well, there has been no showing of abuse of this narrow exception—the prohibition of corporate and union spending of treasury funds in Federal elections—and yet these two Senators have virtually nothing to say about the enormous abuse of the gaping loophole of soft money that has destroyed the reforms after the Watergate era. All those supporting McCain-Feingold should strongly oppose the Bennett amendment. We strongly oppose it.

I yield the floor.

Mr. MCCONNELL. Mr. President, I had not realized, until I heard from my friend from Michigan, that the Federal Election Campaign Act was so sacrosanct that it should not be changed. If that is the case, I don't know why we are here at all because the whole purpose of the McCain-Feingold bill is to change the Federal Election Campaign Act of 1974.

Further, it is suggested that this is not an abuse. Well, what we do know is that organized labor spends essentially no hard dollars at all raising hard dollars for their PACs. Now, as a defender of soft money, I must tell you I am not troubled by that in principle any more than I am troubled in principle by the political parties having nonfederal money. It has been suggested on the other side that this would be an inconvenience for organized labor or corporations. What about inconveniencing the parties—by taking away 40 percent of the budget of the Republican National Committee and the Democratic National Committee, and 35 percent of the Republican Senatorial Committee and the Democratic Senatorial Committee, and federalizing State and local parties for even-numbered years? What about the inconvenience to them? Why is it only political parties that it is OK to inconvenience and no one else?

I repeat, every time you hear the argument, ''don't let the perfect be the enemy of the good,'' you can be sure the subject being debated on the Senate floor at that time is an amendment that might have some impact on organized labor. Virtually every time you hear the words ''poison pill,'' you can be assured the subject matter we are debating at that time will be an amendment that might have some impact on organized labor.

The reform industry, led by the New York Times and the Washington Post, has been allowed to get away with defining what reform is. In fact, reform is what the New York Times and the Washington Post and Common Cause say it is, and everything else is a poison pill.

Now, the underlying bill is designed to reduce the effectiveness of America's great political parties—the one entity that will always be there for a challenger. Here Senator BENNETT is just trying to say, look, let's have a level playing field. If the parties are going to have to operate in 100 percent hard dollars, why not the unions and the corporations? Why not? Why not, I ask? What is so pernicious about the influence of Federal, State, and local parties that their resources have to be taken away, their voices lowered, their efforts inhibited, and no one else?

This is not a ''level playing field,'' as often is said by the other side. I have heard the argument over the years that we need to have a level playing field. If hard dollars are to exclusively be the future of the parties, why not for business and labor?

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. MCCONNELL. Yes.

Mr. BENNETT. The Senator from Michigan said this is a solution looking for a problem, that there has been no abuse of this in the past. I was interested and pleased to hear the Senator from Wisconsin say we used to say PACs were a problem. I remember when the Senator from Kentucky and I were lonely voices here defending PACs as being a legitimate thing in the face of those who were attacking it in the name of campaign finance reform. So at least that debate is over and now PACs are good.

To the point the Senator from Michigan raised, would the Senator think this exception—I will call it an exception—could, in fact, become a major loophole in the future if McCain-Feingold passes, and that some clever lawyers could sit down and figure out a way to create something that came under this exemption that could raise

significant amounts of hard dollars, funding them with soft dollars that are totally undisclosed, unlike the other soft dollars to which they object—soft dollars that would be totally undisclosed, finding a way to turn this into the next monster that we hear about in campaign finance reform debates 5 to 10 years from now?

Mr. MCCONNELL. I say to my friend, he described the situation today. That is the situation today. We have unlimited and undisclosed soft dollars—we don't know how much—underwriting the PACs of corporations and unions. That is the situation today. All I believe the Senator from Utah is doing is trying to create a level playing field of hard dollars. If hard dollars are good for parties, why not for companies and labor unions?

Mr. BENNETT. It is my thought, I say to the Senator from Kentucky, that the reason we have not considered this as an abuse in the past is because there have been other things at which we have been looking. But if McCain-Feingold outlaws those other things, there is no reason to believe that this will not become the target of campaign finance reformers in the years ahead, and we will see at that point their thundering rhetoric about how terrible it is.

Today, they have no rhetoric and they say it is no problem. Of course, I say to the Senator from Kentucky, knowing how he feels, I think the thundering rhetoric is overheated as to the problem on the other side, but corruption becomes ultimately in the eye of the beholder.

Mr. MCCONNELL. I thank the Senator.

Mr. JEFFORDS. If the Senator from Utah will yield, I had an opportunity to listen to some of his comments about the Snowe-Jeffords provisions. They were amusing, but far from accurate.

Mr. BENNETT. I am happy to be corrected.

Mr. JEFFORDS. First of all, there is nothing in Snowe-Jeffords that prohibits or prevents ads to be purchased in newspapers. There is no problem there.

Mr. BENNETT. Is it only television?

Mr. JEFFORDS. Television and radio, probably.

Mr. BENNETT. So by choosing gentlemen who like the print media rather than the electronic media—I miss the point?

Mr. JEFFORDS. He misses the point that all that it requires is disclosure. We would like to know who it is making the ads on television. It is a simple disclosure provision that says people ought to know, if somebody is making accusations, who is doing it.

Mr. BENNETT. Is there no prohibition for ads 60 days prior to the election?

Mr. JEFFORDS. There is no prohibition 60 days prior to the election.

Mr. BENNETT. I stand corrected. It was my understanding that there was a prohibition 60 days prior to the election. Can the Senator from Kentucky help us out on this?

Mr. MCCONNELL. I say to my friend from Utah, we are looking up the language. I say to my friend, unless the Senator from—I thought the point of the Snowe-Jeffords language was to make it difficult for——

The PRESIDING OFFICER. All time has expired. Under the previous order, the question is on agreeing to the amendment of the Senator from Utah, Senator BENNETT.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BROWNBACK). Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—37

Allard	Frist	Nickles
Bennett	Gramm	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
Crapo	Inhofe	Thomas
Domenici	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McConnell	
Fitzgerald	Murkowski	

NAYS—63

Akaka	DeWine	Lieberman
Allen	Dodd	Lincoln
Baucus	Dorgan	McCain
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Hagel	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Snowe
Clinton	Kennedy	Specter
Cochran	Kerry	Stabenow
Collins	Kohl	Thompson
Conrad	Kyl	Torricelli
Corzine	Landrieu	Warner
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden

The amendment was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. FEINGOLD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCONNELL. Mr. President, let me say briefly that the vote which just occurred is instructive in that I would predict that any amendment between now and the end of the debate that might have any adverse effect of any kind on organized labor is likely to be defeated.

Senator BENNETT can speak for himself, but my understanding of the purpose of that amendment was to point out the imbalance between taking all non-Federal dollars away from parties at the Federal level—the State and local level in the even-numbered years—making the parties operate 100 percent in hard dollars, and yet no one else who expressly advocates a candidate through a PAC is required to do that.

We have carved out an exception for corporations and unions so that they can continue to use millions of dollars in corporate and union soft money to underwrite the expenses of their political action committees.

Having said that, the next amendment will be offered by the Senator from Oregon, Mr. SMITH, who will be here momentarily. Senator DODD and I would like for that vote to occur at 6:15 or 6:30. We will lock it in, in a few moments. It is my understanding that that will be followed by an amendment by Senator TORRICELLI.

Mr. DODD. The idea would be I think at that point, depending on what leadership wants, to lay down the Torricelli amendment. I gather there is some event this evening that people believe they are obligated to attend. The Torricelli amendment will be laid down, and we will begin debate on that in the morning at whatever time the leader wants to come in. We might get a time agreement in the morning on that. I have several amendments I am lining up for tomorrow afternoon. So we will have a clear flow by tomorrow morning as to the amendments we will be proposing tomorrow during the day.

Mr. MURKOWSKI. Mr. President, point of inquiry: Did I understand from the floor managers that there would be a vote at 5:30?

Mr. MCCONNELL. No. It is probably at 6:15.

Mr. MURKOWSKI. Many of us are going to this March of Dimes event tonight. I think it starts at 6.

Mr. MCCONNELL. I think many Members are going to that event.

Mr. DODD. The March of Dimes event I know is very important. Maybe we can aim for 6 p.m.

It will obviously depend on what Senator GORDON SMITH wants to do.

Mr. MURKOWSKI. I certainly concur with that because many of us have to cook.

Mr. DODD. In that case, knowing that my colleague from Alaska may be doing the cooking, Members may want to stay until 10 tonight.

Mr. MCCONNELL. After listening to the persuasive speech of the junior Senator from Alaska, I ask unanimous consent that a vote occur at 6 p.m. on or in relation to the Smith amendment shortly to be laid down.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, Mr. President, without knowing what the subject matter of the amendment is, I object until we are able to determine that.

Mr. MCCONNELL. Senator SMITH will be here shortly. Hopefully, we can lock in the vote.

Mr. DODD. In the meantime, Mr. President, if I may, Members who want to be heard on the bill itself should take advantage of the time. I suspect the Smith amendment will not consume all of the hour and a half. We urge Members who want to make statements on the bill to please come to the floor.

I see now our colleague from Oregon is here. While he is getting organized, let me in response to my friend from Kentucky regarding the last amendment that it was not just about labor unions.

This last amendment also covered corporations and membership organizations, among a few others. The 1974 law made it very specific. We said that general treasury funds from those organizations could be used to establish, administrate, and solicit contributions to be used for political purposes, such as communicating only with their restricted class or membership. That makes them distinct and different from the other organizations which can communicate with the universe. But these organizations can only communicate with their members. For that reason, the 1974 law specifically wrote into the law that general treasury funds, if you will, could be used for the purposes of communication.

So it was not just about labor unions, it was also about corporations, membership organizations and other such entities that are confined to communications with their own members.

Mr. MCCAIN. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. MCCAIN. It is my understanding the Senator from Oregon is prepared to go forward with his amendment. It is a pretty simple amendment. It is a fairly straightforward amendment. I think we could get a time agreement, if the Senator from Kentucky is agreeable, say, for a vote at 6 o'clock. After that vote we could lay down another amendment. So we will be ready to go on that, if that is agreeable.

Mr. DODD. That is agreeable. Yes.

Mr. MCCONNELL. I believe that is acceptable to the Senator from Oregon.

I, therefore, ask unanimous consent that the time between now and 6 p.m. be divided in the usual form, and at that time the Senate proceed to vote on or in relation to the amendment about to be sent forward by the Senator from Oregon, Mr. SMITH.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Therefore, the next vote will occur at 6 o'clock.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 118

Mr. SMITH of Oregon. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 118.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit candidates and Members of Congress from accepting certain contributions while Congress is in session)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. PROHIBITION ON ACCEPTANCE OF CERTAIN CONTRIBUTIONS WHILE CONGRESS IS IN SESSION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 324. PROHIBITION ON ACCEPTANCE OF CERTAIN CONTRIBUTIONS WHILE CONGRESS IS IN SESSION.

''(a) IN GENERAL.—During the period described in subsection (b), a candidate seeking nomination for election, or election, to the Senate or House of Representatives, any authorized committee of such a candidate, an individual who holds such office, or any political committee directly or indirectly established, financed, maintained, or controlled by such a candidate or individual shall not accept a contribution from—

''(1) any individual who, at any time during the period beginning on the first day of the calendar year preceding the contribution and ending on the date of the contribution, was required to be listed as a lobbyist on a registration or other report filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

''(2) an officer, owner, or senior executive of any person that, at any time during the period described in paragraph (1), employed or retained an individual described in paragraph (1), in their capacity as a lobbyist;

''(3) a political committee directly or indirectly established, financed, maintained, or controlled by an individual described in paragraph (1) or (2); or

''(4) a separate segregated fund (described in section 316(b)(2)(C)).

''(b) PERIOD CONGRESS IS IN SESSION.—The period described in this subsection is the period—

''(1) beginning on the first day of any session of the body of Congress in which the individual holds office or for which the candidate seeks nomination for election or election; and

''(2) ending on the date on which such session adjourns sine die.''.

Mr. SMITH of Oregon. Mr. President, this amendment is a very simple one but one that I believe will go a long way toward restoring public confidence in elected leaders and alleviating the perception that politicians are beholden to special interests.

My amendment simply prohibits Senate and House candidates from accepting campaign contributions from lobbyists when Congress is in session.

The amendment is fair and it is balanced. It applies to both incumbents and challengers. Since the danger of corruption or the appearance of corruption applies with equal force to challengers and incumbents, Congress has ample justification for imposing the same fundraising constraints on both incumbents and challengers.

This is not new. This is a law that currently operates in many States. In my own State of Oregon, we have long had just such a law on the books; one that I was proud to stand squarely behind as a State legislator. The Oregon law first enacted in 1974 has been in effect for 27 years and has been integral to ensuring Oregonians' confidence in the integrity of their political system at the State level.

The core tenet and assumption behind the McCain-Feingold legislation is that money in politics corrupts elected officials. Backers of the McCain-Feingold bill often use catch words and phrases, such as ''quid pro quo,'' to suggest that money can buy not only legislative action but legislators themselves.

This is not my view. It is my belief that the vast majority of the men and women with whom I serve in the public process and in this body possess the highest degree of professional and personal integrity. However, if the public perceives that campaigns are corrupt, that money talks, then I think we owe it to the public to allay those concerns.

Prohibiting contributions from registered lobbyists to candidates and Federal officeholders while Congress is in session will go a long way toward quelling the perception that we are bought and sold. My amendment addresses the public's fears directly by eliminating what they view as the disease rather than trying to just treat the symptoms.

We are not breaking new ground because we will be doing what other States have done. Oregon is joined by at least 10 other States with laws just like this that prohibit candidates and officeholders from soliciting or accepting contributions while their legislatures are in session

In 1999, the U.S. Court of Appeals for the Fourth Circuit, in North Carolina Right to Life v. Bartlett, upheld the constitutionality of North Carolina's law prohibiting lobbyist contributions and solicitations while its general assembly is in session, stating that the law ''serves to prevent corruption and the appearance of corruption.'' The Fourth Circuit concluded that ''in the end, North Carolina law does nothing more than recognize that lobbyists are paid to persuade legislators, not to purchase them.'' Last month the Supreme Court agreed by denying the petition for review of this very case.

So I am confident that my amendment will withstand judicial scrutiny. My amendment only restricts a candidate or officeholder from accepting contributions at a certain time and place, not if they can eventually. This is no different than time and place regulation of other first amendment issues.

Furthermore, I think it is important to point out that my amendment is narrowly crafted to prohibit candidates

and officeholders from accepting contributions from lobbyists and the political action committees that employ them.

My amendment does not place the burden on lobbyists offering contributions to candidates but, rather, squarely and more fittingly on the candidate. The onus, therefore, is on the candidate or officeholder, not the lobbyist.

In closing, let me emphasize that the touchstone issue is the appearance of influence pedaling and corruption and the role that money plays. If money in the system corrupts, then my amendment lessens its role. Diminishing the role of money is also one of the stated goals of the McCain-Feingold bill. But unlike the McCain-Feingold bill, my amendment does so, I believe, in a constitutional way.

Again, my amendment merely prohibits House and Senate candidates and officeholders from accepting political donations from lobbyists while Congress is in session.

My amendment is evenhanded, it is constitutional, and it addresses the perceived problem that politicians can be bought and sold, and my amendment does so in a way that does not shut down the entire universe of citizen participation in our political process.

I hope my colleagues will unanimously support my amendment, following Oregon's lead, and that of other States, to restore confidence in the integrity of our political system.

Finally, some of my colleagues will worry that this includes the public generally. It does not. It involves registered lobbyists, PACs, and all special interest groups. A citizen can send in a contribution to a candidate. That is fine. But what is disturbing to people is the nexus that exists between legislating in the morning and fundraising at night with the very same industries. This will prohibit that. We will separate these two activities and restore some confidence that people are entitled to have in their political process.

Some people will say this just isn't possible because the Congress is always in session. There may be an unintended but beneficial consequence. We may have shorter congressional sessions. We may get our work done more quickly, and we may be able to thereby provide the American people a little less rhetoric, a lot more action, a lot more voting, getting their job done and getting home to be with the folks and ultimately to meet with these interest groups. If they want to support you, fine, but they can't do it while you are about the people's business in making law.

I encourage a unanimous vote, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. SMITH of Oregon. I am happy to yield for a question.

Mr. MCCAIN. Inevitably, I would say to the Senator from Oregon, there is going to be a question of constitutionality. It is my understanding, from my informed staff, that there was a case in North Carolina that was upheld but it has never gone any higher than that.

Mr. SMITH of Oregon. The Supreme Court, I understand, denied certiorari, thereby upholding the fourth circuit decision that allows for this kind of prohibition of fundraising from special interest groups while the North Carolina legislature is in session.

Mr. MCCAIN. What about the fact that you are clearly saying to an individual that because you are in a certain line of work, you are not going to be able to do what other citizens do? How do you respond to that?

Mr. SMITH of Oregon. I respond to that by saying that this is not unlike other time-and-place regulation of speech issues. People come to this building all the time and would love to come in this Chamber and protest from the very seats above us. They are not allowed to. They are given a place to protest but not to disrupt the public's work.

What I am saying is, this is a time-and-place regulation of speech. I admit that. I am saying it passes the smell test far better than our current system.

Mr. MCCAIN. But the Senator does admit that there might be some question of the constitutionality of this issue raised.

Mr. SMITH of Oregon. Clearly, there will be, but ultimately the issue of constitutionality is for the Court across the street to decide. It does not prohibit them from making a contribution later. It just says there is a time to do it and there is a time not to do it.

I think what disturbs all of us is the notion of holding a hearing on an industry in the morning and then going to their fundraiser in the evening. That is the nexus that is wrong. That is what, I agree with the Senator from Arizona, we ought to do away with. This works in my State. It works in your State also. Arizona is one of those States that has this restriction. It works. It smells better. It doesn't violate constitutional rights, but it does vest us with more of a process of integrity.

Mr. MCCAIN. Clearly, Arizona has the finest State government of any of the 50, I am sure the Senator from Oregon would agree.

Again, I ask the Senator from Oregon: There is going to be some question in people's minds about the constitutionality of this amendment; you would agree?

Mr. SMITH of Oregon. Absolutely.

Mr. MCCAIN. Therefore, it would seem to me that the Senator from Oregon would understand that the whole issue of severability in this bill would then take on increased prominence. It is my understanding that the Senator from Oregon may be in support of nonseverability. I don't get the logic there. You are clearly supporting an amendment that has constitutional questions associated with it, and yet at the same time you would not understand that this bill may have portions of it, particularly during the amending process, that the U.S. Supreme Court would deem unconstitutional, including this one which, even if made unconstitutional, would not affect the thrust of the bill.

I am hopeful that the Senator from Oregon will see the logic here—I am dead serious—because it is going to be a big issue, the fact that there should be, as there have been in all but 12 bills passed by the Congress in the last 10 years, a severability clause in this legislation.

I would give a lot more credibility to the amendment of the Senator from Oregon if he believed, as he has stated, that there will be constitutional questions, that this bill should not rise or fall based on a decision concerning what a lobbyist does because there are much greater issues at stake. I certainly hope the Senator from Oregon understands my logic in that argument.

Mr. SMITH of Oregon. I do understand that logic. I would be happy to include this in any nonseverability amendment that I would propose. As a practical matter, as the Senator knows—and I have said this to him and Senator FEINGOLD—I have legitimate questions as to the constitutionality of McCain-Feingold. I am not a judge. We get really angry at judges who act as legislators. We are often acting as a bunch of judges. We have a responsibility to uphold the Constitution. It is their responsibility to interpret it.

I don't know how all this will cut. My concern about the severability clause or a nonseverability clause, which I will be happy to include this in, is that we will leave our country worse off rather than better off if we say to the political parties: You can't have a role any longer in elections, but the folks who will go into the smoke-filled rooms, who are not disclosable to the American people or accountable to the American people, will then be the ones who have the power because they will run campaigns about candidates.

Frankly, I have seen this happen with a campaign finance issue in Oregon. It was not pretty. It was an ugly situation because the citizen and the candidate were disenfranchised by it and were the victims, along with democracy in Oregon, because of a system that would empower those who are nondisclosable and unaccountable to the American people. They get all the power.

That is my concern, Senator. That is why I have believed a nonseverability clause is important in order that we not leave our country worse off.

With that, I am telling you and the whole world, I am prepared to vote for

your bill, but I think that that is an essential ingredient, as I have told you privately. I really believe without it we will leave our country worse off based on the experience of my State of Oregon.

Mr. MCCAIN. If the Senator will agree to one more question, I want to get back on the bill. First, I hope we will be able to convince the Senator from Oregon that any provision in this bill, if passed, would make us better off than we are today—any provision, including the Senator's. Any part of it that would stand would improve the present situation where, indeed, the case exists, and you have heard my argument about that before.

The amendment talks about registered lobbyists, but does it also add people who are in charge of political action committees and run PACs? Are there additional individuals covered by this amendment?

Mr. SMITH of Oregon. It does not.

Mr. MCCAIN. It is simply people who are registered lobbyists, who have voluntarily decided to register as a lobbyist under the law.

Mr. SMITH of Oregon. That is correct.

Mr. MCCAIN. I thank the Senator from Oregon. I have enjoyed this chance to pose questions to him. I appreciate the courtesy of his response and look forward to working with him on this legislation.

Mr. SMITH of Oregon. I thank the Senator also.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SMITH of Oregon. I am happy to yield to the Senator from Wisconsin.

Mr. FEINGOLD. First of all, I appreciate the spirit of the amendment. Our two States, Oregon and Wisconsin, are very similar in our pride and our reform history. Obviously, this amendment is offered in that spirit. I appreciate that.

My questions are similar to those of the Senator from Arizona, but I believe the Senator from Oregon indicated he would consider a severability provision with regard to this amendment.

Mr. SMITH of Oregon. I have so much confidence in its constitutionality based on its judicial history already, I would be happy to include it in a severability clause because I think everything we are doing here has a reasonable constitutional question. We ought to ask the Supreme Court to rule on it. This could be among them in terms of any nonseverability, as far as I am concerned.

Mr. FEINGOLD. I was interested in the Senator's remark that we shouldn't act as judges here; we should act as legislators. I agree. I ask the Senator if he is aware of how infrequently legislatures, in particular the U.S. Congress, have actually had a nonseverability provision. Does the Senator realize that it is incredibly rare, something that is rather unlikely for legislators to do?

Mr. SMITH of Oregon. I am aware of that, but I think what we are debating here is of so fundamental a nature to our liberty—that is, our speech; our most important speech being our political speech—that I have no doubt this would make it to the U.S. Supreme Court because this would fundamentally affect the future of our country.

Mr. FEINGOLD. One other question: Is the Senator completely opposed to the notion of having the entire bill be severable?

Mr. SMITH of Oregon. I am prepared to include the soft money ban to the regulation of the outside groups. And if we want to include this as well, I am comfortable with that.

Mr. FEINGOLD. The reason I am asking this question—the spirit of this amendment is very positive, as I have indicated. But what I am trying to determine is whether we would have a fair chance to send a bill over to the Supreme Court where, if for any reason you were right about the constitutionality about this, the rest of the bill could still stand. Is that something the Senator is open to?

Mr. SMITH of Oregon. I am open to discussing it with the Senators.

Mr. FEINGOLD. One other question. I want to follow up on the scope of this amendment. I have the amendment in front of me. Under section 324, there are several different paragraphs relating to who is covered. It refers to ''any individual who, at any time during the period beginning on the first day of the calendar year preceding the contribution and ending on the date of the contribution, was required to be listed as a lobbyist. . . .''

Under section (2), it refers to ''an officer, owner, or senior executive of any person that, at any time during the period described in paragraph (1). . .'' is a lobbyist.

And then in (3), it says, ''a political committee directly or indirectly established, financed, maintained, or controlled by an individual . . .''

And finally, (4), a separate segregated fund.

I ask the Senator how he can say it only refers to registered lobbyists when it has three other categories of people listed in the face of the amendment.

Mr. SMITH of Oregon. This is referring to a registered lobbyist or those who employ them.

Mr. FEINGOLD. What about a political committee?

Mr. SMITH of Oregon. If they employ them, they are covered by this amendment.

Mr. MCCAIN. If the Senator will yield for a question, it counts not only registered lobbyists, but it is a person who employs that lobbyist as well. In other words, I am the CEO of a company back in Arizona, or I am a president of a union back in Arizona, and I am not allowed to contribute while Congress is in session because I have employed that lobbyist?

Mr. SMITH of Oregon. Under that guide, that is correct. However, if you sent that person a solicitation in the mail asking for a maximum hard money contribution as a private citizen, they would be allowed to make that contribution. But what I am trying to do is stop us spending time, while we are lawmaking, down at the RSCC and the DSCC, spending hundreds, even thousands, of hours raising money.

Mr. MCCAIN. Well, if the Senator will yield further, I agree with what he is trying to get at. I think that, frankly, also during the campaign of President Bush, this was part of his campaign finance reform proposal, as I remember. But I think we have to worry about this language because if I am the senior executive of a company or corporation away from Washington that employs a lobbyist, and I am not allowed to contribute at that time, that could be a very large number of people. I wonder if we can work on language with the Senator from Oregon to achieve this goal, without throwing a pretty wide net here. If I am thinking through this legislation, which I am looking at for the first time——

Mr. SMITH of Oregon. I am happy to work with the Senator on an amendment to this amendment. I am not locked down. It is offered in the spirit of my experience as an Oregonian. I believe Wisconsin and Arizona have similar laws. It works. It will be more difficult for Congress, but it ought to be done in Congress.

Mr. FEINGOLD. If the Senator will yield for a further question, I will tell you one thing: This certainly will shorten legislative sessions, which is a wonderful aspect, as the Senator from Nevada pointed out. Under sub (4), it refers to a separate segregated fund. I am advised that this basically would include political action committees.

Mr. SMITH of Oregon. That is correct.

Mr. FEINGOLD. Is it the Senator's intention to prohibit the lobbyist from giving individual contributions, but also PACs during this period?

Mr. SMITH of Oregon. That is correct, during a legislative session. When we gavel the session in, you can't do it until you gavel sine die. If the world of special interests wants to evaluate what they think of your performance and help you in your election, fine. We are segregating the function of lawmaking and moneymaking. I think that goes a long way to fixing what you think and feel, rightfully, is broken in this country.

Mr. FEINGOLD. Does the Senator believe it could be unconstitutional to prohibit PAC contributions?

Mr. SMITH of Oregon. I don't believe so. It doesn't prohibit them. It regulates them in terms of time and place.

Mr. FEINGOLD. I suggest that the effect of this is to unconstitutionally prohibit PAC contributions, and I would be concerned about that.

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

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

Mr. REID. Will the Senator yield for a question?

Mr. SMITH of Oregon. Yes.

Mr. REID. There is nobody in this body for whom I have more respect. Would this amendment not give a tremendous advantage to wealthy people who are members of the national legislature?

Mr. SMITH of Oregon. I don't believe it would. They can give a hard money contribution of $1,000 per campaign.

Mr. REID. No. What I am saying is, if you are a Member of Congress, would you not have an advantage over everyone else if you were rich because it would limit so much of the time for people to do the fundraising?

Mr. SMITH of Oregon. There is no question but that this amendment will do more to drive money out of politics than anything that has been proposed yet. There is no question about that. But we have just passed an amendment that doesn't give a perfect playing field to the challenger against the multimillionaire, but it gives them a better playing field than we have had before.

Mr. REID. My friend has not answered the question. Would this not give an advantage to a Member of Congress who is rich, because during the period of time that Congress is in session, basically, there would be a tremendous inability to raise money, whereas if somebody finances their own campaign, it doesn't matter to them?

Mr. SMITH of Oregon. I would concede the point. But I would simply say that what this does is prohibit the challenger or the Member of Congress from being involved in this. I think it is a heavy restriction, but I think it is the right restriction, and I think if we can go to this kind of a standard, it is going to look better to the American people and, frankly, it is going to drive a lot of money out of politics and clean up our day by making us spend time lawmaking instead of fundraising. And at the end of the day, if somebody wants to spend their own money, they are going to have to comply with the law or the amendment we just passed, and it will equalize it somewhat.

Mr. REID. One more question. While the Senator's amendment bans contributions during the time we have talked about, it doesn't ban solicitations during that time; is that right?

Mr. SMITH of Oregon. It does.

Mr. REID. It does ban solicitations?

Mr. SMITH of Oregon. It bans accepting them.

Mr. REID. It would not ban solicitations. You could go to the NRA, or whoever gives money, and you could ask them for money at that time, and they would have to give it to you at a subsequent time when we were out of session?

Mr. SMITH of Oregon. It doesn't prohibit that. I don't know how to prohibit that constitutionally, but I do know how to constitutionally prohibit the time and place in which these activities are engaged. But the Senator, in his earlier point, said: What does this mean to a Member of Congress? You don't have to be a millionaire to have an advantage by being a Member of Congress. You probably have a large campaign war chest already carried over from your last campaign, if you are a safe incumbent. So these are just the facts of life. I don't know how I can make it perfect, but I know this amendment makes it better.

Mr. THOMPSON. If the Senator will yield, the Senator is doing an excellent job taking on these questions from all corners. But it is a very interesting amendment. I think my own State of Tennessee has a similar amendment. I think what happens is anybody comes to town a couple days sooner to collect the money.

Other than that, my concern, as we consider these amendments, has to do with constitutionality issues. I want to make a couple comments and then ask a question. Obviously, none of us is going to be able to tell what is constitutional or not. But if we have a nonseverability clause—and we don't know whether or not we will—after we have a vote, any amendments that turn out to be not constitutional bring the whole bill down. Some people think that is good. I think we will wind up with a hard money increase, which I think is good, and doing something about soft money, which I think is good. So I think that would be a bad result if that happened.

Personally, I think this so-called millionaire amendment we just passed is of very doubtful constitutionality. That is the reason I voted against it. I don't see how you make the kinds of distinctions that that amendment made when you have free speech protection with regard to his spending his own money, how you then favor one over the other, and what you do about the person who wants to make a contribution, and he can give up to, say, $5,000 to candidate X, but to candidate Y he can only give $1,000.

We already have an amendment that has been adopted with questions about its constitutionality.

With regard to your amendment, my question is this: Will the issue not be resolved on the basis of whether or not there is a compelling State interest? It seems to me that is the question, and if that is the question, if that is the issue, then I look at it to see whether or not what we are doing is of sufficient compelling State interest to overcome the first amendment problems.

Obviously, we are impinging on the first amendment. The Supreme Court has said in some cases we can impinge on the first amendment. That is what we are doing when we put hard money limits on people. We impinge on the first amendment, but the Supreme Court says there is a compelling interest to doing that, and that is the appearance of corruption.

The question is, it seems to me, are we doing enough? Is there sufficient, compelling State interest for us to do this? Is it really helping the system that much in this time-place-manner amendment in order to impinge on the admitted free speech rights of a potential contributor?

I take it the Senator thinks we would be doing enough to help the system, to help the Nation by placing these kinds of limitations on people to overcome an impingement on their first amendment rights. Does my colleague agree that is the issue with which we are dealing?

Mr. SMITH of Oregon. I agree with the Senator. Let me read the exact wording of the Fourth Circuit's response to that very question.

A unanimous Fourth Circuit found the restriction was narrowly tailored and served the compelling interest.

The restrictions are limited to lobbyists and the political committees that employ them, the two most ubiquitous and powerful players in the political arena.

They found the restrictions cover only that period during which the risk of an actual quid pro quo or the appearance of one runs the highest risk.

Again, it is a time-and-place regulation. I suspect people in North Carolina, just as the people of Oregon, have a lot more confidence in hearings going on in the morning and know there is not a fundraiser going on in the evening.

Mr. THOMPSON. I say to my colleague, that does carry a certain amount of logic to it, but we all know that some of these bills carry on for a long period of time, and these big issues where people are greatly interested and their businesses are greatly affected sometimes go on for a period of years and we have fundraisers interspersed with them.

I do not know that I agree the greatest danger has to do with the time proximity of the contribution, but I ask my friend if the rest of his bill tracks what they were doing in that Fourth Circuit situation in terms of the people involved, in terms of the places limited, in terms of the time restriction?

Mr. SMITH of Oregon. We have tailored this amendment after the North Carolina one in order to make sure it passes judicial muster. I believe it does. I am willing to put it as part of a nonseverability clause.

I say to the Senator, my concern about the absence of nonseverability is not to every component of this bill. It is the banning of soft money, whereas I would limit it, as the Hagel proposal. It is the banning of soft money if you do not also include these outside groups.

The Senator knows firsthand, I am sure, as a Republican, when it comes time that you are under attack, you have some very powerful and effective groups against you. You have the Sierra Club; you have the trial lawyers; you have labor unions, and on and on. They are very good at what they do. They hit and they run and are accountable to no one. They do not even have to tell the truth. But the only rescue for a Republican is the Republican Senate Campaign Committee.

Just in fairness, if you are going to empower such groups, if you are not going to include them, then, frankly, I think we do great damage. To Democrats who may say this is to our advantage, let me say what will happen.

The day this is enacted and soft money is banned and held constitutional, every Republican dollar flowing to that Senate committee is going to find its way immediately into a Republican Sierra Club, and all of this will not be disclosable, it will not be accountable, and we will have dumbed down America's democracy.

That is the point I am trying to make. That is why those two components, soft money versus regulating outside groups, have to be tied together if we are to make our country better instead of worse.

Mr. REID. Will the Senator yield for a question?

Mr. SMITH of Oregon. I will be happy to yield.

Mr. REID. The Senator said there would not be fundraisers held. There would be nothing wrong. You could have fundraisers and solicit the money. You just could not collect it; is that right?

Mr. SMITH of Oregon. If you wanted to tighten up the bill even more on that account, I would be happy with an amendment you might offer to that effect. I am trying to go as far as I can constitutionally and say there can be no exchange of cash when you are in a legislative session because it does not look good. It does not smell good. We ought to change it, and a lot of States are cleaning up their State governments with this very kind of law. We should do no less in this Congress.

Mr. REID. I appreciate the point. I wanted to make sure the record reflected, in response to a question from the Senator from Tennessee, that there would not be any fundraisers. There may not be as many, but certainly you could have as many fundraisers as you wanted and solicit the money at the fundraisers. You just could not collect the money that night or that day.

Mr. SMITH of Oregon. I guess my question is, Would the Senator like to amend the amendment to include the prohibition of these kinds of solicitations?

Mr. REID. Of course, we cannot amend anything the way the unanimous consent agreement is in place. I think the Senator from Arizona wishes to discuss possible amendments with the Senator, and that would be something.

Mr. SMITH of Oregon. Would it be appropriate to call for a quorum call to work it out?

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

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

Mr. MCCAIN. Mr. President, I realize there is a time constraint here because, under the UC, we have a vote at 6 o'clock. We have been trying to work out an agreement on this amendment. We have been unable to do so. We will go ahead and have the vote at 6. I will make a tabling motion, but I am committed to working with Senator SMITH to see if there is a way that we can work it out to his and everyone's satisfaction. It is overly broad in its language at this time, but we have not been able to reach a conclusion.

I regret that because I agree with Senator SMITH's intent, and I think he is trying to do something that would cure a very bad perception that persists in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is out of time.

Mr. DODD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Connecticut controls the remainder of the time, 16 minutes 40 seconds.

Mr. DODD. I am glad to yield to my colleague for a couple minutes.

Mr. SMITH of Oregon. That would be all I would need.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank Senator DODD. I know this is not easy. I know Congress meets for a long time. I know State legislatures are different just in terms of time. In every other respect, this law is as valid here as it is other places, in my view. If we are worried about appearance, if we want to move soft money, if we want to move money out of politics, nothing will do that better than this amendment. Nothing will shorten congressional sessions more than this amendment.

In my opinion, we ought to vote on it. We ought to pass it. I will pledge my best efforts to work with Senator MCCAIN to get it in a shape that wins his support as well. It is consistent with the spirit of McCain-Feingold.

I thank my colleague for the time.

Mr. DODD. Mr. President, I am happy to yield 4 minutes to my colleague from Tennessee.

Mr. THOMPSON. I thank the Senator.

Mr. President, following up on my earlier comments, I am concerned about this amendment because I fear it may very well be unconstitutional. If one of these amendments is unconstitutional and the reform side does not win on the severability issue, the whole thing falls. Obviously, the question of constitutionality is always important, but it is even more important now.

My concern is this: We have to clearly have a compelling governmental interest to override the first amendment rights of people to give money to candidates. They clearly have that right here. We are clearly overriding it. The question is whether or not there is a sufficient governmental interest.

The case that was cited from the Fourth Circuit—and that case was in North Carolina—pointed out that it only covered a narrow area and that the Legislature of North Carolina only met for a few months out of the year.

This body sometimes meets the entire year. There is no way a person could raise any money at any time during the year under those circumstances. Clearly, the Fourth Circuit is not authority for the constitutionality of this bill. It might be wrong. The Fourth Circuit might be incorrect in its analysis that it should be narrowly tailored. But that causes me a great deal of concern and difficulty. As well meaning as this amendment is, and in many ways as much as I would like to see it, it causes me great concern to vote for an amendment with what I believe raises pretty serious constitutionality questions.

Mr. DODD. Mr. President, I yield 5 minutes to my colleague from Wisconsin.

Mr. FEINGOLD. Mr. President, it is not pleasant to oppose this amendment. The Senator from Oregon is a wonderful Senator. We have worked together on a lot of issues, in the Foreign Relations Committee, the Budget Committee, and the like. We do share a great progressive tradition in our two States of Wisconsin and Oregon. That is the spirit of this amendment.

I have to agree with the distinguished Senator from Tennessee. This does raise some real questions because it doesn't apply to State legislatures. It applies to this Congress. It may make sense for State legislatures that convene for a few months every year, but it doesn't make sense for this Congress. In the year 2000, this Congress went into session in January and, as we painfully remember, did not adjourn until December. There was even a possibility that we were going to go up to New Year's Eve. So it is not realistic to have this kind of limitation that we have in States such as Wisconsin and Oregon at the Federal level.

The cost of campaigns is regrettably high. Obviously, future reforms should address this problem. As has been said by other speakers, this amendment is overly broad in its attempt to prohibit congressional candidates from accepting contributions while the Congress is in session from all the following individuals or entities. It is not just registered lobbyists, as some thought when the amendment was first described. It is much more than that. It is registered lobbyists that are affected, PACs, senior executives, officers, or owners of any organization that employed or retained a registered lobbyist during a calendar year preceding the contribution.

It would prohibit not just contributions from lobbyists but, as the Senator from Arizona has pointed out, contributions from executives of any company that employs a lobbyist—the executives of General Motors, of Federal

Express, and every other company. It would prohibit all union and corporate PACs from contributing basically almost all year-round because, as I pointed out, we are in session so much of the year.

I am afraid this amendment also gives a huge advantage to wealthy incumbents or any incumbents who have a substantial war chest. Under the Smith amendment, while challengers are unable to raise funds from those listed above throughout this very extensive time period in a year, the incumbents who have a lot of resources would be able to rely on their existing war chests or personal wealth. That concerns me as well.

Finally, as the Senator from Tennessee has focused on, there is a serious question of the constitutionality of this amendment. This is one of the reasons I asked the Senator from Oregon at the beginning about whether this affected PACs. He conceded that banning PAC contributions does raise constitutional questions. It calls into question the whole bill.

Of course, if the Senator from Oregon, as we proceed with this bill, is willing to work with us on making sure this entire bill is severable so that each provision can stand on its own and the Court can determine each one, that could be a different story with regard to that argument, but that is the kind of discussion we need to have.

I want him to know I am eager to have those discussions. I appreciate his attitude toward reform, and I hope that in the end perhaps we can work something out relating to this, but even more importantly, he can be part of our efforts. In light of these concerns, I will urge that all those supporting the McCain-Feingold bill should oppose the Smith amendment.

Mr. DODD. Mr. President, I don't know if others want to be heard on this. If my colleague would like to rebut, I will be willing to yield some time to him.

Mr. SMITH of Oregon. I thank the Senator from Connecticut. I recommit to work with Senator MCCAIN and Senator FEINGOLD and see if we can narrow this down. We worked on this a long time. It is hard to do. We are intruding upon speech, there is no question about it. The question is whether this is a permissible time-and-place regulation and is there a legitimate State interest. Absolutely, because you are separating the fundraising from lawmaking. That not only will drive money out of politics, it will help us to focus more on lawmaking and less on fundraising.

There is a time and a season for everything. That season is after we do our business. Everybody can have their say and make their contribution. You just can't do it when we are doing the people's business.

Mr. DODD. Mr. President, if I may, I will take a couple minutes to conclude. I have great respect for my friend from Oregon. We serve on committees together, and I enjoy working with him on numerous issues. There has been a lot described as to why the amendment is troublesome. There is one element not included in the language that I find appealing, and the public might be attracted to the fact that this may have the net effect of abbreviating sessions of Congress. That may have some appeal to a certain number of Americans. If you can only fundraise when Congress is not in session, we might be through with business in April or May. Seriously—I am not being facetious in those comments—this is a provision that concerned me a little bit. It goes back to the debate we had earlier in the day about the nonincumbent. I understand the effort may be to modify this amendment and bring it back at a later time as a modified amendment. But it also affects the nonincumbent.

As I understand the last provision of the bill, ''beginning on the first day of any session of the body of Congress to which the individual holds office, or for which the candidate seeks nomination for election or election,'' and it could be, of course, that someone in a larger State would begin to challenge one of us as incumbents 2 or 3 years out, which is not uncommon today in larger States, and if we are in session in those years, obviously, a challenger who wants to be heard, where you have a State such as California, or Texas, or Illinois, or New York, you may want to begin that process earlier and they would be restrained from raising any money if this amendment were adopted as presently crafted.

So I, too, respect immensely my colleague's motivations. We talked over the last 2 days about the fact that under present circumstances in an average Senate race of $6 or $7 million—that is what an individual has to raise in a contested race—a Member would literally have to raise thousands of dollars every day, 7 days a week, 52 weeks a year, for the entire 6-year term. Somebody pointed out that in the State of California that number is more like $10,000 a day every day when you start talking about $20 million or $30 million. Obviously, for any Member of this body who is raising $10,000 a day every day for 6 years, there is a portion of your responsibilities, to put it mildly, as a Member of this body that is suffering.

It goes to the very heart of what Senators MCCAIN and FEINGOLD are trying to achieve in this legislation. I don't subscribe to the notion that it is an inevitability that campaigns should increase in cost exponentially as they have been. I think you can put on the brakes. And what Senators MCCAIN and FEINGOLD are doing is trying to put the brakes on a bit in the area of soft money. Our colleague from Oregon is also trying to put on some brakes, and I respect that.

For the reasons articulated by Senators MCCAIN, FEINGOLD, THOMPSON of Tennessee, and others, I reluctantly oppose this amendment, and I will look for an opportunity when a modified version may come back. I thank our colleague for raising the subject matter. I urge rejection of the amendment.

I don't know if any more time is being sought. We can yield back the time left. I think our colleague from Arizona may want to make an appropriate motion. We are prepared to yield back time on our side.

Mr. MCCAIN. Would the Senator yield me 1 minute?

Mr. DODD. I am happy to yield.

Mr. MCCAIN. I say to Senator GORDON SMITH what I said to him before. We have our staffs working. I believe I will be able to table this amendment, but if not, he wins. If it is tabled, we want to work together with him. It is the unseemly appearances the American people don't like. We ought to try to fix it. I think there should be both time and effort in the consideration of this legislation to narrow this amendment so it does meet constitutional concerns expressed by Senator THOMPSON and others.

I thank Senator SMITH not only for his involvement in this issue but in the entire issue of campaign finance reform. I know he comes from a State where there is a lot of interest in this issue, as there is in mine—the ''clean campaign'' State referendum. I think he is representing his constituents when he is heavily involved in this issue. I look forward to working with him not only on this one, but as we approach some of the more important issues in the coming days. I thank him for his efforts.

Mr. President, if it is an appropriate time, I move to table the Smith amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—74

Akaka	Cochran	Hagel
Allard	Conrad	Harkin
Allen	Corzine	Hatch
Baucus	Craig	Hollings
Bayh	Crapo	Inouye
Bennett	Dayton	Jeffords
Biden	DeWine	Johnson
Bingaman	Dodd	Kennedy
Bond	Dorgan	Kerry
Boxer	Durbin	Kohl
Breaux	Enzi	Kyl
Byrd	Feingold	Landrieu
Cantwell	Feinstein	Leahy
Carnahan	Fitzgerald	Levin
Carper	Frist	Lieberman
Chafee	Graham	Lincoln
Cleland	Gramm	Lott
Clinton	Grassley	McCain

Mikulski	Reid	Stabenow
Miller	Roberts	Thomas
Murray	Rockefeller	Thompson
Nelson (FL)	Sarbanes	Torricelli
Nelson (NE)	Schumer	Voinovich
Nickles	Shelby	Wellstone
Reed	Specter	

NAYS—25

Brownback	Helms	Smith (NH)
Bunning	Hutchinson	Smith (OR)
Burns	Hutchison	Snowe
Campbell	Inhofe	Stevens
Collins	Lugar	Thurmond
Domenici	McConnell	Warner
Edwards	Murkowski	Wyden
Ensign	Santorum	
Gregg	Sessions	

NOT VOTING—1

Daschle

The motion was agreed to.

Mr. SMITH of Oregon. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Connecticut.

Mr. DODD. Mr. President, as I understand it now there will be no more votes today. The intention is to lay down an amendment to be offered by my colleague from New Jersey, and that debate tomorrow will begin at whatever time the majority leader brings us into session. Hopefully, we might even complete the debate in less than 3 hours.

I ask my colleague from New Jersey if that were possible. In which case, the very latest would be somewhere around 12:30, if we follow today's pattern at all. After that, I understand our colleague from Mississippi has an amendment, and after that I think Senator KERRY of Massachusetts has an amendment, as do Senator WYDEN and Senator WELLSTONE. We have not worked that out yet, but it will be one of those three amendments to be offered.

Mr. MCCONNELL. I say to my friend from Connecticut, since Senator COCHRAN is aligned with your side on this issue, we may want to talk about who comes after Senator TORRICELLI.

Mr. DODD. OK.

Mr. MCCONNELL. We will discuss that and get the lineup set.

I have been told the majority leader would like us to come in at 9:30, so we can anticipate a vote on the Torricelli amendment at 12:30 or before, depending on what time is yielded back.

Mr. DODD. I yield whatever time the Senator from New Jersey would care to take for the purpose of introducing his amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 122

Mr. TORRICELLI. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI] for himself, Mr. DURBIN, Mr. CORZINE, and Mr. DORGAN, proposes an amendment numbered 122.

Mr. TORRICELLI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Communications Act of 1934 to require television broadcast stations, and providers of cable or satellite television service, to provide lowest unit rate to committees of political parties purchasing time on behalf of candidates)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking ''(b) The charges'' and inserting the following:

''(b) CHARGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2) TELEVISION.—The charges made for the use of any television broadcast station, or a provider of cable or satellite television service, by any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.''.

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2)), as added by subsection (a), is amended by inserting '', or by a national committee of a political party on behalf of such candidate in connection with such campaign,'' after ''such office''.

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.''.

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (d), is amended by inserting after subsection (d) the following new subsection:

''(e) RANDOM AUDITS.—

''(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

''(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

''(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

''(B) At least 3 of the 51–100 largest designated market areas (as so defined).

''(C) At least 3 of the 101–150 largest designated market areas (as so defined).

''(D) At least 3 of the 151–210 largest designated market areas (as so defined).

''(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.''.

(e) DEFINITION OF BROADCASTING STATION.—Subsection (f) of section 315 of such Act (47 U.S.C. 315(f)), as redesignated by subsection (c)(1) of this section, is amended by inserting '', a television broadcast station, and a provider of cable or satellite television service'' before the semicolon.

(f) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' before ''If any'';

(2) in subsection (f), as redesignated by subsection (c)(1) of this section, by inserting ''DEFINITIONS.—'' before ''For purposes''; and

(3) in subsection (g), as so redesignated, by inserting ''REGULATIONS.—'' before ''The Commission''.

Mr. TORRICELLI. Mr. President, tomorrow I will join my colleagues, Senators DURBIN, CORZINE and DORGAN, to support an amendment designed to reduce broadcast rates for political candidates and parties. This will be discussed at length tomorrow. For this evening's purposes, it is probably best to introduce the amendment with the words of David Broder today in the Washington Post who writes the current campaign finance debate:

. . .focuses too much on the people who write the checks. It's time to question, as well, where the money goes.

There remains no greater factor in the astronomical expense in political campaigns than the rising cost of televised political advertising. Nearly $1 billion was spent on political advertising in the 2000 Federal campaign, a 76 percent increase since 1996. As demand for advertising time rose, advertising rates have risen as well.

In Philadelphia and in New York City, the cost of some political ads increased 50 percent between Labor Day and Election Day. Political candidates were held hostage by the calendar and the television networks took full advantage. By law, candidates are supposed to pay the lowest unit rate for a station's most favored commercial advertisers.

That is the law.

The problem is that to ensure their advertisements do not get displaced, candidates often end up paying the highest rates available.

This Congress had an intent, and it wrote a law that Members of the Congress have available the lowest unit rate available by station. But it isn't happening. That is the purpose of this amendment.

In Detroit, 88 percent of the advertisements at one television station were sold above the lowest rate. In Minneapolis, 95 percent of all the advertising sold was above that minimum rate. The lowest unit rate has become

a fiction. Political candidates are competing with General Motors, Procter & Gamble, Ford, and the greatest advertisers in the Nation. We are in a bidding war against commercial interests in order to communicate public policy issues with the American people.

There is no greater hypocrisy in our time than the television networks that have maintained the need for a change of a campaign finance system at the same time they are increasing rates during the fall campaigns and gouging political candidates for more and more money. Indeed, political advertising is now the third greatest source of revenue for the television networks behind retailers and the automobile companies.

The Torricelli-Durbin-Corzine amendment prevents broadcasters from gouging candidates and parties into paying the highest rates for fixed time by:

One, requiring stations to charge candidates and parties the lowest rate available throughout the year;

Two, ensuring that candidates and party ads are not bumped by other advertisers willing to pay more for the time in the bidding war in which we are now engaged with commercial parties;

Three, requiring the FCC to conduct random checks during the preelection period to ensure compliance with the law.

Candidates in markets of all sizes would benefit. A candidate in Alabama could save at least 400 percent on one station alone. We have calculated that a candidate in Los Angeles could save 75 percent at one station by having this lower rate available.

This amendment does not require broadcasters to allocate candidates free time, as indeed is done in almost every other industrial democracy in the world. Many of my colleagues believe such free time is the answer. We are not requiring that in this amendment.

We are not altering the content of their programming nor charging a fee for use of the public spectrum. All we are doing is requiring what we required so long ago, but now enforcing it —now ensuring that it happens in practice; that is, that the lowest unit rate be made available.

This will be discussed in length tomorrow. But it is eminently reasonable that in a public policy debate, in choosing leaders of this country, the public airwaves provided on license to the television networks not be a financial opportunity for the networks to get candidates in a bidding war against commercial advertisers, and not taking advantage of those weeks before an election when advertisers, by necessity, must be placed and, therefore, an opportunity for the networks to increase their rates to take advantage of the calendar.

This simply assures fair access at a fair price. It is a necessary component of campaign finance reform. If we are to reduce the amount of money that is available as part of the effort to perform, reduce the amount of political money in this system in order to ensure the integrity of our Government and increase public confidence, and if we are to reduce these expenditures without reducing the cost of advertising, there is only one possible result: Less campaign fundraising will result in less communication, less informed voters, and candidates unable to bring their message to the people.

There is only one way to avoid this eventuality: Reduce the amount of campaign money by reducing campaign costs. That is at the heart of the Torricelli - Corzine - Dorgan - Durbin amendment.

I will return tomorrow morning with my colleagues. We will present our case at length and I think make a real and lasting contribution to the fight for reform.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. 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. TORRICELLI. Mr. President, I yield to Senator ENSIGN of Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I have been in four very tough campaigns in the last 8 years. I have a lot of experience buying television time. Being a small State, the State of Nevada, in which we only have two media markets, it is a lot less expensive than in the State of my good friend from New Jersey.

In 1994, our television time was a lot less expensive. Just in the last 8 years, television has literally at least tripled in price in my State. At election time, when the Senator was talking about the gouging—whatever term you want to use—by the station, there are so many independent expenditures and so many candidates advertising on television that the price goes up. As a matter of fact, at the beginning when you are doing your budgeting for your campaign and you are trying to get the lowest unit rate, it is supposedly going to be at the end of the campaign so that you can determine how much money you will be able to spend on television and how much you will be able to put your message out to the voters.

I remember asking my people: What about this lowest unit rate we heard about? I always hear about that in every campaign. My campaign people say that is really a farce, because the lowest unit rate is something that is preemptible time, so we don't recommend that you ever buy the lowest unit rate. I think we bought a few spots at the lowest unit rate. But other than that, we had to buy nonpreemptible time so we would make sure we had the slots and our message would get to the people to whom we wanted to get.

Mr. TORRICELLI. If I could interrupt the Senator, on tomorrow we will present to the Senate correspondence illustrating exactly the phenomenon to which the Senator from Nevada was speaking. Political candidates will place an ad for $20,000 in compliance with Federal law at the lowest unit rate, and the television station will write back and say: You have an advertisement placed at $20,000, and you should know there is a commercial buyer for that time. If you do not send us another $20,000, you will lose the slot. We will move your ad where we intend to move it, which means the middle of the night.

In fact, they take a candidate's time trying to communicate to the American people in accordance with Federal law at the lowest unit rate, and then you get into a bidding war with the commercial interests because the station is trying to take advantage of the time. They know you advertise in October and September.

Tomorrow we are going to have a complete example of what the Senator is discussing.

Mr. ENSIGN. If the Senator will yield again, my personal experience with this has gone on. We just had the broadcasters from Neveda in our office last week. I don't blame them for wanting to make a profit. That is their business. I don't blame them at all. But we have to spend a lot more time and effort raising money. And this drives up the cost of all of our campaigns simply because of what has happened in the last few election cycles. This phenomenon we are seeing has really happened in the last three or four election cycles—this bidding up of the prices right before election day.

As a matter of fact, when I first got into this in 1994, the television stations didn't like the political season because it was the time when they lost money because they used to give out a lot of low unit rates. But today they love the election cycles. It is one of their highest profit margin times—at least that is what they tell me—simply because there are so many people trying to get on the air to advertise. Candidates cannot get the lowest unit rate. They don't choose to do it anymore. And they have to bid up this time.

So I applaud the three Senators for bringing this amendment up. I think it is the right thing to do. I do not know whether the amendment is going to be adopted, but I certainly think it is the right thing to do. I will be joining with you tomorrow in voting for this.

Mr. TORRICELLI. I thank the Senator for his help. I believe we will succeed tomorrow on a bipartisan basis. I think people recognize the purpose of campaign finance reform is not that the United States have less political debate, not that the American people will be less informed, but that there will be less money in the system. If we

are to achieve both—and that is, to have people to be well informed but have less money in the system, and build confidence—we have to lower the cost of campaigns. This is the way to do it—on the public airways.

Unfortunately, we are not doing what is done in Britain or France or England, which is providing this time free because they are public airwaves. We are taking a very modest step. Indeed, we are only putting into law what really, in fact, was in the law but now is being evaded, and that is this requirement of lowest unit rate.

Indeed, the Senator's experience in Las Vegas is not unusual. He has seen a 300-percent increase during this decade. As I pointed out, the national average, in just 4 years, is 76 percent. There is no cost of business for any industry I know of that is rising faster than the cost of advertising for a political candidate. But what is unbelievable is, in the entire national debate on campaign finance reform, this has largely been absent.

It is as if candidates are raising money because they enjoy it, that somehow people like to raise money because it is entertaining. People are raising these phenomenal amounts of money for one purpose: to feed the television networks that are demanding it, and holding the political system hostage.

So I suggest that tomorrow Mr. Brokaw and Mr. Jennings and Mr. Rather, who have led this campaign for campaign finance reform—we are joining them and going to make the point that rather than being a critic of it, you can make a contribution. This is their way of making a contribution. We are going to lead them to do so tomorrow.

Would the Senator like to add a point?

Mr. ENSIGN. If the Senator will further yield, to just give the American people a little bit of insight into how campaigns work, when you are setting up your budget, in the beginning you set up your TV target market and how much you want to advertise—not how many dollars you want to put into it but what level of penetration into the market you want to get, something called the gross rating point. And we determine each week from election day backward approximately how many points we would like to get in the market. That will determine how much of our message gets to the voters. Then we try to figure out, after we do that, approximately how much the stations are going to charge us for each one of those commercials we put on television.

In the last few years, because of the huge increases, obviously, we have had to adjust our budgets. From that point we go forward and determine how much money we need to raise in our campaigns. That is why the cost of campaigns has continued to go up and up and up and up. From 1995 to 1998, we spent about $3.5 million in our first Senate race. In our second Senate race, just 2 years later, we spent almost $5 million. That is the reality. Mail costs about the same, and radio has gone up a little bit but not too badly, and almost all of the increase has been because of the cost of television.

Mr. TORRICELLI. If I could share one of my own experiences: In 1996, in my own Senate race, we tried to buy the advertising in advance. We knew, as did the Senator, how many points we wanted to buy. We offered to send the money to television. They would not take it because they wanted to increase the rates. They told us in advance: These rates will not hold. We will not take your money. The more they see the demand from political candidates, the more they increase the cost.

Now, to the point, if we are to have a $1,000 limit on all expenditures under McCain-Feingold—no soft money—only $1,000 contributions, in the city of New York an ad covering much of the State of New Jersey can be $60,000 or $70,000. So it will take 70 people writing $1,000 contributions to pay for one ad—one.

The point becomes, how many people do you need? How much do you have to raise to run a television campaign? Effectively, for a candidate in New York today, we will never see another Senate campaign that costs less than $25 million. At that rate, how many thousands and thousands and thousands of people have to write $1,000 contributions? There is no escaping this addiction of money until we lower these costs.

I am very grateful the Senator from Nevada has joined this cause. I am very grateful on a bipartisan basis it seems overwhelmingly the Senate is prepared now to have the second leg on the chair of campaign finance reform—control the money, control the costs, and then we have a balanced program for genuine reform.

I thank the Senator. I look forward to being with him in the debate tomorrow.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our colleagues from New Jersey and Nevada. This exchange between these two fine Senators represents the quality of the debate the Senate is now experiencing on this important issue of campaign finance reform.

Mr. MCCONNELL. Mr. President, I would like to read into the RECORD the following article by Stanford law professor Kathleen Sullivan, entitled ''Paying Up Is Speaking Up.'' In it, she notes that politics and political campaigns are far cleaner today than they were in the days of Tammany Hall. She also notes that in Bucklay v. Valeo the Supreme Court made things worse by striking down expenditure limits while upholding contribution units, resulting in a situation where government may limit the supply of political money but not the demand.

Professor Sullivan says:

Those who claim that our political system is awash in money, corruption and influence peddling were predictably upset that the Senate again defeated the campaign finance restriction proposed by Senators Russell Feingold and John McCain. The Senate's failure to ban ''soft money''—large contributions to political parties that are made to avoid tight restrictions on donations to candidates—drew laments from editorial pages to corporate boardrooms, where some business executives now plead, ''Stop us before we spend again.''

The advocates of new, improved campaign finance reform are well-intentioned but misguided. Of course none of us wishes to live in a plutocracy, where wealth alone determines political clout. But as Senator Mitch McConnell noted in a heated exchange with Senator McCain, American politics today is far from ''corrupt'' in the traditional sense. And the most troubling features of political fundraising today are the unintended consequences of earlier efforts at campaign finance reform.

Begin with the allegations of ''corruption.'' Contributions to candidates and parties today do not line anybody's pockets, as they did in the heyday of machines like Tammany Hall. Vigilant media and law enforcement now nip improper personal enrichment in the bud, as politicians involved in the savings and loan scandals found out to their detriment.

Political money today instead goes directly into political advertising, a quintessential form of political speech. Our large electoral districts and weak political parties force candidates to communicate directly with large groups of voters. This depends on the use of the privately owned mass media. Thus getting the candidate's message out is expensive.

Reformers sometimes decry today's political advertising as repetitious and reductive. But it is not clear what golden age of high-minded debate they hark back to; the antecedents of the spot ad are, after all, the bumper sticker and slogans like ''Tippecanoe and Tyler, Too.''

Nor is there any doubt that restrictions on political money amount to restrictions on political speech. Reformers sometimes say they merely seek to limit money, not speech. But a law, say, barring newspapers from accepting paid political advertisements or limiting the prices of political books would also limit only the exchange of money. Yet no one would question that it would inhibit political speech—as do restrictions on campaign finance.

Unfortunately, the Supreme Court only half recognized this point when, in 1976, it struck down limits on political expenditures while upholding limits on political gifts. Expenditures, the Court reasoned, may not be limited in order to level the playing field, but political contributions may be limited to prevent the reality or appearance that big contributors will have disproportionate influence. So we still have in place the 1974 law limiting individual contributions to a Federal candidate to $1,000 per election—the equivalent of about $383 in 1999 dollars—and, perversely, candidates must spend ever more time chasing an ever larger number of donors.

The Court's noble but flawed attempt at compromise leaves us in the worst of all possible worlds: government may limit the supply of political money but not the demand. This is a situation that in a commercial setting would produce a black or gray market, and politics is no different. Instead of money flowing directly to candidates, it flows to parties as soft money, or to independent advocacy organizations for issue ads that often

imply support for or opposition to specific candidates.

Political spending and speech thus have been shifted away from the candidates, who are accountable to the voters, to organizations that are much harder for the voters to monitor and discipline—a result that turns democracy on its head.

Reform proposals such as McCain-Feingold proceed on the assumption that the answer is to keep on shutting down ''loopholes'' in the system. But in a system of private ownership and free expression, we can never shut all the loopholes down. If the wealthy cannot bankroll campaigns, they can buy newspapers or set up lobbying organizations that will draft legislation rather than campaign ads. When the cure has been worse than the disease, the solution is not more doses of the same medicine.

Does this mean we should eliminate all campaign finance regulation? Certainly not. Even if we give up on contribution limits, we should retain and enhance mandatory disclosure and public subsidies—two kinds of government intervention that are consistent with both democracy and the Constitution.

Mandatory disclosure of the amounts and sources of political contributions enables the voters themselves, aided by the press, to follow the money and hold their representatives accountable if they smell the foul aroma of undue influence. Such disclosure is an extraordinarily powerful and accessible tool in the age of the Internet.

And more widespread public subsidies, like those now given in presidential and some state races, could, if given early in campaigns, help political challengers reach the critical threshold amounts they need to get their messages out.

In ongoing debates about campaign finance reform, it is worth remembering that free speech principles bar the creation of ceilings on political money, but they do not bar the raising of floors.

Mr. President, I would also like to read into the RECORD a recent article by Stuart Taylor Jr. of the National Journal entitled ''How McCain-Feingold Would Constrict Speech.'' It explains how McCain-Feingold would make our political system worse, not better. It notes that each new step down the road of restricting political speech and political spending actually creates new problems.

Mr. Taylor's article says:

It all sounds so clean, so wholesome, so righteous: close the loopholes in our campaign finance laws. End what Sen. John McCain, R-Ariz., calls the ''corrupting chase for 'soft money.' '' Curb the influence of corporations and labor unions. Stop special interests from polluting our politics with ''sham issue ads.'' Mandate greater public disclosure of political spending.

But in reality, the McCain-Feingold-Cochran campaign finance bill would make our politics worse, not better, by further entrenching incumbents against challengers, by weakening our political parties, by increasing the influence of wealthy individuals and huge media corporations, by stifling political debate, and by attacking the First Amendment's premise that political speech should be free and uninhibited, not hobbled by a maze of prohibitions and regulations.

We might be able to make our politics cleaner and fairer by supplementing private campaign funding with some form of public financing to help give voice to candidates and causes with scant financial resources. (More on that next week.) We will not achieve this by piling onerous new restrictions on privately funded speech.

Our experience with the current curbs on campaign contributions, which were enacted in the early 1970s, should be sobering. Spread through hundreds of pages of almost indecipherable legalese understood only by specialists, these curbs are filled with traps, technicalities, and opportunities for selective enforcement by politically appointed bureaucrats and judges. Their main impact has been to force federally elected officials and their challengers to spend a huge percentage of their waking hours soliciting ever-smaller (after inflation) contributions from ever-larger numbers of people. Meanwhile, incumbents have become harder to defeat, the influence of special interests has grown, voter turnout has declined, and public confidence in our political system has plunged.

The solution, say McCain and other ''reformers,'' is to plug loopholes in the current laws—first and foremost, by ending the ability of wealthy individuals, corporations, and unions to circumvent the limits on ''hard-money'' contributions to candidates by giving their political parties unlimited sums of soft money to be spent promoting the candidates. This would make it harder for politicians to extort money from those who would prefer not to give. That is good. But it would also weaken the parties' ability to finance indisputably healthy grass-roots activities such as voter education, registration, and turnout drives, while spurring the many companies, unions, and individuals who want to be active in politics to take their money elsewhere. That is very bad.

The most obvious outlet for private money would be to fund so-called issue advertisements praising their preferred candidates and attacking their adversaries, either directly or by giving to one or more of the interest groups that buy such ads. These groups range from the Chamber of Commerce, the National Right to Life Committee, and the National Rifle Association on the right to labor unions, Planned Parenthood, and the Sierra Club on the left. Such a governmentally engineered shift of money and power from the parties—our most broad-based vehicles for citizen participation in politics—to single-issue groups and other ideologically driven organizations would warp our political discourse.

Not to worry, McCain and his allies say, we also have a plan to curb the financial clout of corporations, unions, and independent interest groups. This proposal (Title II of the bill) would severely restrict such organizations' spending on issue ads and other activities designed to disparage or promote federal candidates. Indeed, for some incumbents facing re-election battles, these provisions are the main attraction of the McCain-Feingold-Cochran bill. ''We're totally defenseless against the juggernaut of huge, unregulated, undisclosed expenditures'' by independent groups, Sen. Thad Cochran, R-Miss., who faces an election next year, told the Wall Street Journal.

This part of the bill would, in the words of Brooklyn Law School professor Joel M. Gora, who has long worked with the American Civil Liberties Union on campaign finance issues, ''effectively silence a great deal of issue speech and advocacy by nonpartisan citizen groups, organizations, labor unions, corporations, and individuals.'' It would altogether bar for-profit corporations and unions from buying television or radio ads, or giving independent groups money to buy ads, that so much as mention—let alone criticize or praise—a federal candidate during the critical 60 days before an election and the 30 days before any primary. These are precisely the periods during which the public is most attentive to debate about political issues and candidates. The bill would also prohibit independent groups from buying such pre-election issue ads unless they set up unwieldy separate, segregated funds that shun corporate and union money and publicly disclose all individual contributions above $1,000.

An even more radical provision would expose such groups to possible legal sanctions if they do anything, at any time, that might help any candidate with whom they have ''coordinated''—a term defined so broadly and vaguely as to encompass almost any contacts with candidates or their aides—in working on issues of mutual interest. So restrictive are these ''coordination'' rules that some of McCain-Feingold-Cochran's biggest champions might have run afoul of them had they been in effect during the 1999–2000 election cycle. Common Cause, for example, worked closely (''coordinated'') with McCain in late 1999 on strategies for promoting his bill, while spending lots of its own soft money touting the bill (and McCain) to the public, at a time when McCain himself was putting campaign finance reform at the center of his presidential candidacy. Under his own bill, such routine political activities involving Common Cause and McCain might be deemed illegal corporate campaign contributions.

Nor is McCain-Feingold-Cochran's requirement that independent groups disclose the names of all donors of more than $1,000 for pre-election issue ads as innocuous as it may seem. It is, some independent groups argue, mainly for the benefit not of the public, but of powerful incumbents and other politicians who might use pressure and intimidation to deter people from funding issue ads the politicians don't like. Thus could a bill that purports to curb the influence of Big Money in politics have the effect of increasing the power of politicians to silence critics both big and small.

Fortunately, McCain-Feingold-Cochran's proposed restrictions on issue ads and independent groups will have trouble getting through Congress now that the AFL–CIO is opposing them—a major break with its usual Democratic allies. And even if enacted, these restrictions have little chance of surviving judicial review. They fly in the face of rules laid down by the Supreme Court in a long line of First Amendment decisions that guarantee that issue advocacy by independent groups, corporations, and unions will enjoy broad protection from all forms of official regulation, including public disclosure requirements.

In any event, any portion of McCain-Feingold-Cochran that manages to get through Congress and past the courts would not take Big Money out of politics. The bill would, rather, increase the relative power of those moneyed interests that remain unregulated. These would include individuals rich enough to finance their own campaigns, such as Ross Perot, Steve Forbes, and the four Senate candidates (all Democrats) who each spent more than $5 million of their own money to win their races. This group was topped by Jon Corzine's $60 million purchase of a seat to represent New Jersey. Power would also flow to the national news media, which are owned by huge corporations such as AOL-Time Warner and General Electric, are staffed by journalists with their own biases, and are busily clamoring for restrictions on the campaign-related spending and First Amendment rights of everybody else.

Those reformers who are most serious about driving Big Money out of politics see McCain-Feingold-Cochran as only a first, tiny step. They would also cap campaign spending by wealthy candidates—a step that would require overruling the Supreme Court's landmark 1976 decision in Buckley vs. Valeo. And a few reformers have asserted that, in the words of associate professor

Richard L. Hazen of Loyola University Law School in Los Angeles: ''The principle of political equality means that the press, too, should be regulated when it editorializes for or against candidates.''

Each new step down this road of restricting political spending and speech creates new problems and new inequities, fueling new demands to close ''loopholes'' by adding ever-more-sweeping restrictions. How far might campaign finance reformers go if they could have their way? Was McCain serious when he said on Dec. 21, 1999. ''If I could think of a way constitutionally, I would ban negative ads''? Shades of the Alien and Sedition Acts.

Politics will always be a messy business. Money will always talk. And the cure of legislating political purity and purging private money will always be worse than the disease.

Finally, Mr. President, I would like to read into the RECORD an article by Judge James Buckley entitled ''Campaign Finance: Why I Sued in 1974.'' Judge Buckley was the lead plaintiff in the landmark campaign finance case of *Buckley* v. *Valeo*. This article provides an important historical context to the current debate over restricting Campaign finances further.

It says:

Twenty-five years ago, I was a member of the Senate majority that voted against the legislation that gave us the present limitations on campaign contributions. Having lost the debate on the floor, I did what any red-blooded American does these days: I took the fight to the courts as lead plaintiff in Buckley v. Valeo. This is the case in which the Supreme Court held that the 1974 act's restrictions on campaign spending were unconstitutional but that its limits on contributions were permissible in light of Congress's concern over the appearance of impropriety.

The issue of campaign finance is again before the Senate. Unfortunately, today's reformers are apt to make a badly flawed system even worse.

To understand why, it is instructive to take a look at the Buckley plaintiffs. I had squeaked into office as the candidate of New York's Conservative Party. My co-plaintiffs included Sen. Eugene McCarthy, whose primary challenge caused President Lyndon Johnson to withdraw his bid for re-election; the very conservative American Conservative Union; the equally liberal New York Civil Liberties Union; the Libertarian Party; and Stewart Mott, a wealthy backer of liberal causes who had contributed $200,000 to the McCarthy presidential campaign. We were a group of political underdogs and independents; and although we spanned the ideological spectrum, we shared a deep concern that the 1974 act would dramatically increase the difficulties already faced by those challenging incumbents and the political status quo.

Incumbents enjoy formidable advantages, including name recognition, access to the media, and the goodwill gained from handling constituent problems. A challenger, on the other hand, must persuade both the media and potential contributors that his candidacy is credible. This can require a substantial amount of seed money. As we testified, Sen. McCarthy could not have launched a serious challenge to a sitting president and I could not have won election as a third-party candidate under the present law. Large contributions from a few early supporters established us as viable candidates. Once the media took us seriously, we were able to reach out to our natural constituencies for financial support and to attract the cadres of volunteers that characterized our campaigns.

Although we won a number of the arguments we presented in Buckley, we lost the critical one when the court held that the limits on contributions were constitutional. Experience, however, has vindicated our worries over the practical consequences of these and other provisions of the 1974 act.

The legislation was supposed to de-emphasize the role of money in federal elections and encourage broader participation in the political process. Instead, by limiting the size of individual contributions, it has made fund raising the central preoccupation of incumbents and challengers alike; and it created a bureaucracy, the Federal Election Commission, that has issued regulations governing independent spending that are so complex and have made the costs of a misstep so great that grassroots action has virtually disappeared from the political scene. Today, anyone intrepid enough to engage in such activities is well advised to hire a lawyer; and even then, he must be prepared to engage in protracted litigation to prove his independence.

Legislation that was supposed to democratize the political process has served instead to reinforce the influence of the political establishment. By compounding the difficulties faced by challengers, it has consolidated the advantages of incumbency and increased the power of the two major parties. By limiting individual contributions to $1,000, it has enhanced the political clout of both business and union political action committees—the notorious PACs.

Moreover, if today's reformers succeed in their efforts to restrict ''issue advocacy,'' the net effect will be to increase the already formidable power of the media. The New York Times or The Wall Street Journal will be free to throw their enormous influence behind a particular candidate or cause through Election Day. But public interest groups would be denied the right to advertise their disagreement with the Times or the Journal during the final weeks of a campaign.

What is needed is not more restrictions on speech but a re-examination of the premises underlying the existing ones. Recent races have exploded the myth that money can ''buy'' an election. Ask Michael Huffington, who lost his Senate bid in California after spending $28 million. The voters always have the final say. What money can buy is the exposure challengers need to have a chance. And while large contributions can corrupt, studies of voting patterns confirm that that concern in vastly overstated. The overwhelming majority of wealthy donors back candidates with whom they already agree, and they are far more tolerant of differences on this point or that than are the PACs to which a candidate will otherwise turn.

An alternative safeguard against corruption is readily available—the daily posting of contributions on the Internet. This would enable voters to judge whether a particular contributions might corrupt its recipient. What makes no sense is to retain a set of rules that make it impossible for a Stewart Mott to provide a Eugene McCarthy with the seed money for a challenge to a sitting president, or that make elective politics the playground of the super rich.

The problem today is not that too much money is spent on elections. Proctor & Gamble spends more in advertising than do all political campaigns and parties in an election cycle. The problem is that the electoral process is saddled by a tangle of laws and regulations that restrict the ability of citizens to make themselves heard and that rig the political game in favor of the most privileged players. And because congressional incumbents are the beneficiaries of the titled playing field, it is fanciful to believe that Congress will re-write the rule book to give outsiders an even break.

We have nothing to fear from unfettered political debate and everything to gain. American democracy can ill afford government control of the political marketplace; but that is where today's reformers would lead us.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

DIRECTED ENERGY AND NON-LETHAL USE OF FORCE

Mr. DOMENICI. Mr. President, I rise today to discuss a serious and effective use of new technologies in our military operations. While I will focus on a specific directed energy technology, the Joint Non-Lethal Weapons Program Office is involved in many other research areas that provide innovative solutions to our military men and women in their daily missions.

Recently, the Marines unveiled a device known as Active Denial Technology, ADT. This is a non-lethal weapons system based on a microwave source. This device, mounted on a humvee or other mobile platform, could serve as a riot control method in our peacekeeping operations or in other situations involving civilians. This project and technology was kept classified until very recently.

The Pentagon noted that further testing, both on humans and, evidently, goats will be done to ensure that it truly is a non-lethal method of crowd control or a means to disperse potentially hostile mobs. The notion that the Pentagon is using ''microwaves'' on humans, and especially on animals, has inflamed some human and animal rights groups. Among others it has simply sparked fear that a new weapon exists that will fry people.

This is not the case. And, unfortunately, few of the media reports offer sufficient detail or comparisons to clarify the value of such a system or put its use in perspective. While ADT is ''tunable,'' the energy cannot be ''tuned up'' to a level that would immediately cause permanent damage to human subjects.

The technology does not cause injury due to the low energy levels used. ADT does cause heat-induced pain that is nearly identical to briefly touching a lightbulb that has been on for a while. However, unlike a hot lightbulb, the energy propagated at this level does not cause rapid burning. Within a few seconds the pain induced by this energy beam is intended to cause the subject to run away rather than to continue to experience pain.

Such technologies have never before been used in a military or peacekeeping endeavor. Therefore, there is

naturally suspicion or fear of the unknown and usually the worst is imagined. I believe this is unwarranted, especially when one considers the currently available options in these types of military situations.

Think of 1993 in Somalia. The U.S. lost 18 soldiers and somewhere between 500 and 1,000 Somalis were killed on the streets of Mogadishu. The Somalis used children as human shields, and our military was forced to fire on angry crowds of civilians, some civilians having automatic rifles and grenades.

Peacekeeping operations are not void of lethal threats. Oftentimes our military is confronted with armed civilians or situations where unarmed, defenseless civilians are intermixed and indistinguishable from persons possessing lethal means.

Regardless of the new Administration's approach to involvement of the U.S. military in non-traditional operations, I believe these types of missions will continue to be a staple of our military's daily operations for a long time to come. Further, these missions often involve situations that render U.S. soldiers vulnerable or threaten the lives of innocent civilians.

I believe that the applications of directed energy technologies in these and other operations can provide a more humane and militarily effective approach. Active denial technology is merely one device on a list of research and development endeavors currently underway by the Pentagon's Joint Non-Lethal Weapons Program.

I would encourage my colleagues to get briefed on the mission and projects in the Non-Lethal Weapons Program. Further, I believe that the tunability of microwave and laser technologies will offer a palette of readily available options to address operational needs in both traditional and non-traditional military operations, and I fully support further funding of research in this area.

TRIBUTE TO ARMY SERGEANT PHILLIP FRELIGH

Mr. HUTCHINSON. Mr. President, I rise today to extend my sympathies to the families and loved ones of those killed during the recent Naval training exercise in Kuwait. Of the five U.S. military personnel killed in the accident, Sergeant Phillip Freligh, whom I intend to pay tribute to today, was from my home state of Arkansas.

Army Sgt. Phillip Freligh, of Paragould, AR, graduated in 1993 from Greene County Tech and enlisted in the Army later that same year. He attended jump training and was assigned to the 82nd Airborne Division. He then was trained as a bomb specialist and was assigned to the 734th Explosive Ordinance Division in White Sands, NM and was on a six month deployment in Kuwait when the accident occurred.

I want to express my deepest regret and sympathies to the family and friends of Sgt. Freligh as well as the families of all the servicemen who lost their lives in this tragic accident. We owe it to all of our brave servicemen and those who serve with them to do our best to uncover the cause of this tragedy, and to do our utmost to prevent it from happening again. Theirs is a dangerous profession, and this tragic accident reminds us of the debt we owe to those who serve. I join the President, Secretary Rumsfeld, and my colleagues in saluting the courage, commitment and sacrifice of these servicemen.

STEPHANIE BERNSTEIN'S ADDRESS ON PAN AM FLIGHT 103

Mr. KENNEDY. Mr. President, on Friday, March 16, Stephanie Bernstein, who lost her husband on Pan Am flight 103 over Lockerbie, Scotland, addressed a conference on the future of Libyan-American relations hosted by the Woodrow Wilson International Center for Scholars, the Atlantic Council, and the Middle East Institute.

Ms. Bernstein's remarks are insightful and show, in very real human terms, the pain suffered by the Lockerbie families. They also demonstrate the need for the U.S. and the international community to keep the pressure on Qadhafi until he accepts responsibility for the actions of Libya's intelligence officer, tells what the Government of Libya knows about the bombing and compensates the families of the victims for this horrible tragedy.

I urge my colleagues to read Ms. Bernstein's remarks as we consider the reauthorization of the Iran-Libya Sanctions Act.

I ask unanimous consent that her statement be printed in the RECORD.

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

REMARKS OF STEPHANIE L. BERNSTEIN—CONFERENCE ON U.S.-LIBYAN RELATIONS AFTER THE LOCKERBIE TRIAL: WHERE DO WE GO FROM HERE?

MARCH 16, 2001.

I would like to thank the Atlantic Council, the Middle East Institute, and the Woodrow Wilson Center for inviting me to participate in this conference.

I have been asked to talk from my perspective as someone whose life has been profoundly and permanently altered by the actions of the government of Libya. I am not a diplomat or a politician, but an average citizen of a country, 189 of whose citizens were brutally murdered on December 21, 1988. The impact of this savage act of mass murder was described in eloquent terms by the Lord Advocate of Scotland during his remarks to the Scottish Court just prior to its sentencing of the defendant, Megrahi, who was found guilty of murder on January 31, 2001:

''More than 400 parents lost a son or daughter; 46 parents lost their only child; 65 women were widowed; 11 men lost their wives. More than 140 children lost a parent and 7 children lost both parents.''

I would like to tell you briefly about one of the 270 people who was murdered in the Lockerbie bombing. My husband, Mike Bernstein, was an ordinary person who died an extraordinary death. His dreams were simple: he wanted to guide his children into adulthood. He wanted to grow old with his wife. He wanted to do work which brought him satisfaction and which made the world a better place than he found it. He graduated with distinction and high honors from the University of Michigan, and received his law degree from the University of Chicago, where he was an associate editor of the Law Review. Mike was the Assistant Deputy Director of the Office of Special Investigations at the U.S. Department of Justice. This office finds, denaturalizes, and deports persons from the United States who participated in Nazi atrocities during World War II. Mike left two children, ages 7 and 4, a wife, a mother, and countless friends. He was 36 years old.

Over the last 12 years, the family members of those who were murdered in the Lockerbie have worked hard for some measure of justice. As a result of our efforts, and with the support of our many friends on Capitol Hill, legislation has been passed which sought to make aviation safer from terrorist acts and to put pressure on countries such as Libya which have been state sponsors of terrorism. The Aviation Security Act of 1992, the Lautenberg Amendment, and the Iran-Libya Sanctions Act would not be law without the efforts of the Lockerbie families.

On January 31 of this year, we achieved another victory when Abdel Basset al-Megrahi, a Libyan security agent (JSO), was convicted of the murders of my husband and 269 others. The Scottish Court was strong in its opinion that Megrahi was acting at the behest of the Libyan government:

''The clear inference which we draw from this evidence is that the conception, planning and execution of the plot which led to the planting of the explosive device was of Libyan origin.'' (p.75)

''We accept the evidence that he was a member of the JSO, occupying posts of fairly high rank.'' (p. 80)

Since the verdict, the Bush administration has been firm in its insistence that Libya abide by the terms of the U.N. Security Council Resolutions, which call for Libya to accept responsibility for the bombing, and for payment of appropriate compensation to the families. The sanctions are rooted in the concept in international law that a government is responsible for the wrongful acts of its officials.

In a meeting with family members on February 8 of this year, Secretary of State Colin Powell was clear in detailing the Bush administration's policy:

''President Bush intends to keep the pressure on the Libyan leadership, pressure to fulfill the remaining requirements of the U.N. Security Council, including Libya's accepting responsibility for the actions of its officials and paying appropriate compensation.''

The Bush administration has stated that the investigation into the Lockerbie bombing is still open. A $5 million dollar award is still in place for information leading to the arrest and conviction of others involved in the bombing. State Department spokesman Richard Boucher said last month that the United States will follow the evidence ''wherever it leads.'' Secretary Powell, in his meeting with the families, elaborated on this as well:

''However we resolve this and however we move forward from this point on, we reserve the right to continue to gather more evidence and to bring more charges and new indictments . . . So accepting responsibility as a leader of a nation, and as a nation, doesn't excuse other criminals who might come to the fore and be subject to indictment.''

Unfortunately, there are others who have not supported the reasonable aims of the Security Council, the United States, and Great

Britain. In an interview with The Indepdent on February 9 of this year, Nelson Mandela, who helped broker the agreement which persuaded Gaddafi to turn the suspects over for trial, accused the U.S. and Great Britain of having ''moved the goalposts'' on the issue of lifting sanctions.

''The condition that Gaddafi must accept responsiblity for Lockerbie is totally unacceptable. As President for five years I know that my intelligence services many times didn't inform me before they took action. Sometimes I approved, sometime I reprimanded them. Unless it's clear that Gaddafi was involved in giving orders it's unfair to act on that basis.

I ask: is it really possible to believe that a Libyan intelligence agent would carry out a massive operation such as the downing of a passenger aircraft without approval from those higher up the chain of command?

Similarly, oil companies, some of whom I know are represented here today, have seen the verdict as the first step in resuming normal relations with Libya. Archie Dunham, the Chairman and Chief Executive of Conoco, stated last month that he was ''very optimistic'' that President Bush will lift the unilateral U.S. sanctions against Libya, in part because of the President and Vice President Cheney's ties to the Texas oil industry.

I find these efforts to promote business at the expense of justice to be deeply disturbing. I am afraid that comments such as those by Mr. Dunham and Mr. Mandela send a message that terrorists and the countries which sponsor or harbor them will not have to pay a significant price for their actions. When we allow ourselves to believe, as is a popular view now, that encouraging business relationships with countries such as Libya which carry out terrorist acts will somehow inoculate us against further terrorist attacks, I believe that we are dangerously naive. Is it really good business to do business with terrorists? Every corporation represented in this room today must ask if it is worth it to resume business in a country whose leader refuses to acknowledge his responsibility for the mass murder of 270 human beings. Anyone in this room could have easily had a loved one on Pan Am 103.

Where do we go from here? The government of Libya and Col. Gaddafi must accept responsibility for the bombing of Pan Am 103 and the murders of 270 people. The government of Libya must pay appropriate compensation to the families. The government of the United States must continue to pursue and develop information leading to the indictments, arrest, and conviction of the others responsible for the bombing. The world community must realize that lifting the sanctions against Libya before Libya has fully complied with them sends a signal that the civilized countries of the world are not serious about going after perpetrators of mass murder. The business community must know that sweeping Pan Am 103 under the rug will, ultimately, not be good for business. We must press for renewal of the Iran-Libya Sanctions Act which is due to expire in August. We must re-impose the U.N. sanctions if the Libyan government does not comply with the terms of the original sanctions. Support for these positions is embodied in a current Sense of Congress resolution which has bipartisan support.

Finally, I think it is vital for everyone to know that the Pan Am families will not go away. In a Reuters article dated February 13 of this year, Saad Djebbar, a London based lawyer who has advised the Libyan government was quoted as follows:

''The more the United States sticks to the original agreement that the aim of the process was the surrender and trial of the two accused, the more the Libyans will cooperate and compensate the families.''

I interpret this to mean that if the families back off, the government of Libya will pay compensation to the families. This cynical approach dishonors the memories of our loved ones and we will never agree to it. Continuing to pursue what and who was behind the Lockerbie bombing and the acceptance of responsibility by the Libyan government are goals which will not be abandoned by the families.

Another British expert on Libya, George Joffe, was quoted in the same article as follows:

''Gaddafi knows he's going to have to pay compensation. The question is whether he can control the domestic agenda and curb his own tongue over the next few months, and whether extremists on the other side of the Atlantic among the families and their supporters in Congress can be kept under control.''

The ultimate resolution of the rift between the United States and Libya does not hinge on whether Gaddafi can ''keep his tongue.'' The ultimate resolution will come when the Libyan government meets its responsibilities to the families and to the international community. As for the families and our supporters in Congress being ''kept under control''—we have been invigorated by the verdict of the Scottish court, and we will not go away.

SWORD TO PLOUGHSHARES

Mr. DOMENICI. Mr. President, I rise today to discuss some efforts in defense conversion that are reaping great gains. In the book, ''The Idea of National Interest'', Charles Beard wrote:

Government might legitimately take the initiative and pursue some interests aggressively. Furthermore, it might make use of its own citizens and their interests to advance the national interest.

Early on U.S. foreign policy for the Former Soviet Union, FSU, was designed to do just that: make use of U.S. citizens' interest to advance our national security objectives.

Today, I would like to briefly underscore some successes, specifically in the realm of defense conversion. Before doing so, however, I wanted to offer some insights regarding the scope of the problem.

First, the legacies of a command economy were prevalent in all nations behind the Iron Curtain. Such legacies included: a structure of production dominated by heavy industry, distorted factor and product prices, antiquated or obsolescent capital stock, inadequate skills to compete in a modern economy; a neglected infrastructure, severe environmental degradation, trade oriented towards other uncompetitive markets, and large volumes of non-performing loans and heavy foreign debt.

The FSU was no exception with respect to inheritance of these burdens and impediments. And despite all these similarities with other eastern European states, the FSU, especially Russia, was unique in one very important way.

For Russia, Ukraine, Belarus, and Kazakhstan ''heavy industry'' was that of defense. Fifty-two percent of Russia's industry was involved in military-related research, design and manufacturing. In Ukraine, Belarus, and Kazakhstan, the defense industry comprised about fifteen percent of their heavy industry.

This distinction made the Soviet industry not merely an economic concern, but rather a central threat to international security. As Soviet central authority deteriorated, control over its massive military complex also crumbled. As such international security concerns are not limited to issues of control over nuclear weapons and material, but include attaining a degree of economic stability to offer stable employment to a vast number of persons in military and military-related occupations, especially scientists and engineers in that sector.

The threat was apparent; the risk of inadequate action has been readily apparent. The national interest, indeed, the global interest, is in securing stability in the region. Stability in the region equates with global stability, especially in light of the potential leakage of knowhow from weapons complex.

Our approach has come in fits and starts. We have not offered a integrated, comprehensive plan for U.S. economic assistance or nonproliferation programs. Increasingly, however, we are coming to recognize the interrelationship between these two elements of our Russia policy, even if we still haven't achieved a semblance of a strategy.

I did, however, want to discuss some efforts that have succeeded. They are not sufficient in breadth, depth or financial means. Nonetheless, the are an exception to the rule in our efforts to provide meaningful, stable employment to former Soviet scientists and engineers.

I begin with the efforts of the Cooperative Research and Development Foundation, CRDF. CRDF was created pursuant to Section 511 of the Freedom Support Act of 1992 in 1995. Its mission is to conduct innovative activities of mutual benefit with the countries of the FSU. Further, CRDF was to offer opportunities to former weapons scientists to achieve transition to productive civilian research. They have been remarkably successful.

Since its inception, CRDF has expended $16 million of U.S. Government funds and $1 million from private foundations. The FSU, in turn, has committed $4.8 million to these activities. These funds have backed 597 projects that supported a total of 4300 scientists and engineers.

In addition, with major contracts from the DOE, DoD, NIH, and EPA as well as industry, CRDF is helping U.S. participants address issues of financial integrity in their dealings with the FSU. Over $30 million for over 500 projects has been managed by CRDF through these contracts.

The Foundation has committed an additional $11.8 million to projects in five program areas.

CRDF's industry programs reduce the risk for U.S. companies to engage

FSU scientists. These grants have leveraged 300 percent of U.S. Government funds through in cash and in-kind contributions from U.S. industry.

I would also note that more than 95 percent of the collaborations formed in CRDF awards will continue, whether with CRDF support or not. Over 100 U.S.-FSU teams are seeking commercial applications for the products of their collaborative research. Twenty-two teams have filed for patents, fourteen of which are joint.

For over a year now CRDF has ensured financial integrity for Department of Energy projects under the Initiatives for Proliferation Prevention, IPP, program. The United States Industry Coalition, USIC, the industry-arm of the IPP program, now boasts 96 members throughout the U.S. and several substantial commercial successes with FSU partners. Through its cooperation with CRDF, USIC and the IPP program now can ensure that funding for FSU scientists involved in these research efforts avoids taxation by Russian or other officials. This aspect is critical for maximizing the impact of U.S. Government or industry investments to provide stable employment and a steady income to FSU scientists.

Since 1994, the IPP program has engaged over 6,200 former weapons of mass destruction scientists. Importantly, USIC members usually surpass cost-sharing arrangements with DOE expenditures totaling $39.3 million versus the $63.4 million invested by U.S. industry. Currently, 75 of USIC's members are engaged in 120 cost-shared projects.

I would like to briefly highlight a recent success story in my home state of New Mexico. On January 15, I participated in a technology demonstration and press conference to announce a $20 million international investment in technologies jointly developed by a small U.S. engineering company, a Russian nuclear weapons plant, and two of the Department of Energy's facilities.

An entrepreneurial American company, Stolar Horizon of Raton, NM, a long-standing member of USIC, identified a Russian technology with market potential, then staked over $5 Million of its own money to develop it. Stolar Horizon worked in tandem with Sandia National Laboratories and the Kansas City Plant through the IPP program to test and refine the technology for commercial, peaceful applications.

The result: Credit Suisse First Boston has committed $20 million in financing to take the product to the global market. An estimated 350 new jobs will be created in New Mexico, and over 600 jobs await Russian nuclear scientists and technicians in Nizhny Novgorod at the Institute for Measuring Systems Research, NIIIS, are planned.

I would remind everyone that U.S. appropriations in FY2001 for the IPP program is only $24.5 million. In this one example, Credit Suisse will provide an investment equal to 80 percent of our own in this fiscal year.

The Stolar Horizon/NIIIS success is a concrete example of the original IPP vision: making the world a safer place through cooperative commercial efforts leading to long-term, well-paying jobs in both nations.

The cooperative efforts of USIC members, DOE–IPP, other U.S. government agencies, and the scientific institutes of the NIS are revolutionizing the post-Cold War world, creating new opportunities for weapons scientists and engineers, and making our world more safe and secure.

I return to the thoughts of Charles Beard. In pursuit of its interests, Government might make use of citizens' interests to advance the national interest. This is the foremost objective of nonproliferation programs that seek to create commercial opportunities in the FSU.

The statistics and examples I've offered above underscore the successes we've achieved. Obviously, our attempts have frequently stumbled sometimes as a result of our own false starts and other times due to circumstances beyond our control. However, at the same time, we have never faced a situation similar to the collapse of the Soviet Union. We had never before legislated or formulated programs with the express intent of preventing proliferation through promotion of commercial opportunities. We had never confronted providing economic development aid to countries burdened by legacies of a command economy. From this perspective, we've made remarkable progress.

Mr. President, I would conclude on the following note: each concrete successful commercial venture will have exponential benefits. I am convinced that these ventures will pay off—by mitigating immediate potential proliferation threats, contributing to a stable economy in the region, and advancing U.S. citizens' own monetary interests.

CONGRATULATING FIRST BOOK

Mr. KENNEDY. Mr. President, last Friday, Congressman MIKE CAPUANO and I had the honor of congratulating First Book for distributing over a quarter of a million books to children across Massachusetts. My distinguished colleague from Massachusetts is a tireless advocate for ensuring that children of all ages obtain the reading materials and skills they need to become active members of our State and of our Nation, and I am happy to have been able to share this important afternoon with him.

Thanks to the coordination of First Book, the generous donations by Random House Children's Books and Little, Brown & Company, and the dedicated volunteers from the Campus Outreach Opportunity League, the Coast Guard and First Book, thousands of children throughout our state who do not always get the opportunity to receive brand new books, are now enjoying their gifts.

First Book is making it possible for young children to have access to books and take the first steps toward learning to read and it is making a real difference in their lives. It is impressive that last year, First Book was responsible for distributing more than 4 million books to children in more than 290 communities across the country.

A 1999 evaluation of First Book conducted by Lou Harris and funded by the U.S. Department of Education, showed that after a child's involvement in First Book, 55 percent of them reported an increased interest in reading. Ninety-eight percent of the local advisory boards reported that their community was better off because of the support of First Book.

Children need to have reading materials outside of school, and even before they start school. It is the best way to develop a love of reading early in life.

When President Kennedy was young, two of his favorite books were ''Billy Whiskers'' and ''King Arthur and the Round Table.'' My mother read for endless hours to all nine of us, and she was conscientious about choosing books that were educational and inspirational as well as entertaining. She instilled a love of reading in all of us.

Reading is the foundation of learning and the golden door to opportunity. First Book knows that to open a book is to open a child's mind to a world of new possibilities.

But too many children fail to read at an acceptable level. Reading is a pleasure, but today it is also a necessity. Students who don't learn to read well in their early years cannot keep up in their later years. That is why literacy programs are so important. They give young children practical opportunities to learn to read and practice reading.

As a volunteer for a reading program in Washington, I know that literacy and mentoring programs make a difference not only for the children who participate in them, but the children in the program make a difference in my life, too.

This is the fourth year that Jasmine and I have been reading partners at Brent Elementary School, and it is very impressive to see her make progress as a reader. There is nothing more exciting for Jasmine and me than when we get to choose a brand new book to read together.

If we all work together, families, schools and communities, children will have the support they need to become good readers in their early years, and gain an appreciation for reading that will last a lifetime.

TAXES, THE ECONOMY AND THE FUTURE

Mr. DORGAN. Mr. President, after nearly a decade of economic growth, historic gains in productivity and reining in the Federal budget deficits, Congress is now considering enacting a tax

cut. I support a tax cut. And I think it should be retroactive to January 1 of this year to provide a needed boost to our economy.

Cutting taxes now will be helpful both to individual taxpayers and to our economy. But we also need to use some of the expected available surplus to pay down our Federal debt. If a country runs up a debt during tough times, it should pay it down during good times. And some of the surplus should be used to do other important things like improve our schools, provide emergency help to family farmers, and help the elderly afford prescription drug costs.

There is an effort by some to frame this tax cut debate in terms of whether one supports the President. But it is not about who we support. Rather, it's about what we support. What kind of a tax cut should we enact and how large should it be?

Here's what I think we should do:

One, enact the income tax cut in phases. The projected 10 year budget surpluses are just that, projections, and are not at all certain. Therefore we should be conservative. Enact the first phase of the tax cut now, and make it retroactive to January 1. In 2 years, if our economy is still producing the expected surpluses, add to the tax cut.

Two, cut income tax rates and do it in a way that provides fair tax cuts for all tax brackets.

Three, eliminate the marriage tax penalty in the income tax code.

Four, simplify filing requirements by allowing ''return free filing'' for up to 70 million Americans.

Five, totally exempt all family farms and family businesses from the estate tax and increase the estate tax exemption to two million dollars for all estates—$4 million for married couples.

Six, add a tax credit for investments that are made in rural States, where there is out-migration of people. We should use this opportunity to use tax cuts to stimulate new jobs and economic growth in rural states that have been left behind.

Here are some of the major issues that we must consider as we enact this tax cut.

The President's plan assumes we will have budget surpluses for the next 10 years. I hope that is the case, but with the current slowdown in our economy, we ought to be cautious. Economic forecasts are no more reliable than weather forecasts. If we lock in a large tax cut and then do not get the expected surpluses, we will once again put our country in financial trouble.

One of the major priorities for using the surplus should be to pay down the Federal debt. It grew by trillions in the 80s and early 90s. Now we have the opportunity and an obligation to use part of these surpluses to pay down that debt.

Our Government collects about $1 trillion in personal income taxes and about $650 billion in payroll taxes from individuals each year. The top 1 percent of all income earners in the U.S. pay 21 percent of all taxes, but under the President's plan they would receive 43 percent of the tax cut. That's not fair. We should make changes to the President's plan to provide a larger share of the tax cuts to working families.

A tax cut is a priority, but so too is fixing our schools, helping family farmers through tough times, dealing with the high prices of prescription drugs, and strengthening Medicare and Social Security. Yes, surpluses need to be used to cut taxes and reduce the debt, but some should be used to address other urgent needs that improve our country.

This debate is larger and more important than partisan politics. And these decisions are bigger than whether the Congress is supporting a new President.

Our country works best when we think ahead and think together. That is what we need to do on this issue.

VETERANS' HIGHER EDUCATION OPPORTUNITIES ACT OF 2001

Mr. BIDEN. Mr. President, I am privileged to be a cosponsor of the Veterans' Higher Education Opportunities Act of 2001, S. 131, and I will explain why this legislation is so important.

No one from either side of the aisle questions the importance of education as the steppingstone to success in the 21st century. We all know that the economy of the future is going to require people with specialized training and skills, while the unskilled labor that typified the 18th and 19th centuries is becoming less and less useful. In this regard, it is hardly surprising that Congress is flooded with proposals to enhance access to high-quality elementary education, secondary education, and higher education. I myself have strongly supported expansion of Pell Grants, broadening of student loans, and tax incentives to help families pay for a college education.

As we rightly promote the importance of government help for higher education, it might be useful to recall that one of the first, and most successful, of these higher education initiatives was the GI bill that was enacted back in 1944. Following World War II, millions of veterans were able to obtain college educations through the GI bill, with the result that many were able to attain a standard of living they could not have imagined. Furthermore, all this college-trained talent contributed to the burst of economic advances that improved life for all of us over the ensuing decades.

Fast forward 57 years. We still have a GI bill, and in our highly successful all-volunteer military, it turns out that the single most important factor that attracts many young people to join the military is the availability of educational benefits after discharge. Yet the current GI bill suffers from one big flaw: the educational stipend is no longer sufficient to pay for the cost of a college education.

The current monthly payment in the GI bill has not come close to matching the rate of inflation in educational costs over the past 50 years. Just consider these statistics. At present, the standard GI bill benefit is $650 per month for 36 months. That is it. Moreover, we now ask servicemembers who want educational benefits after discharge to contribute $1200 while they are in the military. By contrast, when it began in 1944, the GI bill benefit included full tuition and fees at any educational institution to which the veteran could gain admittance, PLUS a monthly stipend equivalent to $500 in 2001 dollars, $750 for married veterans.

We thus find ourselves in an anomalous situation: at the same time that the Government is ramping up its support and subsidy for non-veterans seeking college educations, the program that started this whole thing, and which provides key benefits for those who put their lives at risk for the country, is lagging way behind.

The Veterans' Higher Education Opportunities Act of 2001 goes a long way toward redressing this situation. The key provision of this bill is quite simple: the total VA educational stipend under the Montgomery GI Bill will be increased to a level equal to the average cost of tuition at 4-year public colleges. In other words, the standard 36 months of GI bill benefits will be sufficient to allow a veteran to attend college and complete a degree.

The Veterans Higher Education Opportunities Act of 2001 provides the minimal benefit that we should be offering to those who are willing to make the ultimate sacrifice to keep our country free and prosperous, and I encourage my colleagues to support it.

FARMERS AND RANCHERS ON NATIONAL AGRICULTURE

Mr. JOHNSON. Mr. President, today marks National Agriculture Day. Unfortunately, what should be a celebration is instead overshadowed by the grim reality that many of the hard-working families producing food for this Nation and world are having a difficult time making ends meet.

I salute our farmers and ranchers for many reasons. First, Americans spend less than anyone in the world on their grocery bill. Roughly 11 percent of our household income is spent on food, and it takes a mere 38 days to earn enough income to pay a food bill for the entire year. We truly enjoy the most nutritious, affordable, and stable food supply in the world.

Furthermore, the American economic engine depends upon a strong agricultural sector to run on all cylinders. Indeed the agricultural economy is central to my State's prosperity or adversity. According to South Dakota State University, the multiplied value of agriculture's impact on South Dakota's economy was $16 billion in 1999, one-fourth of our total economic output and more than double that of

any other industry in my State. I believe the public institutions and private businesses that lay the foundation for rural communities thrive only when we have a strong base of independent family farmers and ranchers in South Dakota.

Finally, agricultural producers are the day-to-day stewards of our land. Environmental and conservation benefits like clean water and air, rich soil, and diverse wildlife habitat are enjoyed by the public largely due to the care and management of family farmers and ranchers.

So, why aren't we truly celebrating National Agriculture Day?

Because current economic conditions are poised to squeeze many of South Dakota's 32,500 farmers and ranchers right out of business—conditions set to reverberate across the entire country. Absent farm aid and long-term farm policy fixes that provide true economic security to family farmers and ranchers, the environmental benefits and food security enjoyed by so many in this country may not survive on a sustained basis.

I believe Congress must take two fundamental steps to remedy this situation: modify the farm bill now and strengthen our laws so the marketplace is truly competitive and fair for all.

Since 1997, U.S. farmers have experienced a price crisis of enormous proportions, exacerbated by a series of weather-related disasters in many regions of the Nation. Surplus crop production, both here and abroad, weak global demand, marketplace concentration, and an inadequate farm income safety net are prime reasons for this price crisis.

Moreover, given the input-intensive nature of production agriculture, many farmers and ranchers are paying more each year for critical inputs like fuel and fertilizer. Corn and wheat farmers in South Dakota may be forced to pay up to twice per acre for fertilizer this year, and still not cover enough acres to boost yields to profit-producing levels. This situates farmers in a price-cost squeeze making it nearly impossible to earn income that covers total expenses.

As a result of an inadequate farm bill, Congress has enacted multi-billion dollar disaster programs in the last 3 years—a record $28 billion in fiscal year 2000. USDA economists predict 2001 may be the worst year ever. Without supplemental income or emergency aid, USDA estimates that net farm income in 2001 could approach its lowest level since 1984. Clearly, the 1996 farm bill fails to provide a meaningful, fiscally-responsible, safety-net for farmers when prices are poor on an annual and sustained basis.

I am concerned that the administration's budget blueprint apparently does not grasp the economic obstacles facing the Nation's farmers, ranchers, and rural communities, as illustrated by the fact that the budget includes zero funding for emergency aid or a farm bill rewrite. This seems ironic, since every major farm group has sent myself and others on the Senate Budget Committee a letter agreeing that roughly $10 billion per year will be needed to modify the farm bill for future years, and that around $9 billion is needed in fiscal year 2001 to offset income losses due to low prices and failed farm safety-net policies.

Already, these farm groups and some Members of Congress are suggesting that we will simply assemble a fourth consecutive aid package for farmers in 2001. I will support this imperative aid when the time comes, but suggest American farmers and taxpayers deserve better. These ad hoc emergency bills, totaling billions of dollars each year, are a poor excuse for a long term policy fix. I believe Congress can and should amend current farm policy immediately to provide a more predictable, secure safety-net for farmers now.

One farm bill alternative I have introduced is S. 130, the Flexible Fallow farm bill amendment. Rep. DOUG BEREUTER (R–NE) has introduced an identical bill in the House. Under my Flex Fallow bill—an idea developed by two South Dakota agricultural producers—farmers voluntarily devoting part of their total cropland acreage to a conservation use receive greater price support on their remaining crop production. My proposal embodies the planting flexibility so popular under ''Freedom to Farm,'' yet strengthens the underlying farm income safety net. In fact, my Flex Fallow bill has been endorsed by Iowa State agricultural economist Neil Harl, who believes the proposal works in a market-oriented fashion and said Flex Fallow ''is the missing link to the 1996 Farm Bill.''

Furthermore, I believe agricultural producers want to derive income from the marketplace, and in order to assure that can happen, Congress must restore fair competition to crop and livestock markets. The forces of marketplace concentration are squeezing independent farmers and ranchers out of profit opportunities.

The livestock market is one case in point. Meatpacker ownership and captive supply arrangements tend to transpire outside the cash market. As a result, the process of bidding in an open fashion for the purpose of buying slaughter livestock—which is central to competition—is fading away. As such, livestock producers—who depend upon competitive bidding to gain a fair price—are forced to either enter into contractual, ownership, or marketing arrangements with a packer or find themselves left out of market opportunities.

I have authored a bipartisan bill, S. 142, with Senators GRASSLEY, THOMAS, and DASCHLE to forbid meatpackers from engaging in these anticompetitive buying practices. While my legislation is just one of many steps that should be taken to bolster our laws to protect true market competition, I believe Congress should move to address this issue in earnest.

Former President Eisenhower once said, ''farming looks mighty easy when your plow is a pencil and you're a thousand miles away from a farm.'' Because we live in a country where the food is safe and affordable, and the environment is not taken for granted, perhaps some have forgotten President Eisenhower's simple yet honest-to-goodness words.

So today, let us not overlook the critical role farmers and ranchers play in weaving the economic, social, and environmental fabric of this country. Instead, I join all Americans to salute farmers and ranchers on National Agriculture Day. And I invite all Americans to support efforts to ensure a brighter future for the families who put food on our tables every day.

CONDEMNATION OF THE TALIBAN'S WAR ON GLOBAL CULTURE

Mr. JOHNSON. Mr. President, I rise today to condemn an act of mindless destruction by a regime known for its intolerance. I am referring to the reported destruction of the two ancient statues of Buddha carried out by the Taliban government in Afghanistan and the Taliban's call for complete elimination of all artifacts in the region.

The Bamiyan Buddha statues were priceless artifacts. They stood for centuries as guardians of the silk route that connected the ancient Greek and Roman Empires to Asia. Once one of the most cosmopolitan regions in the world, Afghanistan is now one of the most intolerant and repressive nations due to the actions of the ruling Taliban faction. The destruction of these 1,500-year-old statues was ordered and carried out for fear that they would be used for idol worship. Destroying those creations because of an irrational fear motivated by intolerance of other cultures and religions should be condemned by thoughtful people everywhere.

The country of Afghanistan and the global community has lost two of its greatest treasures, and the world is poorer for it. We cannot tolerate the willful destruction of international treasures that are a part of the world's heritage.

People of all faiths and nationalities, including Muslim communities around the world, have condemned this action. It is imperative that the United States Senate join the people and governments around the world in condemning these senseless acts of destruction, and call on the Taliban regime to immediately cease the destruction of other Pre-Islamic relics.

PRESCRIPTION DRUG SOLUTION MUST BE A PRIORITY

Mr. JOHNSON. Mr. President, few issues have caught the public's attention more than prescription drugs, and

few are more deserving of Congress' attention.

We live at a time when we can clearly discern remarkable benefits from all manner of drugs. It is nothing short of miraculous when we consider the relative ease and success of today's treatment of common disorders, as compared with that of only two or three generations ago.

When World War II began, for example, penicillin and other similar antibiotics were known only to a small number of scientists. At the conclusion of the War in 1945, penicillin was widely available, used not only for battle wounds but for infectious diseases in the general public as well. Patients with high blood pressure or high cholesterol levels were, at best, only partially and inadequately treated in the 1940s and 1950s. Now success is the rule, rather than the exception. Calvin Coolidge's son died in 1924 as a result of a blister and a skin infection after playing tennis at the White House. An infection such as that today would be treated as simple, outpatient therapy.

While these examples are noteworthy and provide us with a valuable perspective of times gone by, the hard, cold fact is that many of these modern miracles are still out of the reach of too many American citizens. They simply cannot afford the drugs that might so often prove lifesaving, because of either no insurance or lack of drug coverage within their insurance.

Recent studies indicate that if you go to virtually any other industrialized democracy, the cost of prescription drugs is about half what it is in the United States. We pay about double what anybody else in the industrialized world pays. That to me is so utterly unacceptable and unfair.

When Medicare was created 35 years ago, its benefits were based on private sector coverage, which rarely included prescription drugs. Now, however, virtually all private sector plans include coverage for prescription drugs, while Medicare does not. As a result, many millions of Americans, both Medicare age and younger have either inadequate or no prescription drug insurance at all. A byproduct of no coverage is that these patients wind up paying the highest rates of anyone—an average of 15 percent more than those with insurance. Many of these uninsureds, including the seniors often called ''The Greatest Generation'' are not filling prescriptions because of their cost, choosing between food and medicine. Or they split pills in half to make them go farther. This is shameful. These are very real every day problems that beg for help.

I strongly believe that all Medicare beneficiaries deserve affordable coverage and financial protection as prescription drugs costs grow at double-digit rates. Astronomical drug prices have come hand-in-hand with the great improvements in drug therapy. Spending for prescription drugs in the United States doubled between 1990 and 1998. In each of the 5 years between 1993 and 1998, prescription drug spending increased by an average of 12.4 percent. In 1999, the drug spending increase was 19 percent and just last year we saw another double digit increase. My office recently completed a three-year statewide survey of prescription drug prices in South Dakota, using a sample of the most heavily prescribed drugs for seniors. I was astonished to find that over 60 percent of the drugs' prices grew at a pace that exceeded the cost-of-living adjustment provided by Social Security, which many Medicare beneficiaries rely on to meet their daily financial needs. In fact, 30 percent of the drugs increased at a pace that was double that of the COLA.

In response to evidence such as this, along with having heard from thousands of concerned South Dakotans affected by skyrocketing drug prices, I have recommitted myself to finding a solution for the prescription drug needs of all Medicare beneficiaries. As such, I have reintroduced two bills that comprise the main pillars of my prescription drug plan: the Prescription Drug Fairness for Seniors Act of 2001, and the Generic Pharmaceutical Access and Choice for Consumers Act of 2001. I don't proclaim these proposals to be the magic bullet that solves all of our nation's prescription drug concerns but they are sensible, financially reasonable approaches that should be a part of an overall prescription drug plan for Medicare beneficiaries. The Fairness bill would provide Medicare beneficiaries access to prescription drugs at the same low prices that drug manufacturers offer their most favored customers. As well, I strongly believe we cannot develop a financially feasible prescription drug benefit without maximizing the utilization of generic drugs. My proposal would increase access and choice in Federal programs by encouraging greater usage of generic pharamaceuticals as a safe, less costly alternative to an often expensive brand-name pharmaceutical. Generic pharmaceutical drugs have been shown to save consumers between 25 percent and 60 percent on their average prescription drug and this plan would greatly benefit many of the most vulnerable members of society.

I do believe Congress needs to create a universal, voluntary drug benefit in the Medicare program, one that provides all Medicare beneficiaries with affordable coverage for drug costs. Perhaps most importantly for South Dakota's Medicare beneficiaries, the plan must ensure access for beneficiaries in rural and hard-to-serve areas including incentives to rural pharmacies and the private entity serving those areas to ensure rapid delivery of prescription drugs.

I believe that these efforts are both comprehensive and achievable in the 107th Congress, and I will work closely with my colleagues to accomplish my personal goal of ensuring access to affordable prescription drugs for all Medicare beneficiaries both in South Dakota and around the Nation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 19, 2001, the Federal debt stood at $5,729,611,586,294.55, five trillion, seven hundred twenty-nine billion, six hundred eleven million, five hundred eighty-six thousand, two hundred ninety-four dollars and fifty-five cents.

Five years ago, March 19, 1996, the Federal debt stood at $5,058,839,000,000, Five trillion, fifty-eight billion, eight hundred thirty-nine million.

Ten years ago, March 19, 1991, the Federal debt stood at $3,447,165,000,000, three trillion, four hundred forty-seven billion, one hundred sixty-five million.

Fifteen years ago, March 19, 1986, the Federal debt stood at $1,982,540,000,000, one trillion, nine hundred eighty-two billion, five hundred forty million.

Twenty-five years ago, March 19, 1976, the Federal debt stood at $599,190,000,000, five hundred ninety-nine billion, one hundred ninety million, which reflects a debt increase of more than $5 trillion—$5,130,421,586,294.55, five trillion, one hundred thirty billion, four hundred twenty-one million, five hundred eighty-six thousand, two hundred ninety-four dollars and fifty-five cents, during the past 25 years.

ADDITIONAL STATEMENTS

A TRIBUTE TO GRACE COLE

• Mrs. MURRAY. Mr. President, I'm sad to inform my colleagues that on Saturday, March 17th, Washington State lost a great advocate for families, and I lost both a good friend and mentor, with the passing of Grace Cole.

At this difficult time, my heart goes out to her family including her two brothers, four sons, four daughters in law, and six grandchildren. I want them to know what the rest of us have known for years: Grace Cole made a difference. We are proud of her and grateful for all she did. And even though she's no longer with us, her activism and her passion live on in the men and women she led into public service.

Well-known and well-loved in Shoreline, in Olympia, and among families and educators throughout our State, Grace Cole set a new standard for public service with strong words and a soft heart. She led the way for advocates like me to follow her from the local school board to the Washington State legislature. And most important, she made a difference for thousands of families throughout our state by standing up for education, the environment and social justice.

Mr. President, today moms and dads who serve their communities in Washington State know they can go on to serve at the State and Federal level.

Years ago, however, that path wasn't so clear. Grace Cole blazed that trail and then helped others like me follow her into public service. When I look at the Washington state legislature, I see the impact Grace Cole has made.

I first met Grace in the early 1980s when I started attending Shoreline School Board meetings. During her many years of service on the school board, Grace was a strong and honest voice who always came down on the side of our children.

When I decided to run for the Shoreline School Board, Grace encouraged me and counseled me. During the time I served with Grace on the school board, she always made sure we were acting in the best interests of those we served. Grace knew just what to say, and on many occasions, her wise words helped ease tense moments.

In 1983, Grace was appointed to the House of Representatives. She was reelected seven times and retired in 1998. As long as Grace served in the House, I knew Washington's children had a strong advocate.

In 1987, I decided to run for the Washington State Senate. Once again, Grace was there for me as a counselor, a supporter, and a friend. Even though she was running for reelection at the same time, Grace took the time to make sure that I and others could follow in her footsteps. That is the way Grace was. She set a path and helped us follow it.

Grace Cole also set a new standard for what it means to be an outstanding school board member. In fact, new members of the Shoreline School Board are often measured by the ''Grace Cole Standard.'' I've heard people say of new members, ''She'll be great—just like Grace Cole.'' In 1998, the Shoreline School Board honored Grace with its first Distinguished Service Award.

What made Grace Cole such an icon? First, she knew how to lead. She listened to all sides, helped bring people together, and knew how to put people at ease. She was also a community builder. She worked side-by-side with other parents to pass school levies. She put labels on letters and walked through neighborhoods knocking on doors to ensure voters would go to the polls.

Most of all, Grace was compassionate and caring. Her passion for children drove everything she did. I remember her bill in the state legislature to outlaw spanking in schools. It seemed like such an uphill battle, but Grace would always say, ''Kids need to learn by example.'' She said that over and over again for years until her bill finally passed. The bill's opponents eventually went along because they realized that Grace Cole would never give up on something she believed in.

In the State legislature, Grace won the respect of all lawmakers on both sides of the aisle. I knew that her time in the House was a personal sacrifice for her. She had to leave her family in Shoreline to work long hours in Olympia, then return home to attend community meetings and to help others. During all her public service though, Grace made sure to always put her kids first.

For me, Grace was a perfect example of selfless community service. Today's leaders are too often judged on how much press they get or how ''visible'' they are. Grace was the person who worked behind the scenes to make people's lives better.

I will miss Grace. She always knew the right thing to say, and she was never afraid of tough votes. She didn't have to be. She knew to do the right thing. Grace showed me and countless others the path to public service. Over the years, so many have followed her—starting in PTA, serving on the school board, and then going to Olympia to fight for their communities.

I know that at this difficult time her four sons and their families feel tremendous sorrow. We all do, but through her work Grace left us so much to be proud of: a strong community of good schools, good neighborhoods, and good friends.

Grace had such a strong and positive spirit that I have a feeling wherever she is, she's organizing a coffee get-together to make sure everyone is doing the right thing. If there are envelopes to lick, phone calls to make, or laws to write, I am sure Grace is making sure it gets done.

I feel fortunate to have known Grace. I am proud to call her a mentor and guide, and I will miss her greatly.●

RECOGNITION OF LEA MIHALEVICH

● Mr. BOND. Mr. President, I rise to make a few remarks regarding the tremendous contributions Norma Lea Mihalevich has made to her community, her state, and to public education.

It isn't often that we can recognize someone who has devoted her life to public service, but Norma Lea Mihalevich has done just that. As a lifelong resident of Pulaski County in Missouri, Norma Lea has spent the past 24 years in Crocker, MO as Mayor. Her continued re-election has been a stamp of approval on the outstanding job she has done.

Norma Lea Mihalevich has also demonstrated her commitment to public education by her service on the Crocker R–II Board of Education for the past forty-nine years. In addition, she has served as a member of the Missouri School Boards' Association's Board of Directors for eleven years. Ms. Mihalevich knows that the key to improving public education is public involvement on the local level. She has definitely led by example and in 1985 she was named as Missouri Pioneer in Education by the Missouri Department of Elementary and Secondary Education.

It is an honor for me to tell my colleagues about Norma Lea. She is an outstanding individual and example for others. Her service, and commitment to service, is something of which we should all be proud.●

SIMPLOT GAMES

● Mr. CRAIG. Mr. President, I would like to use this occasion to recognize and commend the premier indoor high school track and field event in the Nation. Found in my very own backyard, the Simplot Games are held annually at Holt Arena on the campus of Idaho State University in Pocatello, ID. For the past twenty-three consecutive years, the Simplot Games have provided an opportunity for thousands of youths to compete with top-ranked athletes from every corner of the United States and Canada in a nurturing and supportive environment. Run almost solely by volunteers, the Games are a source of inspiration and pride for all participants. The J. R. Simplot Company, a sponsor of the Games, should be applauded for its dedication to the athletes, not only financially, but for providing such a stage to showcase so many talented young people from around the nation.

The Simplot Games are held annually during the third weekend of February on the fastest indoor track in the country. It is certain a few national records will be broken every year before a cheering crowd of thousands, not to mention the national television audience. I had the opportunity to attend the games this year and witness firsthand the camaraderie and team spirit these exceptional young adults displayed. It was impossible not to be caught up in the excitement of this unique event.

The Simplot Games are sanctioned by USA Track and Field, and awards are presented to contenders finishing in the top six places of their respective events. The Games are not just about athletics, but also about providing guidance and advice to the young competitors. Many notable athletes of Olympic and professional fame make a personal commitment to be a positive influence on the participants through their work with the Simplot Games. This year, Olympians included: Al Joyner, Honorary Chairman of the Simplot Games and 1984 Gold Medalist in the triple jump; Dick Fosbury, 1968 Gold Medalist in the high jump and U.S. Olympic Hall of Famer; Paralympian Marlon Shirley, 2000 Gold Medalist in the 100-meter dash; Andre Phillip, 1988 gold medalist in the 400-meter hurdles; and Dan O'Brien, 1996 Gold Medalist in the decathlon and University of Idaho graduate.

In conjunction with the Games, the Adidas Golden Spike Invitational meet was held during the Simplot events. This professional event brought a hefty number of world class athletes to Pocatello to challenge each other for qualifying marks for the 2004 Summer Olympic Games. Through the competition, one hometown favorite was a particular bright spot: Stacy Dragila, 2000

Olympic Gold Medalist in women's pole vaulting, eclipsed her own world record of fifteen feet, five inches, by a full inch and three quarters.

Next year the Simplot Games will be held February 14–16. I encourage all who compete or have sons and daughters that compete in track and field to participate in this world-class event. If you cannot make the competition, or cheer from a seat in the arena, I invite you to watch this exciting and uplifting event unfold from your own living room on television. I am proud that my state of Idaho is the home of this wonderful event and its sponsor, the J.R. Simplot. I am also proud of all the athletes who compete, not only with the other participants but with themselves, to be the best. It is encouraging for all Americans to see how our children are capable of rising above our expectations and accomplish great things.

While I have the focus on Pocatello and Idaho State University, I would like to congratulate the ISU women's basketball team for earning its first berth ever to the NCAA Women's Tournament. The Bengals went undefeated in the Big Sky Conference this year and tied the nation's longest winning streak this season with 21 straight victories. Despite ISU's first round loss to Vanderbilt, the Bengals showed a lot of heart and determination, and I am proud of all they accomplished this year.●

SHRM VISIT TO CAPITAL

● Mr. HUTCHINSON. Mr. President, I rise today to welcome the members of the Society for Human Resource Management, SHRM, to Washington for their 18th Annual Employment Law and Legislative Conference. Today, close to 300 SHRM members will visit Capitol Hill to share their views on and experience with issues such as the Family and Medical Leave Act, health care, the Fair Labor Standards Act, pension reform, and Section 127 educational assistance.

The Society for Human Resource Management, SHRM, is a strong voice for the human resource profession. SHRM represents its members on issues affecting the workplace, employment, employers, and employees. It also provides them with invaluable services such as government and media representation, education and information services, conferences and seminars, online services, and publications.

SHRM was founded 52 years ago by a small group of ''personnel'' officers to help the nation work through its post WW II labor-management challenges and improve the professionalism of the industry. Today, SHRM's membership includes over 155,000 human resource professionals in all fifty states and ranges from small one-person consulting firms to Fortune 500 companies. SHRM's members also represent a wide variety of industries, from the 25 percent who work in manufacturing to the 15 percent who work in the service sector. Other members work in the transportation, utilities, retail, finance, insurance, health, real estate, construction, and technology industries.

I want to commend the members of SHRM for taking time out of their demanding daily lives to come to Washington, D.C. to speak with their Senators and Representatives regarding the issues that affect their profession. As a legislator, I cannot stress enough the importance of legislative conferences through which members of associations like the Society for Human Resource Management come to our nation's capital to participate in the legislative process. Citizen participation is a crucial component of the legislative process because it allows legislators and their staff to hear their constituents explain their experiences as they live and work under our nation's laws. The knowledge that legislators gain through these conversations results in sounder legislation and, ultimately, a stronger democracy. Accordingly, I sincerely thank the members of SHRM for their commitment not only to their profession but to the political process.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1005. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products; Clothes Washer Energy Conservation Standards'' (RIN1904–AA67) received on March 19, 2001; to the Committee on Energy and Natural Resources.

EC–1006. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Commercial and Industrial Equipment; Efficiency Standards for Commercial Heating, Air Conditioning and Water Heating Equipment'' (RIN1904–AB06) received on March 19, 2001; to the Committee on Energy and Natural Resources.

EC–1007. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Alternate Fuel Transportation Program; Biodiesel Fuel Use Credit'' (RIN1904–AB00) received on March 19, 2001; to the Committee on Energy and Natural Resources.

EC–1008. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Contractor Legal Management Requirements; Department of Energy Acquisition Regulation'' (RIN1990–AA27) received on March 19, 2001; to the Committee on Energy and Natural Resources.

EC–1009. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards'' (RIN1904–AA77) received on March 19, 2001; to the Committee on Energy and Natural Resources.

EC–1010. A communication from the Secretary of the Navy, Department of Defense, transmitting, pursuant to law, a report of Determination and Findings; to the Committee on Armed Services.

EC–1011. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report concerning the prison impact assessment for 2000; to the Committee on the Judiciary.

EC–1012. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 16, 2001; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on the Budget; Appropriations; the Judiciary; and Foreign Relations.

EC–1013. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority to Disclose and Request Information'' received on March 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1014. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Daily Computation of the Amount of Customer Funds Required to be Segregated'' received on March 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1015. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Daily Computation of the Amount of Customer Funds Required to be Segregated'' (RIN3038–AB52) received on March 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1016. A communication from the Acting General Counsel, Office of New Markets Venture Capital, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''New Markets Venture Capital Program'' (RIN3254–AE40) received on March 19, 2001; to the Committee on Small Business.

EC–1017. A communication from the Acting General Counsel, Office of New Markets Venture Capital, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''HUBZone Program—Amendments'' (RIN3254–AE28) received on March 19, 2001; to the Committee on Small Business.

EC–1018. A communication from the Acting General Counsel, Office of New Markets Venture Capital, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''New Markets Venture Capital Program; Delay of Effective Date'' (RIN3254–AE62) received on March 19, 2001; to the Committee on Small Business.

EC–1019. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Aleutian Canada Goose from the Federal List of Endangered and Threatened Wildlife'' (RIN1018–AF42) received on March 15, 2001; to the Committee on Environment and Public Works.

EC–1020. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Operating Permit Program; Tennessee and Memphis-Shelby County'' (FRL6956–6) received on March 15, 2001; to the Committee on Environment and Public Works.

EC–1021. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Approval of State of Indian Lead Activities Program''; to the Committee on Environment and Public Works.

EC–1022. A communication from the Acting Secretary of the Army, Department of Defense, transmitting, a report concerning the New York and New Jersey Harbor Navigation Study; to the Committee on Environment and Public Works.

EC–1023. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2001–13) received on March 16, 2001; to the Committee on Finance.

EC–1024. A communication from the Deputy Executive Secretary to the Department, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Physicians Referrals to Health Care Entities with which They Have Financial Relationships: Delay of Effective Date'' received on March 19, 2001; to the Committee on Finance.

EC–1025. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report entitled ''Lamb Meat: Monitoring Developments in the Domestic Industry''; to the Committee on Finance.

EC–1026. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Social Health Maintenance Organizations: Transition into Medicare+Choice''; to the Committee on Finance.

EC–1027. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report concerning the promulgation of an interim rule which amends 22 CFR 41.2(i); to the Committee on Foreign Relations.

EC–1028. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, a report concerning the Strategic Plan under the Government Performance and Results Act for Fiscal Year 2000 through 2005; to the Committee on Foreign Relations.

EC–1029. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–1030. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–1031. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–1032. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual performance report for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–1033. A communication from the Acting Assistant Secretary of the Occupational Safety and Health Administration, Department of Labor , transmitting, pursuant to law, the report of a rule entitled ''Notice of Initial Approval Determination; New Jersey Public Employee Only State Plan'' (RIN1218–AB98) received on March 15, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1034. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Dimethyl Dicarbonate'' (Docket No. 00F–0812) received on March 19, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1035. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Natamycin (Pimaricin)'' (Docket No. 00F–0175) received on March 19, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1036. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Human Cells, Tissues, and Cellular and Tissue-Based Products ; Establishment Registration and Listing'' (Docket No. 98N–1042) received on March 19, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1037. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing, and Handling of Food'' (Docket No. 00F–0789) received on March 19, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1038. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components'' (Docket No. 99F–2081) received on March 19, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1039. A communication from the Assistant Secretary of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the annual report on management reform for Fiscal Year 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1040. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Capital Requirements for Federal Home Loan Banks'' (RIN3069–AB01) received on March 19, 2001; to the Committee on Banking , Housing, and Urban Affairs.

EC–1041. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Safeguarding Member Information'' (12 CFR Part 748) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1042. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Community Development Revolving Loan Program For Credit Unions'' (12 CFR Part 705) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1043. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibilitys'' (66 FR 10586) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1044. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (66 FR 10596) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1045. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (66 FR 10592) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1046. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (66 FR 10590) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1047. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (66 FR 10588) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1048. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the annual report concerning inventory of commercial activities for 2000; to the Committee on Governmental Affairs.

EC–1049. A communication from the Acting Assistant Secretary on Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report concerning the inventory of commercial activities for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1050. A communication from the Acting Assistant Secretary for Management and Chief Information Officer, Department of the Treasury, transmitting, pursuant to law, the annual report on the inventory of commercial activities for year 2000; to the Committee on Governmental Affairs.

EC–1051. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1052. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on March 19, 2001; to the Committee on Governmental Affairs.

EC–1053. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar years 1999 and 2000; to the Committee on Governmental Affairs.

EC–1054. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the

list of General Accounting Office reports for December 2000; to the Committee on Governmental Affairs.

EC–1055. A communication from the Acting Director of Employment Service/Staffing Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Repayment of Student Loans'' (RIN3206–AJ12) received on March 19, 2001; to the Committee on Governmental Affairs.

EC–1056. A communication from the Acting Director of Employment Service/Staffing Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Suitability'' (RIN3206–AC19) received on March 19, 2001; to the Committee on Governmental Affairs.

EC–1057. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors'' received on March 19, 2001; to the Committee on Governmental Affairs.

EC–1058. A communication from the Acting Commandant of the United States Coast Guard, Department of Transportation, transmitting, pursuant to law, a report concerning the use of the aids to navigation system by commercial, recreational, and public users; to the Committee on Commerce, Science, and Transportation.

EC–1059. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report concerning the status of fisheries of the United States; to the Committee on Commerce , Science, and Transportation.

EC–1060. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; 2001 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Marine Mahogany Ocean Quahogs'' (RIN0648–AM50) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1061. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1062. A communication from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; Notice of Boundary Expansion; Supplemental Management Plan'' (RIN0648–AO18) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1063. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes A Season Directed Atka Mackerel Fishing in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area and Opens Trawl Gear Fishing in Some Steller Sea Lion Critical Habitat Areas in the Western Aleutian District'' received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1064. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1065. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Emergency for the Summer Flounder Fishery; Extension of and Expiration Date'' (RIN0548–AO32) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1066. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Commercial Run-Around Gillnet Fishery for Gulf Group King Mackerel in the EEZ of the Southern Florida West Coast Subzone'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1067. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 66 to the Fishery Management Plan of the Bering Sea and Aleutian Islands Area (Removes Squid Allocation to the Western Alaska Community Development Quota Program)'' (RIN0648–AM72) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1068. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2001 Specifications and Foreign Fishing Restrictions'' (RIN0648–AN69) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1069. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Extension of Closed Areas'' (RIN0648–AO71) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1070. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notice of Funds for Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the United States South Atlantic Coastal States; Marine Fisheries Initiative'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1071. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup and Black Sea Bass Fisheries; 2001 Specifications; Commercial Quota Harvested'' (RIN0648–AN71) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1072. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Area'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1073. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS Reduces the Trip Limit in the Commercial Hook-and-Line Fishery for King Mackerel in the Southern Florida West Coast Subzone to 500 lb (227 kg) of King Mackerel Per Day in or from the Exclusive Economic Zone (EEZ)'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1074. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Change in Pacific Mackerel Incidental Catch'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1075. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closure for the Inshore Component Pacific Cod in the Central Regulatory Area of the Gulf of Alaska'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1076. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1077. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in the Seller Sea Lion Protection Areas in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1078. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Regulatory Adjustments; Technical Amendment'' (RIN0648–A095) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1079. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska'' received on March 16,

2001; to the Committee on Commerce, Science, and Transportation.

EC–1080. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Protection Areas in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1081. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closure for the A Season Allowance of Pollock in Statistical Area 610, Gulf of Alaska'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1082. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring Systems; Delay of Effectiveness; Request for Comments'' (RIN0648–AJ67) received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1083. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands'' received on March 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1084. A communication from the Associate Bureau Chief of Wireless Telecommunications, Policy and Rules Branch, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Reviewing Request for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934'' (Docket No. 97–192) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1085. A communication from the Attorney Advisor of the Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Carriage of Digital Television Broadcast Signals: Amendments to Part 76 of the Commission's Rules, Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues, Application of Network Non-Duplication-Syndicated Exclusivity Sports Blackout Rules to the Satellite Retransmission of Broadcast Signals, First Report and Order and Further Notice of Proposed Rulemaking'' (Docket Nos. 99–120, 00–96, 00–2) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1086. A communication from the Legal Advisor of the Cable Service Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues, Retransmission Consent Issues'' (Docket Nos. 99–363, 00–96) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1087. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC120B Helicopters'' ((RIN2120–AA64)(2001–0163)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1088. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes'' ((RIN2120–AA64)(2001–0162)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1089. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, –700, –800, and –700C Series Airplanes'' ((RIN2120–AA64)(2001–0161)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1090. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS350B, B1, B3, Ba, C, D, D1; ASE55E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64)(2001–0160)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1091. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney JT9D Series Turbofan Engines'' ((RIN2120–AA64)(2001–0159)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1092. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Model 1900D Airplanes'' ((RIN2120–AA64)(2001–0164)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1093. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas, DC–8–31, –32, –33, –41, –42, –43, –51, –52, –53, –55, –61, 61F, –62, –62F, –63, –63F, DC–8F–54, and CD–8F–55 Series Airplanes'' ((RIN2120–AA64)(2001–0158)) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated.

By Mr. SESSIONS (for himself, Mr. COCHRAN, and Mr. HUTCHINSON):

S. 568. A bill to amend the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, to respond to the severe economic losses being incurred by crop producers, livestock and poultry producers, and greenhouse operators as a result of the sharp increase in energy costs or input costs from energy sources; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURNS:

S. 569. A bill entitled the ''Health Care Access Improvement Act''; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. DEWINE, Mr. LEVIN, Mr. SPECTER, Mrs. CARNAHAN, Mrs. HUTCHISON, Mr. MILLER, Ms. COLLINS, and Mr. CARPER):

S. 570. A bill to establish a permanent Violence Against Women Office at the Department of Justice; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. WARNER, and Mr. ALLEN):

S. 571. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. HELMS, Mrs. FEINSTEIN, Mrs. HUTCHISON, and Mrs. LINCOLN):

S. 572. A bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mr. DURBIN, Mr. REED, Mrs. MURRAY, and Mrs. BOXER):

S. 573. A bill to amend title XIX of the Social Security Act to allow children enrolled in the State children's health insurance program to be eligible for benefits under the pediatric vaccine distribution program; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 574. A bill to amend titles XIX and XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 575. A bill entitled the ''Hospital Length of Stay Act of 2001''; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 576. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 577. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN:

S. 578. A bill to prohibit the Secretary of Transportation from amending or otherwise modifying the operating certificates of major air carriers in connection with a merger or acquisition for a period of 2 years, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN:

S. 579. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department of State's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

By Mr. HUTCHINSON:

S. 580. A bill to expedite the construction of the World War II memorial in the District of Columbia; to the Committee on Governmental Affairs.

By Mr. FITZGERALD (for himself and Mrs. CLINTON):

S. 581. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Ms. LANDRIEU:

S.J. Res. 8. A joint resolution designating 2002 as the ''Year of the Rose''; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. REID, Ms. SNOWE, Mr. JEFFORDS, Ms. COLLINS, Mr. SPECTER, and Mr. CHAFEE):

S.J. Res. 9. A joint resolution providing for congressional disapproval of the rule submitted by the United States Agency for International Development relating to the restoration of the Mexico City Policy; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. HAGEL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 22, a bill to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

S. 96

At the request of Mr. KOHL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 96, a bill to ensure that employees of traveling sales crews are protected under there Fair Labor Standards Act of 1938 and under other provisions of law.

S. 125

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 125, a bill to provide substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 149

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 193

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 193, a bill to authorize funding for Advanced Scientific Research Computing Programs at the Department of Energy for fiscal years 2002 through 2006, and for other purposes.

S. 198

At the request of Mr. CRAIG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 202

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 202, a bill to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts''.

S. 255

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 256

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 264

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 264, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk for osteoporosis.

S. 281

At the request of Mr. HAGEL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mr. BOND), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 311

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 410

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 410, a bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 488

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 488, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable education opportunity tax credit.

S. 501

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 512

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Utah (Mr. BENNETT), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 512, a bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

S. 517

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 548

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Mr. SARBANES), the Senator from Texas (Mrs. HUTCHISON), the Senator from Minnesota (Mr. DAYTON), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as ''National Airborne Day.''

AMENDMENT NO. 112

At the request of Mr. DOMENICI, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 112 proposed to S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. COCHRAN, and Mr. HUTCHINSON):

S. 568. A bill to amend the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, to respond to the severe economic losses being incurred by crop producers, livestock and poultry producers, and greenhouse operators as a result of the sharp increase in energy costs or input costs from energy sources; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMERGENCY RELIEF FROM HIGH ENERGY COSTS FOR CROP PRODUCERS, LIVESTOCK AND POULTRY PRODUCERS, AND GREENHOUSE OPERATORS.

Section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549, 1549A–55), is amended—

(1) in subsection (b)(1), by striking ''paragraph (2)'' and inserting ''paragraph (2) and subsection (c)(2)'';

(2) in subsections (b)(2) and (d), by striking ''subsection (c)(2)'' each place it appears and inserting ''subsection (c)(1)(B)'';

(3) in subsection (c)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(B) by striking ''Assistance'' and inserting the following:

''(1) LOSSES DUE TO DAMAGING WEATHER AND RELATED CONDITIONS.—Assistance''; and

(C) by adding at the end the following:

''(2) ECONOMIC LOSSES DUE TO HIGHER ENERGY COSTS.—The Secretary shall also provide assistance under this section to crop producers, livestock and poultry producers, and greenhouse operators for any severe increased operating costs that the producers and operators have experienced, or are likely to experience, during calendar year 2000 or 2001 as the result of an increase in energy costs or input costs from energy sources.''; and

(4) in subsection (e), by striking ''Assistance'' and inserting ''Except as provided in subsection (c)(2), assistance''.

By Mr. BURNS:

S. 569. A bill entitled the ''Health Care Access Improvement Act''; to the Committee on Finance.

Mr. BURNS. Mr. President, I rise today to introduce the ''Health Care Access Improvement Act of 2001.'' This bill is designed to dramatically expand rural America's access to modern health care.

The Health Care Access Improvement Act creates a significant tax incentive, which encourages doctors, dentists, physician assistants, licensed mental health providers, and nurse practitioners to establish practices in underserved areas. Until now, rural areas have not been able to compete with the financial draw of urban settings and therefore have had trouble attracting medical professionals to their communities. The $1,000 per month tax credit will allow health care workers to enjoy the advantages of rural life without drastic financial sacrifices. But the real winners in this bill are the thousands of Americans whose access to health care is almost impossible due to a lack of doctors and dentists in small town America.

There are nine counties in the great state of Montana which do not have even one doctor. In these rural settings, agriculture is often the only employer. Farming and ranching is hard, dangerous work. Serious injuries can happen in an instant. And while Montanans have always been known as a heartier breed of people, we get sick too. It is unreasonable to expect the farmer who has had a run-in with an auger or the elderly rancher's widow to drive two hours or more to get stitched up or to have a crown on a tooth replaced. As doctors, dentists, physicians assistants, mental health providers, and nurse practitioners are attracted to the more urban areas, Montanans and others in isolated communities will suffer. We must do what we can to ensure that these health care providers come to rural America, we must give them some incentive to practice in these smaller communities so that citizens living in these areas can finally enjoy the medical treatment they deserve.

This problem is not unique to my State of Montana, alone. In fact, throughout the United States, we continue to experience scarcity in all or parts of 2,692 counties. In rural areas, serious shortages exist in the supply of primary care practitioners and specialty care practitioners. This is precisely the reason why this bill is so important.

Twenty-nine health care organizations believe strongly in this legislation, as well. They actively support the introduction of this legislation to provide a tax credit to health care providers establishing practices in underserved areas because they realize it will help thousands of health care providers make decisions to establish their practices in America's underserved communities. So many communities whose access to qualified health care professionals has been a constant ''revolving door'' will be greatly helped by this tax credit. Mr. President, I hold here in my hand a letter on behalf of these various groups which I ask to be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BURNS. It is important to note that less than 11 percent of the nation's physicians are practicing in non-metropolitan areas, less than 11 percent. This is a significant number, folks. We owe it to the men, women, children, elderly and families living in these non-urban communities to take steps necessary to increase this percentage and get more health care providers to their communities.

The Department of Health and Human Services uses a ratio of one primary care physician per 3,500 population as the standard for a primary care Health Professional Shortage Area, HPSA. More than 20 million Americans live in rural and frontier HPSAs. Most of the State of Montana is beyond rural, it's frontier. As of 1997, more than 2,200 physicians were needed nationwide to satisfy these non-metropolitan primary care HPSAs shortages. I think this bill is a step in the right direction.

Mr. President, I urge my colleagues to work with me and join in support of this legislation. Rural Montana, rural America, and health service providers all benefit from increased access, service and a better quality of life. In short, everyone wins with this legislation. I look forward to making this legislation work for so many of the men, women and children in need of quality health care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Health Care Access Improvement Act''.

SEC. 2. NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS SERVING HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. PRIMARY HEALTH SERVICES PROVIDERS SERVING HEALTH PROFESSIONAL SHORTAGE AREAS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a qualified primary health services provider for any month during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to $1,000 for each month during such taxable year—

''(1) which is part of the eligible service period of such individual, and

''(2) for which such individual is a qualified primary health services provider.

''(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means, with respect to any month, any physician, physician assistant, or nurse practitioner, who is certified for such month by the Bureau to be a primary health services provider or a mental health provider licensed under applicable state law who—

''(1) is providing primary health services full time and substantially all of whose primary health services are provided in a health professional shortage area,

''(2) is not receiving during the calendar year which includes such month a scholarship under the National Health Service Corps Scholarship Program or the Indian health professions scholarship program or a loan repayment under the National Health Service Corps Loan Repayment Program or the Indian Health Service Loan Repayment Program,

''(3) is not fulfilling service obligations under such Programs, and

''(4) has not defaulted on such obligations. Such term shall not include any individual who is described in paragraph (1) with respect to any of the 3 most recent months ending before the date of the enactment of this section.

''(c) ELIGIBLE SERVICE PERIOD.—For purposes of this section, the term 'eligible service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

''(d) OTHER DEFINITIONS AND SPECIAL RULE.—For purposes of this section—

''(1) BUREAU.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

''(2) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

''(3) PHYSICIAN ASSISTANT.—The term 'physician assistant' has the meaning given to such term by section 1861(aa)(5)(A) of the Social Security Act.

''(4) NURSE PRACTITIONER.—The term 'nurse practitioner' has the meaning given to such term by section 1861(aa)(5)(A) of the Social Security Act.

''(5) PRIMARY HEALTH SERVICES PROVIDER.—The term 'primary health services provider' means a provider of basic health services (as described in section 330(b)(1)(A)(i) of the Public Health Service Act).

''(6) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means any area which, as of the beginning of the eligible service period, is a health professional shortage area (as defined in section 332(a)(1) of the Public Health Service Act) taking into account only the category of health services provided by the qualified primary health services provider.

''(7) ONLY 60 MONTHS TAKEN INTO ACCOUNT.—In no event shall more than 60 months be taken into account under subsection (a) by any individual for all taxable years.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Primary health services providers serving health professional shortage areas.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

EXHIBIT 1

ADEA,
AMERICAN DENTAL EDUCATION ASSOCIATION,
Washington, DC, March 13, 2001.

Hon. CONRAD BURNS,
United States Senate,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR BURNS: The 29 undersigned organizations actively support your introduction of legislation to provide a tax credit to health care providers establishing practices in underserved areas. This tax credit will not only help thousands of health care providers make decisions to establish their practices in America's underserved communities, but also will provide sufficient time for them to establish roots in these communities.

Many communities whose access to qualified health care professionals has been a constant ''revolving door'' will be greatly helped by this tax credit. It is estimated that more than 20,000 clinicians are needed to eliminate all of the Primary Care Dental, Medical and Mental Health, Health Professional Shortage Areas (HPSAs) now designated across our nation.

Please accept our endorsement for this critical proposal that will improve America's public health and access to health care in underserved areas. Thank you for offering such an important proposal at the outset of the legislative session and for your continued leadership. Please let us know how we may be helpful to you as we work together to improve access to care. We are committed to provide sustained assistance as you move this proposal forward.

Sincerely,
RICHARD W. VALACHOVIC, D.M.D., M.P.H.
Executive Director.

On behalf of the: American Academy of Pediatric Dentistry; American Association of Colleges of Osteopathic Medicine; American Association of Colleges of Pharmacy; American Association of Community Dental Programs; American Association for Dental Research; American Association of Public Health Dentistry; American College of Nurse-Midwives; American College of Nurse Practitioners; American College of Osteopathic Emergency Physicians; American College of Osteopathic Family Physicians; American Dental Association; American Dental Education Association; American Dental Hygienists' Association; American Medical Student Association; American Optometric Association; American Osteopathic Association; American Psychological Association; American Student Dental Association; Association of Academic Health Centers; Association of American Medical Colleges; Association of American Veterinary Medical Colleges; Association of Schools of Allied Health Professions; Association of Schools and Colleges of Optometry; Association of Schools of Public Health; Clinical Social Work Federation; Coalition of Higher Education Assistance Organizations; National Association of Graduate-Professional Students; National League for Nursing and National Organization of Nurse Practitioners Faculties.

By Mr. BIDEN (for himself, Mr. DEWINE, Mr. LEVIN, Mr. SPECTER, Mrs. CARNAHAN, Mrs. HUTCHISON, Mr. MILLER, Ms. COLLINS, and Mr. CARPER):

S. 570. A bill to establish a permanent Violence Against Women Office at the Department of Justice; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today, I address once more the subject of violence against women. It is still a problem.

According Justice Department statistics, violence against women by intimate partners is actually down, falling 21 percent from 1993 to 1998. Luckily, we can thank the programs created by the Violence Against Women Act, which I introduced almost a decade ago, and the efforts of advocates all across this country, from Dover to Denver, in educating us to confront domestic violence head-on.

Yet, unfortunately, we are far from eradicating this crime. It is a crime which harms women, leaving them battered and blue, sending them to the hospital, and causing them to miss work. We have also a crime that affects their children—children who cower while watching their mother get battered, children who too often then act out their own aggression.

I would love to say that, in my lifetime, we will break this cycle of family violence. But, we are not there yet.

One way of working towards this goal, however, is to preserve the Violence Against Women Office at the Justice Department. Today I, along with Senators DEWINE, LEVIN, SPECTER,

CARNAHAN, HUTCHISON, MILLER, COLLINS, and CARPER, have introduced a bill making the Office permanent.

This office is vital because it has been instrumental in our efforts to help women harmed by domestic violence. Since its inception, the Violence Against Women Office has distributed over one billion dollars in its first five years to states, localities, tribal governments, and private organizations. These governments and groups, in turn, have used these precious funds to improve the investigation and prosecution of crimes of domestic violence, stalking, and sexual assault; to train prosecutors, police officers, and judges on the special aspects of cases involving violence against women; and to offer the needed services to victims and their families.

In particular, this funding includes the incredibly successful STOP grants—grants which fund the Services for the Training of Officers and Prosecutors. These STOP grants—the largest grant program created by the Violence Against Women Act, are especially effective because each grant must be used to upgrade three vital areas: prosecution, law enforcement, and victim services.

Likewise, the Violence Against Women Office has awarded grants to encourage arrest policies, which seek to educate our police officers that, when they answer a call for help by a woman being battered, they should not turn away. This battery is not a private matter, to be left behind closed doors—where a man as king of his castle can do as he pleases. No, not anymore. That woman's abuser is committing a crime and he is subject to arrest and prosecution.

The Office has also distributed monies to our rural areas as part of the program for Rural Domestic Violence and Child Abuse Enforcement. I am sorry to say but this problem is in every part of this nation, and the Violence Against Women Office has sent funds to every corner of America, all the way from Orem, UT to Waterbury, VT. Yet, despite its pervasiveness, domestic violence itself is under attack.

And the Violence Against Women Office is leading the fight. Given the success of the many programs of the Violence Against Women Act as administered by the Office, I believe that the time has come to make the Violence Against Women Office permanent by statute. This Office is long overdue a strong foundation.

Moreover, the Office is due the prestige it deserves. My bill realizes this aim in a couple of ways. First, my bill provides that the Office be separate from any division or component of the Justice Department. In this regard, with the Office's Director reporting directly to the Associate Attorney General, as my bill requires, the Office will be shielded from any attempts to undo the great work it has historically accomplished. Why mess with success?

Second, my bill provides that the Director of the Office shall now be nominated by the President and confirmed by the Senate. This, too, raises the prestige of the work that the Violence Against Women Office seeks to accomplish day-in and day-out. It also subjects the selection of the Director, who performs the essential job of implementing the Violence Against Women Act, to the democratic process—thereby insuring that we attract the best candidates.

Yes, indeed, we are far from solving the crime of domestic violence. But let us take a step in the right direction. Join me in making the Violence Against Women Office permanent. The safety of women and their families depends on it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violence Against Women Office Act''.

SEC. 2. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

(a) IN GENERAL.—There is established in the Department of Justice a Violence Against Women Office (in this Act referred to as the ''Office'') under the general authority of the Attorney General.

(b) SEPARATE OFFICE.—The Office—

(1) shall not be part of any division or component of the Department of Justice; and

(2) shall be a separate office headed by a Director who shall report to the Attorney General through the Associate Attorney General of the United States, and who shall also serve as Counsel to the Attorney General.

SEC. 3. JURISDICTION.

The Office—

(1) shall have jurisdiction over all matters related to administration, enforcement, coordination, and implementation of all responsibilities of the Attorney General or the Department of Justice related to violence against women, including formula and discretionary grant programs authorized under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386); and

(2) shall be solely responsible for coordination with other offices or agencies of administration, enforcement, and implementation of the programs, grants, and activities authorized or undertaken under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386).

SEC. 4. DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.

(a) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint a Director for the Violence Against Women Office (in this Act referred to as the ''Director'') to be responsible for the administration, coordination, and implementation of the programs and activities of the office.

(b) OTHER EMPLOYMENT.—The Director shall not—

(1) engage in any employment other than that of serving as Director; or

(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (Division B of Public Law 106–386).

(c) VACANCY.—In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

(d) COMPENSATION.—The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 5. REGULATORY AUTHORIZATION.

The Director may, after appropriate consultation with representatives of States and units of local government, establish such rules, regulations, and procedures as are necessary to the exercise of the functions of the Office, and are consistent with the stated purposes of this Act and those of the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386).

SEC. 6. OFFICE STAFF.

The Attorney General shall ensure that there is adequate staff to support the Director in carrying out the responsibilities of the Director under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. THURMOND (for himself, Mr. WARNER, and Mr. ALLEN):

S. 571. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, today I am introducing legislation to create a National Museum for the United States Army. This endeavor is important to every American, every veteran, and all Members of Congress.

I would be greatly pleased to have my colleagues join me in sponsoring this worthy legislation.

Our great Capital City and its surrounding countryside host every kind of museum imaginable, but not one for one of this Nation's greatest institutions, the United States Army. Area museums serving the American public today are all worthy museums, but this great city and this great Nation are sadly without a museum for its citizen-soldiers who have sacrificed so much for their country.

The purpose of the legislation which I introduce today is to designate a place for the Army Museum to be built to preserve, interpret, and display the important role the Army has played in the history of our Nation.

What I propose is not new. Over the past two decades many sites have been suggested and most are unsatisfactory because they have unrealistic development requirements, because their locations are unsuitable for such an esteemed building, or they lacked an appropriate Army setting. Since 1983, the process of choosing a site for the Army Museum has been a long cumbersome undertaking. A site selection committee was organized and it developed

a list of 17 criteria which any candidate site is required to possess before it was to be selected as home to the Army Museum. Among other requirements, these criteria required such things as: an area permitting movement of large military vehicles for exhibits and tractor trailer trucks for shipments, commanding and aesthetically pleasing vistas, positive impact on environment, closeness to public transportation, closeness to a Washington Tourmobile route, convenience to Fort Myer for support by the 3rd Infantry, The Old Guard, accessibility by private automobile, adequate parking for 150 staff and official visitors, adequate parking for a portion of the 1,000,000 visitors per year that do not use public transportation, food service for staff and visitors, area low in crime and safe for staff and visitors, suitable space, 300,000 square feet, for construction, a low water table, good drainage and no history of flooding and suitability for subterranean construction.

Since 1984, more than 60 sites have been studied, yet only a handful has been worthy of any serious consideration.

The most prominent recent site suggestions have included Carlisle, Pennsylvania; Gettysburg, Pennsylvania; the Washington Navy Yard; and Fort Belvoir, Virginia. Of these sites, most clearly have characteristics which are directly contrary to the established criteria for site selection. The extraordinary distance of Carlisle from Washington speaks for itself. The suggestion that the Army locate its museum in Washington's Navy Yard is also directly contrary to prerequisites for site selection. The Washington Navy Yard is situated in a dangerous and difficult-to-get-to part of Washington, on the Anacostia River and on a precarious 50-year flood plain. Because this area floods so often, a ''Washington Navy Yard Army Museum'', let me pause to repeat this awkward location a ''Washington Navy Yard Army Museum'', might well suffer the embarrassment of being closed ''due to flooding.'' This would not be the way America should honor Army history. The Navy Yard over the years has become less military in character and a patchwork home to various government offices. To locate the Army Museum in an old Navy yard, which is sometimes under water, would send a clear signal to visitors that choosing a home to their history was nothing more than an afterthought.

In 1991, the Deputy Secretary of Defense directed that the site searches include the Mount Vernon Corridor as a possible location for the Army Museum. Fort Belvoir quickly became a very attractive location. Fort Belvoir offers a 48-acre site, only 5 minutes from Interstate 95, which is traveled by over 300 million vehicles annually, it is 3 minutes from the Fairfax County parkway, and is served by Metro Bus, the Fort Belvoir site fronts on US Route 1, Richmond Highway and is next to the main gate of Fort Belvoir.

The Fort Belvoir site is also a winner historically. It is on a portion of General George Washington's properties when he was Commander in Chief of the Continental Army. It is located on the historical heritage trail of the Mount Vernon Estate, The Grist Mill, Woodlawn Plantation, Pohick Church, and Gunston Hall. Situating the Army Museum at Fort Belvoir is a natural tie to a long established military and historic installation that has already been approved by the National Capitol Planning Commission to be used for community activities, which includes museums, as a part of the Fort Belvoir Master Plan. The Fort Belvoir site meets all 17 criterions originally established by the Army.

The bill I am introducing today names Fort Belvoir as the site for the Army Museum. Fort Belvoir is the best location in the Washington area to host an Army museum. Army veterans want to remember and show their contribution to history in an Army setting and culture in which they themselves once served. Fort Belvoir is the perfect place to do this and it qualifies on every criterion established in 1983 by the Army's Site Selection Committee. For Belvoir is Army and should host Army history. Therefore, I ask that my colleagues support this bill and bring the 18-year search for a home for the Army Museum to a close by selecting a worthy home for one of this Nation's greatest institutions.

Thomas Jefferson wrote to John Adams in 1817, ''A morsel of genuine history is a thing so rare as to be always valuable.'' I am pleased to see that the National U.S. Army Museum is a task for this Congress at the beginning of a new century, at a time when all Americans are proud of their Nation's accomplishments and those who made it all possible. I am absolutely concerned that all our veterans are honored, and honored honorably. Every year Army veterans bring their families to Washington and are disappointed that no museum exists as a tribute to their service and sacrifice. Time is running out for many Army veterans, especially those of World War II. I urge my colleagues to review this important piece of legislation and support its passage. Mr. President, I ask unanimous consent that the text of this bill and the site selection criteria be printed in the RECORD.

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

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Museum of the United States Army Site Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nation does not have adequate knowledge of the role of the Army in the development and protection of the United States.

(2) The Army, the oldest United States military service, lacks a primary museum with public exhibition space and is in dire need of a permanent facility to house and display its historical artifacts.

(3) Such a museum would serve to enhance the preservation, study, and interpretation of Army historical artifacts.

(4) Many Army artifacts of historical significance and national interest which are currently unavailable for public display would be exhibited in such a museum.

(5) While the Smithsonian Institution would be able to assist the Army in developing programs of presentations relating to the mission, values, and heritage of the Army, such a museum would be a more appropriate institution for such programs.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for a permanent site for a museum to serve as the National Museum of the United States Army;

(2) to ensure the preservation, maintenance, and interpretation of the artifacts and history collected by such museum;

(3) to enhance the knowledge of the American people of the role of the Army in United States history; and

(4) to provide a facility for the public display of the artifacts and history of the Army.

SEC. 3. LOCATION OF THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

The Secretary of the Army shall provide for the location of the National Museum of the United States Army at Fort Belvoir, Virginia.

ARMY'S NMUSA SITE SELECTION CRITERIA

1. Site large enough for building of 300,000 square feet.
2. Suitable soil and other physical properties.
3. Low water table, good drainage, no history of flooding and suitable for subterranean construction, if necessary.
4. Topography of site permits building design to include north light for labs and graphics branch.
5. Area will permit movement of large military vehicles for exhibits and tractor trailer trucks for shipments.
6. Commanding and aesthetically pleasing vistas.
7. Positive impact on environment.
8. Close to public transportation.
9. Close to Tourmobile route.
10. Convenient to National Archives and Library of Congress for staff use.
11. Convenience to the Pentagon for staff coordination.
12. Close enough to Fort Myer for support by the 3d Infantry, The Old Guard.
13. Accessible by private automobile.
14. Adequate parking for 150 staff and official visitors or space for same.
15. Adequate parking for a portion of the 1,000,000 visitors per year that do not use public transportation or space for same.
16. Food service for staff and visitors, if not provided in new building.
17. Area low in crime and safe for staff and visitors.

By Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mr. DURBIN, Mr. REED, Mrs. MURRAY, and Mrs. BOXER):

S. 573. A bill to amend title XIX of the Social Security Act to allow children enrolled in the State children's health insurance program to be eligible for benefits under the pediatric vaccine distribution program; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleagues Senators CHAFEE, DURBIN, REED, MURRAY, and BOXER to introduce a bill to clarify that children receiving health insurance under the State Children's Health Insurance Program, SCHIP, in States like California are eligible for free vaccines under the federal Vaccines for Children, VFC, program.

Providing low-income children with access to immunizations is a high priority of mine. I believe that we must work to ensure that our nation's youngsters begin life protected against the diseases for which there are vaccinations available.

The Centers for Disease Control, CDC, estimates that in many areas of the U.S. immunization rates continue to fall below 75 percent among children under 2 years old. This is unacceptable.

In 1993, the U.S. experienced the largest outbreak of whooping cough in over 20 years. Additionally, from 1989 to 1991, a measles outbreak resulted in 123 deaths and 55,000 cases. These are diseases for which vaccinations are available.

While we are doing a better job of educating families about the importance of receiving timely immunizations, we must now focus our efforts on ensuring access to immunizations for those most in need.

The federal Vaccines for Children program, created by Congress in 1993, P.L. 105–33, is an excellent example of a program that provides vaccines at no cost to low-income children.

To be eligible for the VFC program under current federal law, a child must be a Medicaid recipient, uninsured, or of American Indian or Alaskan Native heritage.

The U.S. Department of Health and Human Services, HHS, argues that a child participating in SCHIP, called Healthy Families in California, is not eligible for the free immunizations provided by the VFC program because that child is ''insured.''

I believe the interpretation of ''insured'' is not consistent with Congress's intent in establishing SCHIP. I believe that in defining the term ''insured'' at that time Congress clearly meant private health insurance plans.

Children enrolled in SCHIP, or in my State the Healthy Families program, are participating in a federal-state, subsidized insurance plan. Healthy Families is a state-operated program. Families apply to the State for participation. They are not insured by a private, commercial plan, as traditionally defined or as defined in the Vaccine for Children's law (42 U.S.C. sec. 1396s(b)(2)(B).

Several California based provider groups agree. For example, in February 1999 the California Medical Association wrote to then-HHS Secretary Donna Shalala: ''As they are participants in a federal and state-subsidized health program, these individuals are not ''insured'' for the purposes of 42 U.S.C. sec. 1396s(b)(B).''

HHS has interpreted the law so narrowly that as many as 630,000 children in California under California's Healthy Families program have lost or will lose their eligibility to receive free vaccines. Approximately 428,641 kids have lost eligibility to date.

The VFC program is particularly important to California in ensuring access to life-saving immunizations for two reasons.

First, California ranks 40th overall among states having children fully immunized by the age of 19 to 35 months. In 1996, however, California ranked 32nd. Clearly the situation in California is getting worse rather than better. Allowing SCHIP children to access immunizations through the VFC program could increase the number of children receiving vaccinations in the State.

Second, in creating SCHIP in California, the State chose to set up a program under which the State contracts with private insurers, rather than providing eligible children care through Medicaid, Medi-Cal in California.

The California Managed Risk Medical Insurance Board, which is administering the new program with the Department of Health Services, wrote to HHS in February 1999: ''It is imperative that states like California, who have implemented SCHIP using private health insurance, be given the same support and eligibility for the Vaccines for Children, VFC, program at no cost as States which have chosen to expand their Medicaid program.''

A study conducted by the California Medical Association found that pediatric capitation rates for children ages 0–21 averages $24.24 per child per month. However, a 1998 Towers Perrin Study of physician costs for children ages 0–21 years found averages to be $47.00 per child per month. These numbers demonstrate the discrepancy between payment and costs for children enrolled in a capitation plan, which includes all children enrolled in California's Healthy Families program.

Add to this discrepancy in payments the fact that children need 18 to 22 immunizations before the age of 6. This process becomes quite costly!

The discrepancy in payment and costs means that many California physicians cannot afford to provide patients with the necessary life-saving immunizations, so children in my State are often going without vaccinations.

This reality has caused serious problems for children in California.

For example: From 1993 to 1997, Orange County California had 85 hospitalizations and four deaths related to chicken pox. Across the State in 1996 there were 15 deaths and 1,172 hospitalizations related to chicken pox. The Immunization Branch in California reported over 1,000 whooping cough cases, including 5 deaths, in 1998—the largest number of cases and deaths since the 1960s.

Whooping cough and chicken pox are two examples of diseases for which there are vaccinations available.

We must do more to increase access to vaccinations for our nation's children.

In 1998, as many 743,000 poor children in California, who were uninsured or on Medicaid, received these vaccines. This number is down by approximately 32,000 children in comparison to the 1997 immunization figures for California's poor children.

What can be so basic to public health than immunization against disease? Do we really want our children to get polio, measles, mumps, chicken pox, rubella, and whooping cough, diseases for which we have effective vaccines, diseases which we have practically eradicated by widespread immunization?

Congress recognized the importance of immunizations in creating the VFC program, with many Congressional leaders at the time arguing that childhood immunization is one of the most cost-effective steps we can take to keep our children healthy.

It makes no sense to me to withhold immunizations from children who 1. have been getting them when they were uninsured and 2. have no other way to get them once they become insured.

According to an Annie E. Casey Foundation report, 22 percent of California's two-year olds are not immunized. Add to that the fact that we have one of the highest uninsured rates in the country.

Over 28 percent of California's children are without health insurance, compared to 25 percent nationally, according to the Annie E. Case Foundation. Clearly, there is a need.

The San Francisco Chronicle editorialized on March 10, 1998: ''More than half a million California children should not be deprived of vaccinations or health insurance because of a technicality . . .,'' calling the denial of vaccines ''a game of semantics.''

Children's health should not be a ''game of semantics.'' Proper childhood immunizations are fundamental to a lifetime of good health. I urge my colleagues to join me in supporting this legislation, to help me keep our children healthy.

By Mrs. FEINSTEIN:

S. 574. A bill to amend titles XIX and XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program, to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President. Today, I am introducing legislation to allow States, at their option, to enroll parents in the State Children's Health Insurance Program, known as S- CHIP.

This bill could provide insurance to 2.7 million uninsured parents nationwide and 356,000 parents in California at a time when the uninsured rate in

the country and in California continues to rise.

Congress has appropriated a total of $17.2 billion for SCHIP for Fiscal Years 1998, 1999, and 2000, or about $4.3 billion for each Fiscal Year.

SCHIP is a low-cost health insurance program for low-income children up to age 19 that Congress created in the Balanced Budget Act of 1997. After three years, SCHIP covers approximately two million children across the country, out of the three to four million children estimated to be eligible.

Congress created SCHIP as a way to provide affordable health insurance to uninsured children in families that cannot afford to buy private insurance. States can choose from three options when designing their SCHIP program: 1. expansion of their current Medicaid program; 2. creation of a separate State insurance program; or 3. a combination of both approaches.

California's SCHIP is known as the Healthy Families program and is set up as a public-private program rather than a Medicaid expansion. Healthy Families allows California families to use federal and State SCHIP funds to purchase private managed care insurance for their children.

Under the federal law, States generally cover children in families with incomes up to 200 percent of poverty, although States can go higher if their Medicaid eligibility was higher than that when SCHIP was enacted in 1997 or through waivers by the Department of Health and Human Services. In California, eligibility was raised to 250 percent of poverty in November 1999, which increased the number of eligible children by 129,000.

Basic benefits in the California SCHIP program include inpatient and outpatient hospital services, surgical and medical services, lab and x-ray services, and well-baby and well-child care, including immunizations. Additional services which States are encouraged to provide, and which California has elected to include, are prescription drugs and mental health, vision, hearing, dental, and preventive care services such as prenatal care and routine physical examinations.

In California, enrollees pay a $5.00 copayment per visit which generally applies to inpatient services, selected outpatient services, and various other health care services.

The United States faces a serious health care crisis that continues to grow as more and more people go without insurance. The U.S. has seen an increase in the uninsured by nearly five million since 1994.

Currently, 42 million people, or 17 percent, of the non- elderly population in the country are uninsured. In California, 22 percent, or 6.8 million, of the nonelderly are uninsured.

A study cited in the May 2000 California Journal found that as many as 2,333 Californians lose health insurance every day. A May 29, 2000 San Jose Mercury article cited California's emergency room doctors who ''estimate that anywhere from 20 percent to 40 percent of their walk-in patients have no health coverage.''

Among the 1.85 million uninsured children in California, nearly two-thirds or 1.3 million are eligible for Medicaid or SCHIP, called Healthy Families in the state, according to the University of California at Los Angeles.

Last year, we passed legislation enabling California to keep approximately $350 million of the $600 million unspent SCHIP funds. My state and others were at risk of losing funds because the law required states to use all their funds in three years and time was running out on the 1998 funds. Since my state and others still have these funds, as well as funds allotted in fiscal years 1999, 2000 and 2001, enrolling parents and more children could be a good way to increase enrollment.

The bill we are introducing today would gives States the option to expand SCHIP coverage to parents whose children are eligible for the program at whatever income eligibility level the state sets. In my State, that would mean a family of four earning up to $42,625 would be eligible for coverage.

This bill would retain current funding formulas, State allotments, benefits, eligibility rules, and cost-sharing requirements. The only change is to allow States the option to enroll parents.

An SCHIP expansion should be accomplished without substituting SCHIP coverage for private insurance or other public health insurance that parents might already have. The current SCHIP law requires that State plans include adequate provisions preventing substitution and my bill retains that. For example, many States require that an enrollee be uninsured before he or she is eligible for the program. This bill does not change that requirement.

This bill is important for several reasons. More than 75 percent of uninsured children live with parents who are uninsured. Many experts say that by covering parents of uninsured children we can actually cover more children.

If an entire family is enrolled in a plan and seeing the same doctors, in other words, if the care is convenient for the whole family, all the members of the family are more likely to be insured and to stay healthy. This is a key reason for this legislation, bringing in more children by targeting the whole family.

Private health insurance in the commercial market can be very expensive. The average annual cost of family coverage in private health plans is around $6,000. California has some of the lowest-priced health insurance, yet the State ranks fourth in uninsured.

In California, high housing costs, high gas and electricity prices, expensive commutes, and a high cost-of-living make it difficult for many California families to buy health insurance. Over eight in ten of uninsured Californians are working, but they do not earn enough to buy private insurance. SCHIP is a practical and attractive alternative.

Many low-income people work for employers who do not offer health insurance. In fact, forty percent of California small businesses, those employing between three and 50 employees, do not offer health insurance, according to a Kaiser Family Foundation study in June 2000. Californians in 1999 were 6.6 percentage points less likely to receive health insurance through employers than the average American, 62.8 percent versus 69.4 percent, according to UCLA experts.

We need to give hard-working, lower income American families affordable, comprehensive health insurance, and this bill does that.

The California Medical Association and Alliance of Catholic Health Care agree with us and support this legislation.

I urge my colleagues to join me in supporting and passing this bill. By giving States the option to cover parents—whole families—we can reduce the number of uninsured, encourage the enrollment of more children, and help keep people healthy by maximizing this valuable, but currently under-utilized program.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE).

S. 575. A bill entitled the ''Hospital Length of Stay Act of 2001'', to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today, Senator OLYMPIA SNOWE and I are introducing a bill to guarantee that the decision of how long a patient stays in the hospital is left to the attending physician. Our legislation would require health insurance plans to cover the length of hospital stay for any procedure or illness as determined by the physician to be medically appropriate, in consultation with the patient.

The bill is endorsed by the American Medical Association, the American College of Surgeons, the American College of Obstetricians and Gynecologists, and the American Psychological Association.

We are introducing this bill because many people, patients and physicians, have told us that HMOs set limits on hospital stays that are shorter than what the attending physicians believe are medically necessary. In my view, only the physician who is taking care of the patient understands the patient's full medical history and the patient's medical condition and needs. Every patient's condition and course of illness varies. Patients respond differently to treatments. Complications arise. The doctor should decide when patients are medically ready to be discharged, not an insurance plan.

The American Medical Association has developed patient-based discharge criteria which say: ''Patients should not be discharged from the hospital

when their disease or symptoms cannot be adequately treated or monitored in the discharge setting.''

A number of physicians have shared with me their great frustration with the health care climate, in which they feel they spend too much of time trying to get permission and justify their decisions on medical necessity to insurance companies.

A California pediatrician told me of a child with very bad asthma. The insurance plan authorized 3 days in the hospital; the doctor wanted 4–5 days. He told me about a baby with infant botulism (poisoning), a baby with a toxin that had spread from the intestine to the nervous system so that the child could not breathe. The doctor thought a 10–14 day hospital stay was medically necessary for the baby; the insurance plan insisted on one week.

A California neurologist told my staff about a seven-year-old girl with an ear infection and a fever who went to the doctor. When her illness developed into pneumonia, she was admitted to the hospital. After two days she was sent home, but she then returned to the hospital three times because her insurance plan only covered a certain number of days. The third time she returned she had meningitis, which can be life threatening. The doctor said that if this girl had stayed in the hospital the first time for five to seven days, the antibiotics would have killed the infection and the meningitis would never have developed.

Another California physician told my office about a patient who needed total hip replacement because her hip had failed. The doctor believed a seven-day stay was warranted; the plan would only authorize five.

A Chico, California, maternity ward nurse put it this way: ''People's treatment depends on the type of insurance they have rather than what's best for them.'' A Laguna Niguel, California woman, Gwen Placko, wrote this to me: ''. . . doctors have become mere employees of for-profit insurance companies. They are no longer captains of their own 'ships' so to speak. . . Only doctors should be the ones to make decisions for the direct treatment and benefit of their patients.''

Physicians say they have to wage a battle with insurance companies to give patients the hospital care they need and to justify their decisions about patient care.

A study by the American Academy of Neurology found that the Milliman and Robertson guidelines used by many insurance companies on length of stay are ''extraordinarily short in comparison to a large National Library of Medicine database . .. And that [the guidelines] do not relate to anything resembling the average hospital patient or attending physician. . . .'' The neurologists found that these guidelines were ''statistically developed'' and not scientifically sound or clinically relevant.

The arbitrary limits HMOs and insurance plans have set are resulting in unintended consequences. Some 7 in 10 physicians said that in dealing with managed care plans, they have exaggerated the severity of a patient's condition to ''prevent him or her from being sent home from a hospital prematurely.''

The American College of Surgeons said it all when this prestigious organization wrote: ''We believe very strongly that any health care system or plan that removes the surgeon and the patient from the medical decision-making process only undermines the quality of that patient's care and his or her health and well being. . . . specifically, single numbers [of days] cannot and should not be used to represent a length of stay for a given procedure'', April 24, 1997. ACS wrote, ''We believe very strongly that any health care system or plan that removes the surgeon and the patient from the medical decision making process only undermines the quality of that patient's care and his or her health and well being.''

The American Medical Association wrote, ''We are gratified that this bill would promote the fundamental concept, which the AMA has always endorsed, that medical decisions should be made by patients and their physicians, rather than by insurers or legislators. . . We appreciate your initiative and ongoing efforts to protect patients by ensuring that physicians may identify medically appropriate lengths of stay, unfettered by third party payers.''

The American Psychological Association wrote me, ''We are pleased to support this legislation, which will require all health plans to follow the best judgment of the patient and attending provider when determining length of stay for inpatient treatment.''

Americans are disenchanted with the health insurance system in this country, as HMO hassles never seem to end and physicians are effectively overruled by insurance companies. Doctors and patients feel that patient care is compromised in a climate in which anonymous insurance clerks interfere with medical decision- making.

This bill is one step toward returning medical decision- making to those medical professionals trained to make medical decisions.

To summarize, the Hospital Length of Stay Act of 2001:

Requires plans to cover hospital lengths of stay for all illnesses and conditions as determined by the physician, in consultation with the patient, to be medically appropriate;

Prohibits plans from requiring providers (physicians) to obtain a plan's prior authorization for a hospital length of stay;

Prohibits plans from denying eligibility or renewal for the purpose of avoiding these requirements;

Prohibits plans from penalizing or otherwise reducing or limiting reimbursement of the attending physician because the physician provided care in accordance with the requirements of the bill; and

Prohibits plans from providing monetary or other incentives to induce a physician to provide care inconsistent with these requirements.

It includes language clarifying that: nothing in the bill requires individuals to stay in the hospital for a fixed period of time for any procedure; plans may require copayments but copayments for a hospital stay determined by the physician cannot exceed copayments for any preceding portion of the stay.

It does not pre-empt state laws that provide greater protection.

It applies to private insurance plans, Medicare, Medicaid, Medigap, federal employees' plans, Children's Health Insurance Plan, the Indian Health Service.

By Mrs. FEINSTEIN:

S. 576. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today, I am introducing a bill to require health insurance plans to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, trauma, infection, tumors, or disease.

This bill is modeled on a California law and responds to reports that insurance plans are denying coverage for reconstructive surgery that doctors say is medically necessary. Too many plans are too quick to label it ''cosmetic surgery.'' The American Medical News has called the HMOs stance, ''a classic health plan word game. . . .''

Dr. Henry Kawamoto, testifying before the California Assembly Committee on Insurance stated:

> It used to be that if you were born with something deforming, or were in an accident and had bad scars, the surgery performed to fix the problem was considered reconstructive surgery. Now, insurers of many kinds are calling it cosmetic surgery and refusing to pay for it.

Many doctors have told me that before the heavy penetration of managed care, repairing a person's abnormalities was considered reconstructive surgery and insurance companies reimbursed for the medical, hospital, and surgical costs. But today, many insurance companies and managed care organizations will not pay for reconstruction of many deformities because they deem them to be ''cosmetic'' and not a ''functional'' repair.

This bill is endorsed by the March of Dimes, Easter Seals, the American Academy of Pediatrics, the National Organization for Rare Disorders, the American College of Surgeons, the American Society of Plastic and Reconstructive Surgeons, the American Association of Pediatric Plastic Surgeons and the American Society of Maxillofacial Surgeons.

The children who face refusals to pay for surgery are the true evidence that this bill is needed. Here are some of the examples that were brought to the California legislature:

Hanna Gremp, a 6-year old from California, was born with a congenital birth defect, called bilateral microtia, the absence of an inner ear. Once the first stage of the surgery was complete, the Gremp's HMO denied the next surgery for Hanna. They called the other surgeries ''cosmetic'' and not medically necessary.

Michael Hatfield, a 19-year old from Texas, has gone through similar struggles. He was born with a congenital birth defect that is known as a midline facial cleft. The self-insured plan his parents had only paid for a small portion of the surgery which reconstructed his nose. The HMO also refused to pay any part of the surgery that reconstructed his cheekbones and eye sockets. The HMO considered some of these surgeries to be ''cosmetic.''

Cigna Health Care denied coverage for surgery to construct an ear for a little California girl born without one and only after adverse press coverage reversed its position saying that, ''It was determined that studies have shown some functional improvement following surgery.''

Qual-Med, another California HMO, initially denied coverage for reconstructive surgery for a little boy who also had microtia, authorizing it only after many appeals and two years delay.

The bill uses medically-recognized terms to distinguish between medically necessary surgery and cosmetic surgery. It defines medically necessary reconstructive surgery as surgery ''performed to correct or repair abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors, or disease to (1) improve functions; or (2) give the patient a normal appearance, to the extent possible, in the judgment of the physician performing the surgery.'' The bill specifically excludes cosmetic surgery, defined as ''surgery that is performed to alter or reshape normal structures of the body in order to improve appearance.''

Examples of conditions for which surgery might be medically necessary are the following: cleft lips and palates, burns, skull deformities, benign tumors, vascular lesions, missing pectoral muscles that cause chest deformities, Crouson's syndrome (failure of the mid-face to develop normally), and injuries from accidents.

This bill is an effort to address the arbitrariness of insurance plans that create hassles and question physicians' judgments when people try to get coverage under the plan they pay premiums for every month.

We need our body parts to function and, fortunately, modern medicine today can often make that happen. We can restore, repair, and make whole parts which by fate, accident, genes, or whatever, do not perform as they should. I hope this bill can make that happen.

By Mrs. FEINSTEIN:

S. 577. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today, I am introducing the Health Benefits Integrity Act to make sure that most health care dollars that people and employers pay into a managed care health insurance plan get spent on health care and not on overhead.

Under my bill, managed care plans would be limited to spending 15 percent of their premium revenues on administration. This means that if they spend 15 percent on administration, they could spend 85 percent of premiums revenues on health care benefits or services.

This bill was prompted by a study by the Inspector General (IG) for the U.S. Department of Health and Human Services reported under a USA Today headline in February, ''Medicare HMOs Hit for Lavish Spending.'' The IG reviewed 232 managed care plans that contract with Medicare and found that in 1999 the average amount allocated for administration ranged from a high of 32 percent to a low of three percent. The IG recommended that the Department establish a ceiling on the amount of administrative expenditures of plans, noting that if a 15 percent ceiling had been place in 1998, an additional $1 billion could have been passed on to Medicare beneficiaries in the form of additional benefits or reduce deductibles and copayments.

The report said, ''This review, similar OIG reviews, and other studies have shown that MCOs' [managed care organizations'] exorbitant administrative costs have been problematic and can be the source for abusive behavior.'' Here are some examples cited by the Inspector General on page 7 of the January 18, 2000 report: $249,283 for food, gifts and alcoholic beverages for meetings by one plan; $190,417 for a sales award meeting in Puerto Rico for one plan; $157,688 for a party by one plan; $25,057 for a luxury box at a sports arena by one plan; $106,490 for sporting events and/or theater tickets at four plans; $69,700 for holiday parties at three plans; $37,303 for wine gift baskets, flowers, gifts and gift certificates at one plan.

It is no wonder that people today are angry at HMOs. When our hard-earned premium dollars are frittered away on purchases like these, we have to ask whether HMOs are really providing the best care possible. Furthermore, in the case of Medicare, we are also talking about wasted taxpayer dollars since Part B of Medicare is funded in part by the general treasury. One dollar wasted in Medicare is one dollar too much. Medicare needs all the funds it can muster to stay solvent and to be there for beneficiaries when they need it.

I was also encouraged to introduce the bill because of annual studies prepared by the California Medical Association, CMA, called the ''Knox-Keene Health Plan Expenditures Summary.'' The March 2001 CMA report covering Fiscal Years 1999 to 2000 found a range of administrative expenditures from plans in my state from a low of 2.7 percent, Kaiser Foundation Health Plan, Southern California, to a high of 22.1 percent, OMNI Healthcare, Inc.

If HMOs are to be credible, they must be more prudent in how they spend enrollees' dollars. Administrative expenses must be limited to reasonable expenses.

An October 1999 report by Interstudy found that for private HMO plans, administrative expenses range from 11 percent to 21 percent and that for-profit HMOs spend proportionately more on administrative cost than not-for-profit HMOs. This study found the lowest rate to be 3.6 percent and the highest 38 percent in California! In some states the maximums were even higher.

The shift from fee-for-service to managed care as a form of health insurance has been rapid in recent years. Nationally, 86 percent of people who have employment-based health insurance (81.3 million Americans) are in some form of managed care. Around 16 percent of Medicare beneficiaries are in managed care nationally (40 percent in California), a figure that doubled between 1994 and 1997. By 2010, the Congressional Budget Office predicts that 31 percent of Medicare beneficiaries will be in managed care. Between 1987 and 1999, the number of health plans contracting with Medicare went from 161 to 299. As for Medicaid, in 1993, 4.8 million people (14 percent of Medicaid beneficiaries) were in managed care. Today, 17.8 million (55.6 percent) are in managed care, according to the Kaiser Family Foundation. In California, 52 percent or 2.6 million out of 5 million Medicaid beneficiaries are in managed care.

In California, the state which pioneered managed care for the nation, an estimated 88 percent of the insured are in some form of managed care. Of the 3.7 million Californians who are in Medicare, 40 percent, 1.4 million, are in managed care, the highest rate in the U.S. As for Medicaid in California, 2.5 million people, 50 percent, of beneficiaries are in managed care.

And so managed care is growing and most people think it is here to stay.

I am pleased to say that in California we already have a regulation along the lines of the bill I am proposing. We have in place a regulatory limit of 15 percent on commercial HMO plans' administrative expenses. This was established in my state for commercial plans because of questionable expenses like those the HHS IG found in Medicare HMO plans and because prior to the regulation, some plans had administrative expense as high as 30 percent of premium revenues.

This bill will never begin to address all the problems patients experience with managed care in this country.

That is why we also need a strong Patients Bill of Rights bill. I hope, however, this bill will discourage abuses like those the HHS Inspector General found and will help assure people that their health care dollars are spent on health care and are not wasted on outings, parties, and other activities totally unrelated to providing health care services.

I call on my colleagues to join me in enacting this bill.

By Mr. DORGAN:

S. 578. A bill to prohibit the Secretary of Transportation from amending or otherwise modifying the operating certificates of major air carriers in connection with a merger or acquisition for a period of 2 years, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, I am very concerned about the current state of affairs in our nation's airline industry. The way airlines have remade themselves since deregulation is very troubling to me and should be very troubling to most of the traveling public in this country.

Since deregulation we have seen an unprecedented number of mergers in the airline industry. What used to be 11 airlines is now 7, and now with United wanting to buy US Airways, and American wanting to buy TWA out of bankruptcy, there is a very high risk that we will quickly be reduced to three mega-carriers in this country. I am afraid of what this will mean to competition which is already almost nonexistent in so many parts of the country.

That is because the major carriers have spent the last 20 years retreating into regional hubs, such as Minneapolis, Denver, and Atlanta, where one airline will control 50 percent, 70 percent, 80 percent of the hub traffic. The result has been that a dominant airline controlling the hub traffic sets its own prices, and it is the people in sparsely populated areas in the country that end up paying for it with outrageously high prices.

These proposed mergers fly directly in the face of public interest and ought not to be allowed. We need more than three airlines. Increased consolidation would be moving in the wrong direction. We need more competition, not more concentration.

That is why I am introducing legislation today to place a moratorium on airline mergers above a certain size for a couple years so we can take a breath and evaluate what kind of air transportation system we want in this country.

I hope my colleagues will join me in expressing loudly that we must avoid having this country go to three major airline carriers. It would be a step backward, not forward.

By Mr. BIDEN:

S. 579. A bill to amend the Mutual Educational and Cultural Exchange Act of 1961 to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department of State's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I am reintroducing legislation to authorize the establishment of nonprofit entities to provide grants and other assistance for international educational, cultural and arts programs through the Department of State. This is an initiative that was developed last year in discussions with officials of the Department of State. I am pleased to be joined by Representative JIM LEACH of the other body, who is introducing the same bill today.

We are in an era in which cultural issues are increasingly central to international issues and diplomacy. Trade disputes, ethnic and regional conflicts, and issues such as biotechnology all have cultural and intellectual underpinnings.

Cultural programs are increasingly necessary to promoting international understanding and achieving U.S. national objectives. American multinational companies and other Americans doing business overseas welcome opportunities to support the unique cultures of nations in which they do business, as well as telling the story of America's diversity in other countries.

One way they could do this is by helping to sponsor cultural exchange programs arranged through the Department of State. Department officials tells us, however, that there is apparently no easy way to do that. Moreover, many people in our own government are uncertain whether they should engage in presenting the creative, intellectual and cultural side of our nation.

Under this legislation Congress would authorize the Secretary of State to provide for the establishment of private nonprofit organizations to assist in supporting international cultural programs, making it both easy and attractive for private organizations to support cultural programs in cooperation with the Department of State. In so doing, we would affirm support for the promotion and presentation of the nation's intellectual and creative best as part of American diplomacy.

This initiative would support a broad range of cultural exchange programs. Its priority would be to support the organization and promotion of major, high-profile presentations of art exhibitions, musical and theatrical performances which represent the finest quality of creativity our nation produces. These should be presentations that reach large numbers of people, which contribute to achieving our national interests and which represent the diversity of American culture.

The bill would provide authority to solicit support for specific cultural endeavors, offering individuals, foundations, corporations and other American businesses engaged overseas the opportunity to publicly support cross-cultural understanding in countries where they do business.

The non-profit entity would work with the Bureau of Educational and Cultural Affairs as well as the Under Secretary for Public Diplomacy at the Department of State.

I understand that the House International Relations Committee is planning to consider a version of this bill later this week. I look forward to working with my colleagues in the Senate on this legislation in the coming weeks.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of the creative, visual, and performing arts of the United States, is an especially effective means of advancing the United States national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 percent in recent years.

(5) There has been a dramatic decline in the amount of funds available for the purpose of ensuring that the excellence, diversity, and vitality of the arts in the United States are presented to foreign audiences by and in cooperation with United States diplomatic and consular representatives.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of multinational companies and other private sector contributors.

(7) The United States private sector should be encouraged to cooperate closely with the Secretary of State and the Secretary's representatives to expand and spread appreciation of United States cultural and artistic accomplishments.

SEC. 2. AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.

Section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f)) is further amended—

(1) by inserting ''(1)'' after ''(f)''; and

(2) by adding at the end the following new paragraphs:

''(2) The Secretary of State is authorized to provide for the establishment of private, nonprofit entities to assist in carrying out the purposes of the Act. Any such entity shall not be considered an agency or instrumentality of the United States Government, nor shall its employees be considered employees of the United States Government for any purposes.

''(3) The entities may, among other functions—

''(A) encourage United States multinational companies and other elements of the private sector to participate in, and support, cultural, arts, and educational exchange programs, including those programs that will enhance international appreciation of the cultural and artistic accomplishments of the United States;

''(B) solicit and receive contributions from the private sector to support these cultural arts and educational exchange programs; and

''(C) provide grants and other assistance for these programs.

''(4) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of these entities, including—

''(A) the solicitation and receipt of funds for the entity;

''(B) designation of a program in recognition of such contributions; and

''(C) designation of members, including employees of the United States Government, on any board or other body established to administer the entity.

''(5) Any funds available to the Department of State may be made available to such entities to cover administrative and other costs for their establishment. Any such entity is authorized to invest any amount provided to it by the Department of State, and such amount, as well as any interest or earnings on such amount, may be used by the entity to carry out its purposes.''.

By Mr. HUTCHINSON:

S. 580. A bill to expedite the construction of the World War II memorial in the District of Columbia; to the Committee on Governmental Affairs.

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation that would expedite construction of the World War II Memorial. Some of our colleagues may not be aware that even after having had the opportunity to argue their case before the twenty-two public hearings over the last five years regarding the site and design of the memorial, opponents have now turned to the courts to overturn the Memorial's approval.

Regrettably, it is now clear that legislation will be needed if the World War II Memorial is to be constructed before all the patriots who fought in defense of liberty have passed on. The ugly truth is that every day we lose more than a thousand members of our greatest generation. How many more will be deprived of the joy of seeing this richly deserved tribute to their heroic service completed?

According to the American Battle Monuments Commission, the World War II Memorial will be the first national memorial dedicated to all who served in the armed forces and Merchant Marine of the United States during World War II and acknowledging the commitment and achievement of the entire nation. All military veterans of the war, the citizens of the home front, the nation at large, and the high moral purpose and idealism that motivated the nation's call to arms will be honored.

Symbolic of the defining event of the 20th century in American history, the memorial will be a monument to the spirit, sacrifice, and commitment of the American people, to the common defense of the nation and to the broader causes of peace and freedom from tyranny throughout the world. It will inspire future generations of Americans, deepening their appreciation of what the World War II generation accomplished in securing freedom and democracy. Above all, the memorial will stand for all time as an important symbol of American national unity, a timeless reminder of the moral strength and awesome power that can flow when a free people are at once united and bonded together in a common and just cause.

Construction of this memorial is long overdue. Opponents have had ample opportunity to make their case, and while I respect their opinions, the simple truth is that the site has been selected and the time to begin to move dirt has arrived. I hope all of my colleague swill join me in sponsoring this resolution. Let us, as a nation, prevent the cheapening of this tribute by putting a stop to frivolous legal challenges. Let us say thanks to those who fought to save the babes of humanity from the wolves of tyranny. Let's build the World War II memorial, let's build it upon the National Mall, and let's build it now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPEDITED COMMENCEMENT BY AMERICAN BATTLE MONUMENTS COMMISSION OF CONSTRUCTION OF WORLD WAR II MEMORIAL.

Section 2113 of title 36, United States Code, as added by section 601(a) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1576), is amended by adding at the end the following new subsection:

''(i) CONGRESSIONAL DIRECTION TO COMMENCE CONSTRUCTION.—(1) Subject to paragraph (2), the Commission shall expeditiously proceed with the construction of the World War II memorial at the dedicated Rainbow Pool site in the District of Columbia without regard to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Commemorative Works Act (40 U.S.C. 1001 et seq.), or any other law pertaining to the siting or design for the World War II memorial.

''(2) The construction of the World War II memorial by the Commission shall be consistent with—

''(A) the final architectural submission made to the Commission of Fine Arts and the National Capital Planning Commission on June 30, 2000, as supplemented on November 2, 2000; and

''(B) such reasonable construction permit requirements as may be required by the Secretary of the Interior, acting through the National Park Service.

''(3) The decision to construct the World War II memorial at the dedicated Rainbow Pool site, and the decisions regarding the design for the World War II memorial, are final and conclusive and shall not be subject to further administrative or judicial review.''.

By Mr. FITZGERALD (for himself and Mrs. CLINTON):

S. 581. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

Mr. FITZGERALD. Mr. President, I rise today to introduce S. 581, a bill that will help United States Army arsenals remain competitive and productive in the 21st century. The Army arsenals have long been an important military resource. They have not only served as a cost-effective supplier of high-quality military equipment, they have also proven to be an invaluable supplier of last resort, providing mission-critical parts when private contractors have lacked the capacity to meet emergency needs or have breached their contracts with the government. This bill will help ensure that these important facilities do not fall into disuse during the periods between national emergencies and heightened military needs.

Rock Island Arsenal, in my home state of Illinois, was acquired by the United States in 1804. Located on an island in the Mississippi River, the area was converted to its current function, and named Rock Island Arsenal, in 1862. Since then, Rock Island Arsenal has built weapons and military equipment for all of our nation's wars, developing a specialty in the manufacture of howitzers.

Today, Rock Island Arsenal is the Department of Defense's only general-purpose metal-manufacturing facility, performing forging, sheet metal, and welding and heat-treating operations that cover the entire range of technologically feasible processes. Rock Island Arsenal also contains a machine shop that is capable of such specialized operations as gear cutting, die sinking, and tool making; a paint shop certified to apply Chemical Agent Resistant Coatings to items as large as tanks; and a plating shop that can apply chrome, nickel, cadmium, and copper, and can galvanize, parkerize, anodize, and apply oxide finishes.

These capabilities have proven essential to the functioning of the United States military. In recent years, Rock Island Arsenal has been called on to produce M16 gun bolts when a private contractor defaulted on a contract. It has also produced mission-critical pins and shims for Apache helicopters when outside suppliers have proven unresponsive to the Army's needs.

S. 581 will help guarantee that United States arsenals will be there again when the military needs them in an emergency, by helping to ensure that arsenals have an adequate workload in normal times. During the 1990s, the Department of Defense shifted away from direct funding of arsenals to the Working Capital Fund, ''W.C.F.'', system,

under which private companies compete with the arsenals for government service and production contracts. This system has improved the efficiency of the military by promoting cost transparency and discouraging the overconsumption of arsenal goods and services.

Unfortunately, implementation of the W.C.F. system has also produced some unintended consequences. As arsenals have been placed in competition with private firms, they have remained tied down by government rules that place the arsenals at a competitive disadvantage—and that hamper their efforts to secure a full workload. One of these rules is the requirement that arsenals be paid in advance for all services and products that they provide. Private firms are not required to operate under such conditions, they routinely receive payment only once they have delivered on their contract. As a result, a military department seeking goods or services, or a private contractor seeking help in supplying the government—is discouraged from contracting with an arsenal. Even when an arsenal can provide higher quality or at lower cost, the requirement of upfront payment may prove burdensome enough to convince purchasers to meet their needs elsewhere.

The legislation that I introduce today will place United States Army arsenals on a more equal footing with their private competitors. It will limit the advance-payment requirement to only those circumstances where payment is less than certain, and will otherwise allow arsenals to accept payment after performance. Specifically, arsenals will be allowed to accept later payment when the United States purchases directly from an arsenal, when an arsenal supplies a contractor serving the United States, or when payment for foreign military purchases is guaranteed by the United States. In these cases, an advance-payment requirement is unnecessary—it serves only to put the arsenals at a competitive disadvantage. Application of the requirement in these circumstances should be ended.

S. 581 will help ensure that Army arsenals will be able to secure an adequate workload in periods between supply emergencies. This bill will also serve taxpayers' money by encouraging efficient use of reserve resources, which must be maintained regardless of whether or not they are fully in use. Therefore, in the interest of encouraging optimal utilization of an invaluable national resource, and to help integrate the Army arsenals into the private-competition system of the Working Capital Fund, I today introduce s. 581.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERFORMANCE OF ORDERS FOR ARTICLES OR SERVICES BY ARMY ARSENALS BEFORE RECEIPT OF PAYMENT.

(a) AUTHORITY.—(1) Chapter 433 of title 10, United States Code, is amended by inserting after section 4541 the following new section:

''§ 4541a. Army arsenals: performance before receipt of payment

''(a) AUTHORITY.—Regulations under section 2208(h) of this title shall authorize the Army arsenals to undertake, with working-capital funds, to fulfill orders or contracts of customers referred to in subsection (b) for articles or services in advance of the receipt of payment for the articles or services.

''(b) TRANSACTIONS TO WHICH APPLICABLE.—The authority provided in subsection (a) applies with respect to an order or contract for articles or services that is placed or entered into, respectively, with an arsenal by a customer that—

''(1) is—

''(A) a department or agency of the United States;

''(B) a person using the articles or services in fulfillment of a contract of a department or agency of the United States; or

''(C) a person supplying the articles or services to a foreign government under sections 22, 23, and 24 of the Arms Export Control Act (22 U.S.C. 2762, 2763, 2764); and

''(2) is eligible under any other provision of law to obtain the articles or services from the arsenal.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4541 the following new item:

''4541a. Army arsenals: performance before receipt of payment.''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe the regulations to carry out section 4541a of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

By Ms. LANDRIEU:

S.J. Res. 8. A joint resolution designating 2002 as the ''Year of the Rose''; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate, the continuing beauty and appeal that flowers bring to our nation. Americans have always loved the flowers which God has chosen to decorate our land. In particular, we hold the rose dear as symbols of life, love, devotion, beauty, and eternity. For the love of man and woman, for the love of mankind and God as well as for the love of country, Americans who would speak the language of the heart do so with a rose.

We see evidence of this everywhere. The study of fossils reveals that the rose has existed in America for ages. We have always cultivated roses in our gardens. Our first President, George Washington bred roses and a variety he named after his mother is still grown today. The White House itself boasts of a beautiful Rose Garden. We find roses in our art, music, and literature. We decorate our celebrations and parades with roses. Most of all, we present roses to those we love, and we lavish them on our altars, our civil shrines, and the final resting places of our honored dead. In 1986, in recognition of the high esteem roses are held, President Ronald Reagan and the Congress of the United States proclaimed the rose as the National Floral Emblem of the United States of America.

This proclamation was as a result of the handiwork and dedication of the American Rose Society. The American Rose Society is the premier organization dedicated exclusively to the cultivation of roses. Since 1892, the American Rose Society has strived to enhance the enjoyment and promotion of roses to gardeners of all skill levels. In 2001, the American Rose Society, in conjunction with the 37 member countries that make up the World Federation of Rose Societies, the National Council of State Garden Clubs, and the American Nursery and Landscape Association began waging a campaign to honor our national floral emblem, the Rose.

In an effort to increase support for public rose gardens in the United States; recognize the beauty and inspiration roses add to the environment and landscapes of cities, and communities around the country; to introduce the therapeutic benefits of roses to people of all ages and background; to provide educational programs designed to stimulate and teach about the joys of gardening, especially rose gardening; and to teach the great history and diversity the genus offers, the American Rose Society, whose national headquarters is located in Shreveport, Louisiana, is requesting a joint congressional resolution proclaiming the year 2002 as the Year of the Rose.

The American people have long held a special place in their hearts for roses. Let us continue to cherish them, honor the love and devotion they represent and to bestow them upon all we love just as God has bestowed them on us.

I ask unanimous that the text of this resolution be printed in the RECORD.

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

S.J. RES. 8

Whereas the study of fossils has shown that the rose has been a native wild flower in the United States for over 35,000,000 years;

Whereas the rose is grown today in every State;

Whereas the rose has long represented love, friendship, beauty, peace, and the devotion of the American people to their country;

Whereas the rose has been cultivated and grown in gardens for over 5,000 years and is referred to in both the Old and New Testaments;

Whereas the rose has for many years been the favorite flower of the American people, has captivated the affection of humankind, and has been revered and renowned in art, music, and literature;

Whereas our first President was also our first rose breeder, 1 of his varieties being named after his mother and still being grown today; and

Whereas in 1986 the rose was designated and adopted as the national floral emblem of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) designates the year of 2002 as the ''Year of the Rose''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the year with appropriate ceremonies and activities.

By Mrs. BOXER (for herself, Mr. REID, Ms. SNOWE, Mr. JEFFORDS, Ms. COLLINS, Mr. SPECTER, and Mr. CHAFEE):

S.J. Res. 9. A joint resolution providing for congressional disapproval of the rule submitted by the United States Agency for International Development relating to the restoration of the Mexico City Policy; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, on February 15, the United States Agency for International Development issued Contract Information Bulletin 01–03 regarding the ''Restoration of the Mexico City Policy.''

This bulletin reinstates the international gag rule, which prohibits international family planning organizations that receive federal funding from using their own privately-raised funds to counsel women about abortion, provide abortion services, and lobby on reproductive rights.

Today, I am introducing, along with Senators REID, SNOWE, JEFFORDS, COLLINS, SPECTER, and CHAFEE, a joint resolution of disapproval under the Congressional Review Act.

As my colleagues know, the CRA establishes a procedure for the expedited consideration of a resolution disapproving an agency rule.

I can think of no other case where expedited procedures are more appropriate. Women's lives are at stake.

Approximately 78,000 women throughout the world die each year as a result of unsafe abortions. At least one-fourth of all unsafe abortions in the world are to girls aged 15–19. By 2015, contraceptive needs in developing countries will grow by more than 40 percent.

As a result of the gag rule, the organizations that are reducing unsafe abortions and providing contraceptives will be forced either to limit their services or to simply close their doors to women across the world. And this will cause women and families increased misery and death.

Make no mistake, the international gag rule will restrict family planning, not abortions. In fact, no United States funds can be used for abortion services. That is already law, and has been since 1973. This gag rule does, however, restrict foreign organizations in ways that would be unconstitutional here at home and that is why we seek to reverse it in an expedited fashion under the CRA.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

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

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the United States Agency for International Development relating to the restoration of the Mexico City Policy (contained in Contract Information Bulletin 01–03, dated February 15, 2001), and such rule shall have no force or effect.

Mr. REID. Mr. President, I am pleased to join Senator BOXER in introducing a joint resolution of congressional disapproval relating to the restoration of the Mexico City Policy.

We are taking this step because the global gag rule—which denies funding to any organization that uses its own funds to provide or promote abortion services overseas—is an ill-conceived, anti-woman, and anti-American policy.

The President's rationale for reimposing the gag rule was that he wanted to make abortions more rare. Yet the last time the Mexico City Policy was in effect, there was no reduction in the number of abortions, only reduced access to quality health care services, more unintended pregnancies and more abortions. Research shows that the only way to reduce the need for abortion is to improve family planning efforts that will decrease the number of unintended pregnancies. Access to contraception reduces the probability of having an abortion by 85 percent.

It the only reason to repeal the Mexico City Policy was to decrease the need for abortions then that would be enough. But our support of international family planning programs literally means the difference between life or death for women in developing countries. At least one woman dies every minute of every day from causes related to pregnancy and child birth in developing nations. This means that almost 600,000 women die every year from causes related to pregnancy. Family planning efforts that prevent unintended pregnancies save the lives of thousands of women and infants each year.

In addition to reducing maternal and infant mortality rates, family planning helps prevent the spread of sexually transmitted diseases. This effort is particularly critical considering that the World Health Organization has estimated that 5.9 million individuals, the majority of whom live in developing nations, become infected with HIV almost every year.

Let me be clear: We are not asking to use one single taxpayer dollar to perform or promote abortion overseas. The law has explicitly prohibited such activities since 1973. Instead, the Mexico City Policy would restrict foreign organizations in a way that would be unconstitutional in the United States. The Mexico City Policy violates a fundamental tenet of our democracy—freedom of speech. Exporting a policy that is unconstitutional at home is the ultimate act of hypocrisy. Surely this is not the message we want to send to struggling democracies who are looking to the United States for guidance.

When President Bush reinstated the Mexico City Policy, he turned the clock back on women around the world by almost two decades. Today, Senator BOXER and I are looking toward the future and taking the first step to repeal this antiquated, anti-woman policy.

AMENDMENTS SUBMITTED & PROPOSED

SA 115. Mr. DOMENICI (for himself Mr. DEWINE, Mr. DURBIN, Mr. ENSIGN, Mrs. FEINSTEIN, Ms. COLLINS and Mr. MCCONNELL) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 116. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 27, supra; which was ordered to lie on the table.

SA 117. Mr. BENNETT proposed an amendment to the bill S. 27, supra.

SA 118. Mr. SMITH, of Oregon proposed an amendment to the bill S. 27, supra.

SA 119. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 27, supra; which was ordered to lie on the table.

SA 120. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 27, supra; which was ordered to lie on the table.

SA 121. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 27, supra; which was ordered to lie on the table.

SA 122. Mr. TORRICELLI (for himself, Mr. DURBIN, Mr. CORZINE and Mr. DORGAN) proposed an amendment to the bill S. 27, supra.

TEXT OF AMENDMENTS

SA 115. Mr. DOMENICI (for himself, Mr. DEWINE, Mr. DURBIN, Mr. ENSIGN, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. MCCONNELL) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) INCREASED LIMITS FOR INDIVIDUALS.—

(1) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(A) in subsection (a)(1), by striking ''No person'' and inserting ''Except as provided in subsection (i), no person''; and

(B) by adding at the end the following:

''(i) INCREASED LIMIT TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

''(1) INCREASE.—

''(A) IN GENERAL.—Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) (in this subsection referred to as the 'applicable limit') with respect to that candidate shall be the increased limit.

''(B) THRESHOLD AMOUNT.—

''(i) STATE-BY-STATE COMPETITIVE AND FAIR CAMPAIGN FORMULA.—In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

''(I) $150,000; and

''(II) $0.04 multiplied by the voting age population.

''(ii) VOTING AGE POPULATION.—In this subparagraph, the term 'voting age population' means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under section 315(e)).

''(C) INCREASED LIMIT.—Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

''(i) 2 times the threshold amount, but not over 4 times that amount—

''(I) the increased limit shall be 3 times the applicable limit; and

''(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

''(ii) 4 times the threshold amount, but not over 10 times that amount, the increased limit shall be 6 times the applicable limit; and

''(iii) 10 times the threshold amount—

''(I) the increased limit shall be 6 times the applicable limit;

''(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

''(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.

''(D) OPPOSITION PERSONAL FUNDS AMOUNT.—The opposition personal funds amount is an amount equal to the excess (if any) of—

''(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) that an opposing candidate in the same election makes; over

''(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

''(2) TIME TO ACCEPT CONTRIBUTIONS UNDER INCREASED LIMIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution under the increased limit under paragraph (1)—

''(i) until the candidate has received notification of the opposition personal funds amount under section 304(a)(6)(B); and

''(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

''(B) EFFECT OF WITHDRAWAL OF AN OPPOSING CANDIDATE.—A candidate shall not accept any contribution under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

''(3) DISPOSAL OF EXCESS CONTRIBUTIONS.—

''(A) IN GENERAL.—The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

''(B) A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

''(C) LIMITATION ON REPAYMENT OF PERSONAL LOANS.—Any candidate who incurs personal loans after the date of enactment of the Bipartisan Campaign Reform Act of 2001 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with resepct to loans made or incurred after the date of enactment of this Act.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:

''(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

''(i) DEFINITION OF EXPENDITURE FROM PERSONAL FUNDS.—In this subparagraph, the term 'expenditure from personal funds' means—

''(I) an expenditure made by a candidate using personal funds; and

''(II) a contribution or loan made by a candidate using personal funds (or a loan secured using such funds) to the candidate's authorized committee.

''(ii) DECLARATION OF INTENT.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election will exceed the State-by-State competitive and fair campaign formula with—

''(I) the Commission; and

''(II) each candidate in the same election.

''(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

''(I) the Commission; and

''(II) each candidate in the same election.

''(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii) the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000 amount with—

''(I) the Commission; and

''(II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

''(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—

''(I) the name of the candidate and the office sought by the candidate;

''(II) the date and amount of each expenditure; and

''(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

''(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.

''(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.''.

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

''(21) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

''(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

''(i) legal and rightful title; or

''(ii) an equitable interest;

''(B) income received during the current election cycle of the candidate, including—

''(i) a salary and other earned income from bona fide employment;

''(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

''(iii) bequests to the candidate;

''(iv) income from trusts established before the beginning of the election cycle;

''(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

''(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

''(vii) proceeds from lotteries and similar legal games of chance; and

''(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.''.

SA 116. Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following

SEC. 305. MODIFICATION OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL LIMITS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking ''$1,000'' and inserting ''$3,000'';

(2) in subparagraph (B), by striking ''$20,000'' and inserting ''$60,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 102(b), is amended by striking ''$30,000'' and inserting ''$75,000''.

(c) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of the Federal Election

Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking ''$5,000'' and inserting ''$15,000'';

(2) in subparagraph (B), by striking ''$15,000'' and inserting ''$45,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(d) INDEXING OF INCREASED LIMITS.—

(1) IN GENERAL.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(A) in the second sentence of paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''subsections (a), (b), and (d)''; and

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) the term 'base period' means—

''(i) in the case of subsections (b) and (d), calendar year 1974; and

''(ii) in the case of subsection (a), calendar year 2001.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to calendar years after 2002.

SA 117. Mr. BENNETT proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. PROHIBITING SEPARATE SEGREGATED FUNDS FROM USING SOFT MONEY TO RAISE HARD MONEY.

Section 316(b)(2)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(C)) is amended by inserting before the period at the end the following: '', except that the costs of such establishment, administration, and solicitation may only be paid from funds that are subject to the limitations, prohibitions, and reporting requirements of this Act''.

SEC. 306. PROHIBITING CERTAIN POLITICAL COMMITTEES FROM USING SOFT MONEY TO RAISE HARD MONEY.

Section 323 of the Federal Election Campaign Act of 1971, as added by section 101, is amended by adding at the end the following:

''(f) OTHER POLITICAL COMMITTEES.—A political committee described in section 301(4)(A) to which this section does not otherwise apply (including an entity that is directly or indirectly established, financed, maintained, or controlled by such a political committee) shall not solicit, receive, direct, transfer, or spend funds that are not subject to the limitations, prohibitions, and reporting requirements of this Act.''.

SA 118. Mr. SMITH of Oregon proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. PROHIBITION ON ACCEPTANCE OF CERTAIN CONTRIBUTIONS WHILE CONGRESS IS IN SESSION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 324. PROHIBITION ON ACCEPTANCE OF CERTAIN CONTRIBUTIONS WHILE CONGRESS IS IN SESSION.

''(a) IN GENERAL.—During the period described in subsection (b), a candidate seeking nomination for election, or election, to the Senate or House of Representatives, any authorized committee of such a candidate, an individual who holds such office, or any political committee directly or indirectly established, financed, maintained, or controlled by such a candidate or individual shall not accept a contribution from—

''(1) any individual who, at any time during the period beginning on the first day of the calendar year preceding the contribution and ending on the date of the contribution, was required to be listed as a lobbyist on a registration or other report filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.);

''(2) an officer, owner, or senior executive of any person that, at any time during the period described in paragraph (1), employed or retained an individual described in paragraph (1), in their capacity as a lobbyist;

''(3) a political committee directly or indirectly established, financed, maintained, or controlled by an individual described in paragraph (1) or (2); or

''(4) a separate segregated fund (described in section 316(b)(2)(C)).

''(b) PERIOD CONGRESS IS IN SESSION.—The period described in this subsection is the period—

''(1) beginning on the first day of any session of the body of Congress in which the individual holds office or for which the candidate seeks nomination for election or election; and

''(2) ending on the date on which such session adjourns sine die.''.

SA 119. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Campaign Finance Integrity Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—CONTRIBUTIONS

SEC. 101. REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(2) by inserting after subsection (d) the following:

''(e) REQUIREMENT FOR IN-STATE AND IN-DISTRICT CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) IN-STATE CONTRIBUTION.—The term 'in-State contribution' means a contribution from an individual that is a legal resident of the candidate's State.

''(B) IN-DISTRICT CONTRIBUTION.—The term 'in-district contribution' means a contribution from an individual that is a legal resident of the candidate's district.

''(2) LIMIT.—A candidate for nomination to, or election to, the Senate or House of Representatives and the candidate's authorized committee shall not accept an aggregate amount of contributions of which the aggregate amount of in-State contributions or in-district contributions, as appropriate, is less than 50 percent of such total amount of contributions accepted.

''(3) TIME FOR MEETING REQUIREMENT.—A candidate shall meet the requirement of paragraph (2) at the end of each reporting period under section 304.

''(4) PERSONAL FUNDS.—For purposes of this subsection, a contribution that is attributable to the personal funds of the candidate or proceeds of indebtedness incurred by the candidate or the candidate's authorized committee shall not be considered to be an in-State contribution or in-district contribution.''.

(b) CONFORMING AMENDMENTS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (b)(1)(A), by striking ''(e)'' and inserting ''(f)'';

(2) in subsection (d)(2), by striking ''(e)'' and inserting ''(f)''; and

(3) in subsection (d)(3)(A)(i), by striking ''(e)'' and inserting ''(f)''.

SEC. 102. USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 101, is amended by adding at the end the following:

''(j) LIMIT ON USE OF CONTRIBUTIONS TO PAY CAMPAIGN DEBT.—

''(1) TIME TO ACCEPT CONTRIBUTIONS.—Beginning on the date that is 90 days after the date of a general or special election, a candidate for election to the Senate or House of Representatives and the candidate's authorized committee shall not accept a contribution that is to be used to pay a debt, loan, or other cost associated with the election cycle of such election.

''(2) PERSONAL OBLIGATION.—A debt, loan, or other cost associated with an election cycle that is not paid in full on the date that is 90 days after the date of the general or special election shall be assumed as a personal obligation by the candidate.

''(3) DEFINITION OF ELECTION CYCLE.—In this subsection, the term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.''.

SEC. 103. MODIFICATION OF POLITICAL PARTY CONTRIBUTION LIMITS TO CANDIDATES WHEN CANDIDATES MAKE EXPENDITURES FROM PERSONAL FUNDS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 102, is amended by adding at the end the following:

''(k) CONTRIBUTION LIMITS FOR POLITICAL PARTY COMMITTEES IN RESPONSE TO CANDIDATE EXPENDITURES OF PERSONAL FUNDS.—

''(1) IN GENERAL.—In the case of a general election for the Senate or House of Representatives, a political party committee may make contributions to a candidate without regard to any limitation under subsections (a) and (d) until such time as the aggregate amount of contributions is equal to or greater than the applicable limit.

''(2) APPLICABLE LIMIT.—The applicable limit under paragraph (1), with respect to a candidate, shall be the greatest aggregate amount of expenditures that an opponent of the candidate in the same election and the opponent's authorized committee make using the personal funds of the opponent or proceeds of indebtedness incurred by the opponent (including contributions by the opponent to the opponent's authorized committee) in excess of 2 times the limit under subsection (a)(1)(A) with respect to a general election.

''(3) DEFINITION OF POLITICAL PARTY COMMITTEE.—In this subsection, the term 'political party committee' means a political committee that is a national, State, district, or local committee of a political party (including any subordinate committee).''.

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B)(i) The principal campaign committee of a candidate for nomination to, or election to, the Senate or House of Representatives shall notify the Commission of the aggregate amount expenditures made using personal funds of the candidate or proceeds of indebtedness incurred by the candidate (including contributions by the candidate to the candidate's authorized committee) in excess of an amount equal to 2 times the limit under section 301(a)(1)(A).

''(ii) The notification under clause (i) shall—

''(I) be submitted to the Commission not later than 24 hours after the expenditure that is the subject of the notification is made;

''(II) include the name of the candidate, the office sought by the candidate, and the date and amount of the expenditure; and

''(III) include the aggregate amount of expenditures from personal funds that have been made with respect to that election as of the date of the expenditure that is the subject of the notification.''.

SEC. 104. MODIFICATION OF CONTRIBUTION LIMITS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking ''$1,000'' and inserting ''$2,500''; and

(B) in paragraph (2)(A), by striking ''$5,000'' and inserting ''$2,500''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''paragraphs (1)(A) and (2)(A) of subsection (a) and subsections (b) and (d)''; and

(B) in paragraph (2)(A), by striking ''means the calendar year 1974.'' and inserting ''means—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), calendar year 2002.''.

TITLE II—DISCLOSURE REQUIREMENTS

SEC. 201. DISCLOSURE OF CERTAIN NON-FEDERAL FINANCIAL ACTIVITIES OF NATIONAL POLITICAL PARTIES.

Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) in subparagraph (H)(v), by striking ''and'' at the end;

(2) in subparagraph (I), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(J) for a national political committee of a political party, disbursements made by the committee in an aggregate amount greater than $1,000, during a calendar year, in connection with a political activity (as defined in section 316(c)(3));''.

SEC. 202. POLITICAL ACTIVITIES OF CORPORATIONS AND LABOR ORGANIZATIONS.

(a) DISCLOSURE TO EMPLOYEES AND SHAREHOLDERS REGARDING POLITICAL ACTIVITIES.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

''(c) AUTHORIZATION REQUIRED FOR POLITICAL ACTIVITY.—

''(1) IN GENERAL.—Except with the separate, written, voluntary authorization of each individual, a national bank, corporation or labor organization described in this section shall not—

''(A) in the case of a national bank or corporation, collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment or membership if any part of the dues, fee, or payment will be used for a political activity in which the national bank or corporation is engaged; and

''(B) in the case of a labor organization, collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of the dues, fee, or payment will be used for a political activity.

''(2) EFFECT OF AUTHORIZATION.—An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

''(3) DEFINITION OF POLITICAL ACTIVITY.—In this subsection, the term 'political activity' includes a communication or other activity that involves carrying on propaganda, attempting to influence legislation, or participating or intervening in a political party or political campaign for a Federal office.

''(d) DISCLOSURE OF DISBURSEMENTS FOR POLITICAL ACTIVITIES.—

''(1) CORPORATIONS AND NATIONAL BANKS.—A corporation or national bank described in this section shall submit an annual written report to shareholders stating the amount of each disbursement made for a political activity or that otherwise influences a Federal election.

''(2) LABOR ORGANIZATIONS.—A labor organization described in this section shall submit an annual written report to dues paying members and nonmembers stating the amount of each disbursement made for a political activity or that otherwise influences a Federal election, including contributions and expenditures.''.

(b) DISCLOSURE TO THE COMMISSION OF CERTAIN PERMISSIBLE ACTIVITIES BY LABOR ORGANIZATIONS AND CORPORATIONS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(e) REQUIRED STATEMENT OF CORPORATIONS AND LABOR ORGANIZATIONS.—Each corporation, national bank, or labor organization that makes an aggregate amount of disbursements during a year in an amount equal to or greater than $1,000 for any activity described in subparagraph (A), (B), or (C) of section 316(a)(2) shall submit a statement to the Commission (not later than 24 hours after making the payment) describing the amount spent and the activity involved.''.

TITLE III—REPORTING REQUIREMENTS

SEC. 301. TIME FOR CANDIDATES TO FILE REPORTS.

(a) MONTHLY REPORTS; 24-HOUR REPORTS.—Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end; and

(2) by striking clause (iii) and inserting the following:

''(iii) additional monthly reports, which shall be filed not later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that monthly reports shall not be required under this clause in November and December and a year end report shall be filed not later than January 31 of the following calendar year; and

''(iv) 24-hour reports, beginning on the day that is 15 days preceding an election, that shall be filed no later than the end of each 24-hour period; and''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 304.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(A) in paragraph (3)(A)(ii), by striking ''quarterly reports'' and inserting ''monthly reports''; and

(B) in paragraph (8), by striking ''quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i)'' and inserting ''monthly report under paragraph (2)(A)(iii) or paragraph (4)(A)''.

(2) SECTION 309.—Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(b)) is amended by striking ''calendar quarter'' and inserting ''month''.

SEC. 302. CONTRIBUTOR INFORMATION REQUIRED FOR CONTRIBUTIONS IN ANY AMOUNT.

(a) SECTION 302.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking '', and if the amount'' and all that follows through the period and inserting: ''and the following information with respect to the contribution:

''(A) The identification of the contributor.

''(B) The date of the receipt of the contribution.''; and

(B) in paragraph (2)—

(i) in subsection (A), by striking ''such contribution'' and inserting ''the contribution and the identification of the contributor''; and

(ii) in subsection (B), by striking ''such contribution'' and all that follows through the period and inserting '', no later than 10 days after receiving the contribution, the contribution and the following information with respect to the contribution:

''(i) The identification of the contributor.

''(ii) The date of the receipt of the contribution.'';

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (3), by striking ''or contributions aggregating more than $200 during any calendar year''; and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in subsection (h)(2), by striking ''(c)(5)'' and inserting ''(c)(4)''.

(b) SECTION 304.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2

U.S.C. 434(b)(3)(A)) is amended by striking ''whose contribution'' and all that follows through ''so elect,''.

SEC. 303. PROHIBITION OF DEPOSITING CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit or otherwise negotiate a contribution unless the information required by this section is complete.''.

SEC. 304. PUBLIC ACCESS TO REPORTS.

Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended by inserting ''and publicly available at the offices of the Commission'' after ''Internet''.

TITLE IV—USE OF GOVERNMENT PROPERTY AND SERVICES

SEC. 401. BAN ON MASS MAILINGS.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3210 of title 39, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3)—

(I) in subparagraph (G), by striking '', including general mass mailings,'';

(II) in subparagraph (I), by striking ''or other general mass mailing''; and

(III) in subparagraph (J), by striking ''or other general mass mailing''; and

(ii) in paragraph (6)—

(I) by striking subparagraphs (B), (C), and (F);

(II) by striking the second sentence of subparagraph (D); and

(III) by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively; and

(iii) by striking paragraph (7);

(B) in subsection (c), by striking ''subsection (a) (4) and (5)'' and inserting ''paragraphs (4), (5), and (6) of subsection (a)'';

(C) by striking subsection (f); and

(D) by redesignating subsection (g) as subsection (f).

(2) Section 316 of the Legislative Branch Appropriations Act, 1990 (39 U.S.C. 3210 note) is amended by striking subsection (a).

(3) Section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e) is amended by striking subsection (f).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the first Congress that begins after December 31, 2002.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

SA 120. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. DISCLOSURE OF CERTAIN NON-FEDERAL FINANCIAL ACTIVITIES OF NATIONAL POLITICAL PARTIES.

Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) in subparagraph (H)(v), by striking ''and'' at the end;

(2) in subparagraph (I), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(J) for a national political committee of a political party, disbursements made by the committee in an aggregate amount greater than $1,000, during a calendar year, in connection with a political activity (as defined in section 316(d));''.

SEC. 306. POLITICAL ACTIVITIES OF CORPORATIONS AND LABOR ORGANIZATIONS.

(a) DISCLOSURE TO EMPLOYEES AND SHAREHOLDERS REGARDING POLITICAL ACTIVITIES.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b), as amended by section 203, is amended by adding at the end the following:

''(d) DISCLOSURE OF DISBURSEMENTS FOR POLITICAL ACTIVITIES.—

''(1) CORPORATIONS AND NATIONAL BANKS.—A corporation or national bank described in this section shall submit an annual written report to shareholders stating the amount of each disbursement made for a political activity or that otherwise influences a Federal election.

''(2) LABOR ORGANIZATIONS.—A labor organization described in this section shall submit an annual written report to dues paying members and nonmembers stating the amount of each disbursement made for a political activity or that otherwise influences a Federal election, including contributions and expenditures.

''(3) DEFINITION OF POLITICAL ACTIVITY.—In this subsection, the term 'political activity' includes a communication or other activity that involves carrying on propaganda, attempting to influence legislation, or participating or intervening in a political party or political campaign for a Federal office.''.

(b) DISCLOSURE TO THE COMMISSION OF CERTAIN PERMISSIBLE ACTIVITIES BY LABOR ORGANIZATIONS AND CORPORATIONS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103 and 201, is amended by adding at the end the following:

''(f) REQUIRED STATEMENT OF CORPORATIONS AND LABOR ORGANIZATIONS.—Each corporation, national bank, or labor organization that makes an aggregate amount of disbursements during a year in an amount equal to or greater than $1,000 for any activity described in subparagraph (A), (B), or (C) of section 316(a)(2) shall submit a statement to the Commission (not later than 24 hours after making the payment) describing the amount spent and the activity involved.''.

SA 121. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S.27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. TIME FOR CANDIDATES TO FILE REPORTS.

(a) MONTHLY REPORTS; 24-HOUR REPORTS.—Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end; and

(2) by striking clause (iii) and inserting the following:

''(iii) additional monthly reports, which shall be filed not later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that monthly reports shall not be required under this clause in November and December and a year end report shall be filed not later than January 31 of the following calendar year; and

''(iv) 24-hour reports, beginning on the day that is 15 days preceding an election, that shall be filed no later than the end of each 24-hour period; and''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 304.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(A) in paragraph (3)(A)(ii), by striking ''quarterly reports'' and inserting ''monthly reports''; and

(B) in paragraph (8), by striking ''quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i)'' and inserting ''monthly report under paragraph (2)(A)(iii) or paragraph (4)(A)''.

(2) SECTION 309.—Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(b)) is amended by striking ''calendar quarter'' and inserting ''month''.

SEC. 306. CONTRIBUTOR INFORMATION REQUIRED FOR CONTRIBUTIONS IN ANY AMOUNT.

(a) SECTION 302.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking '', and if the amount'' and all that follows through the period and inserting: ''and the following information with respect to the contribution:

''(A) The identification of the contributor.

''(B) The date of the receipt of the contribution.''; and

(B) in paragraph (2)—

(i) in subsection (A), by striking ''such contribution'' and inserting ''the contribution and the identification of the contributor''; and

(ii) in subsection (B), by striking ''such contribution'' and all that follows through the period and inserting '', no later than 10 days after receiving the contribution, the contribution and the following information with respect to the contribution:

''(i) The identification of the contributor.

''(ii) The date of the receipt of the contribution.'';

(2) in subsection (c)—

(A) by striking paragraph (2);

(B) in paragraph (3), by striking ''or contributions aggregating more than $200 during any calendar year''; and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in subsection (h)(2), by striking ''(c)(5)'' and inserting ''(c)(4)''.

(b) SECTION 304.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended by striking ''whose contribution'' and all that follows through ''so elect,''.

SEC. 307. PROHIBITION OF DEPOSITING CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit or otherwise negotiate a contribution unless the information required by this section is complete.''.

SEC. 308. PUBLIC ACCESS TO REPORTS.

Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C.

434(a)(11)(B)) is amended by inserting ''and publicly available at the offices of the Commission'' after ''Internet''.

SA 122. Mr. TORRICELLI (for himself, Mr. DURBIN, Mr. CORZINE, and Mr. DORGAN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking ''(b) The charges'' and inserting the following:

''(b) CHARGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2) TELEVISION.—The charges made for the use of any television broadcast station, or a provider of cable or satellite television service, by any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.''.

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2)), as added by subsection (a), is amended by inserting '', or by a national committee of a political party on behalf of such candidate in connection with such campaign,'' after ''such office''.

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.''.

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (d), is amended by inserting after subsection (d) the following new subsection:

''(e) RANDOM AUDITS.—

''(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

''(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

''(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

''(B) At least 3 of the 51-100 largest designated market areas (as so defined).

''(C) At least 3 of the 101-150 largest designated market areas (as so defined).

''(D) At least 3 of the 151-210 largest designated market areas (as so defined).

''(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.''.

(e) DEFINITION OF BROADCASTING STATION.—Subsection (f) of section 315 of such Act (47 U.S.C. 315(f)), as redesignated by subsection (c)(1) of this section, is amended by inserting '', a television broadcast station, and a provider of cable or satellite television service'' before the semicolon.

(f) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' before ''If any'';

(2) in subsection (f), as redesignated by subsection (c)(1) of this section, by inserting ''DEFINITIONS.—'' before ''For purposes''; and

(3) in subsection (g), as so redesignated, by inserting ''REGULATIONS.—'' before ''The Commission''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, March 27, 2001 at 9:30 a.m. in room SD–106 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to consider national energy policy with respect to impediments to development of domestic oil and natural gas resources.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SRC–2 Russell Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7932.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 20, 2001 to hear testimony on the Jordan Free Trade Agreement.

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

SUBCOMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 20, 2001 at 10:30 a.m. to hold a hearing.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 20, 2001 at 9:30 a.m., in open session to receive testimony on the readiness impact of range encroachment issues, including: endangered species and critical habitats; sustainment of the maritime environment; airspace management; urban sprawl; air pollution; unexploded ordinance; and noise.

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

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent my law clerk, Susan Bruno, be granted floor privileges during the pendency of the campaign finance reform debate.

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

CALLING UPON THE PEOPLE'S REPUBLIC OF CHINA TO END ITS HUMAN RIGHTS VIOLATIONS IN CHINA AND TIBET

Mr. WARNER. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 22, and the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 22) urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the People's Republic of China to end its human rights violations in China and Tibet, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 22) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 22

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious congregations and spiritual movements, including Falun Gong, and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism, have detained scores of citizens associated with attempts to organize a peaceful opposition, to expose corruption, to preserve their ethnic minority identity, or to use the Internet for the free exchange of ideas, and have sentenced many citizens so detained to harsh prison terms;

Whereas Chinese authorities continue to exert control over religious and cultural institutions in Tibet, abusing human rights through instances of torture, arbitrary arrest, and detention of Tibetans without public trial for peacefully expressing their political or religious views;

Whereas bilateral human rights dialogues between several nations and the People's Republic of China have yet to produce substantial adherence to international norms; and

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the treaty legally binding: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 57th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the appropriate representative of the United States should solicit cosponsorship for a resolution calling upon the Government of the People's Republic of China to end its human rights abuses in China and Tibet, in compliance with its international obligations; and

(2) the United States Government should take the lead in organizing multilateral support to obtain passage by the Commission of such resolution.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 19 and 20, and all nominations on the Secretary's desk in the Coast Guard. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE COAST GUARD

The following named officer for appointment as Commander, Atlantic Area, United States Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Thad W. Allen, 0000

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (Lower Half)

Capt. Harvey E. Johnson, Jr., 0000
Capt. Sally Brice-O'Hara, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN11 Coast Guard nominations (135) beginning Timothy Aguirre, and ending William J. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record of January 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MARCH 21, 2001

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, March 21. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Torricelli amendment to the campaign finance bill.

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

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will resume consideration of the Torricelli broadcasting amendment beginning at 9:30 a.m. tomorrow. Senators should expect a vote in relation to the amendment to occur at approximately 12:30 p.m. Amendments will continue to be offered and voted on every 3 hours throughout the day unless time is yielded back on the amendments

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Wednesday, March 21, 2001, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 2001:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. THAD W. ALLEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. HARVEY E. JOHNSON JR., 0000
CAPT. SALLY BRICE-O'HARA, 0000

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING TIMOTHY AGUIRRE, AND ENDING WILLIAM J. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 3, 2001.