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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, Creator of the world, Ruler over all, our Adonai, Sovereign Lord of our life, we join with our Jewish friends in celebrating Rosh Hashanah, ''the head of the year,'' the beginning of the days of awe and repentance, a time of reconciliation with You and one another. We thank You that we are all united in our need to repent, to return to our real selves for an honest inventory, and then to return to You with a humble and contrite heart. Forgive our sins of omission: the words and deeds You called us to do and we neglected, our bland condoning of prejudice and hatred, and our toleration of injustice in our society. Forgive our sins of commission: the times we turned away from Your clear and specific guidance, and the times we knowingly rebelled against Your management of our lives and Your righteousness in our Nation. Sound the shofar in our souls, blow the trumpets, and wake our somnolent spirits. Arouse us and call us to spiritual regeneration. Awaken us to our accountability to You for our lives, and our leadership of this Nation. We thank You for Your atoning grace and for the opportunity for a new beginning.

Help the Jews and Christians called to serve in this Senate, the Senators' staffs, and the whole support team of the Senate to celebrate our unity under Your sovereignty and exemplify to our Nation the oneness of a shared commitment to You. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Colorado, is recognized.

Mr. CAMPBELL. Thank you, Mr. President.

SCHEDULE

Mr. CAMPBELL. Mr. President, this morning the Senate will consider the Treasury-Postal appropriations conference report. Under the order, there will be 60 minutes of debate followed by a vote on the adoption of the conference report. Therefore, Senators can expect a rollcall vote at approximately 11 a.m. or earlier if debate time is yielded back.

Following that vote, the Senate will resume consideration of the D.C. appropriations bill. It is the intention of the majority leader to finish action on this measure today.

As a reminder to all Members, in observance of Rosh Hashanah, no rollcall votes will occur this week after 1 p.m. today. All Senators' cooperation will be appreciated in allowing the Senate to conclude action on the D.C. appropriations bill and any available appropriations conference reports.

RESERVATION OF LEADER TIME

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998 CONFERENCE REPORT

Mr. CAMPBELL. Mr. President, I submit a report of the committee of conference on H.R. 2378 making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of the conference report accompanying H.R. 2378 which the clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 29, 1997.)

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, before proceeding with my statement, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the conference report on H.R. 2378. That will be Pat Raymond, Barbara Retzlaff, Tammy Perrin, Lula Edwards, and Frank Larkin.

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

Mr. CAMPBELL. Mr. President, my colleague and I, Senator KOHL, are bringing before the Senate today the fiscal year 1998 appropriations bill of the Department of the Treasury, the U.S. Postal Service, and the Executive Office of the President, and certain independent agencies.

This bill contains $25.6 billion in mandatory and discretionary funding for fiscal year 1998. Reaching this level of funding has not been an easy task, and I would like at this time to publicly thank the ranking member, Senator KOHL, for his cooperation and continued effort in supporting this bill. We have tried our best to be supportive of the requests of individual Senators, and I think our bill reflects that.

This bill funds 40 percent of all Federal law enforcement. Adequate funding for this activity has been a top priority for both Senator KOHL and myself. In addition to providing sufficient funding for law enforcement, this bill goes a long way in encouraging the IRS to stay on track with modernization while at the same time addressing

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

their needs for the year 2000 computer program.

Also, this bill provides for a new $195 million antidrug campaign for the Office of National Drug Control Policy targeted at our Nation's youth. This is $20 million above what the administration has requested.

In addition, this bill provides $10 million for the Drug Free Communities Act, a program which 27 Members of the Senate cosponsored. These funds will be used for the establishment of local counterdrug efforts focusing on successful local initiatives.

The bill also includes $159 million for the high intensity drug trafficking areas, or HIDTA's, as they are known. This provides funding for the existing HIDTA's, which are in Houston, Los Angeles, Miami, New York, the southwest border, Washington/Baltimore, Puerto Rico/Virgin Islands, Atlanta, Chicago, Philadelphia/Camden, Cascade, the gulf coast, Lake County, the Midwest, the Rocky Mountains, San Francisco, and Detroit. In addition, funding is provided for the new HIDTA's in West Virginia, Tennessee, Kentucky, central Florida and Wisconsin.

The bill also provides $10 million for the ATF's Gang Resistance Education And Training Program, or GREAT, as it is known, which many of my colleagues also support. This program provides grants to local law enforcement agencies.

There is also $13 million for an antidrug technology transfer program targeted at State and local law enforcement. This new program aims at getting much-needed counterdrug technology currently used by Federal law enforcement out to those in the State and local communities in their efforts to help them in their efforts in fighting the drug war.

These are just a few of the items funded in this bill, Mr. President. This bill has taken lots of very, very hard work to stay within the budget agreement and still fund many important programs within the jurisdiction of the bill. I think this bill takes a strong stand for law enforcement while at the same time meeting the needs of many non-law enforcement agencies within the bill.

Therefore, I urge my Senate colleagues to support this bill. I believe it goes a long way in supporting what we all believe is important, primarily to continue to do what we can to reduce crime in the Nation.

Mr. President, this bill is the result of lots of hard work on behalf of Members and staff, too. I wish to thank all of them for that effort. I believe it deserves our support.

I now yield to Senator KOHL, our ranking minority member.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. Chairman.

Mr. President, I rise in support of this bill which provides funding for the Department of the Treasury, Executive Offices of the President, General Services Administration, and related agency programs. We have tried to be as critical and constructive as we can be. And I believe we have provided a strong funding bill.

Throughout this year we have had to grapple with a number of difficult issues, such as: accusations of IRS staff browsing at taxpayer files; IRS modernization efforts going awry; unidentified century date change requirements; and the appropriate funding level of the Office of National Drug Control Policy, ONDCP, media campaign.

These are issues we will continue to review and examine in 1998. And I hope we see some real progress occur as a result of the funding that we have provided.

In addition, we continue to be concerned with the level of crime through out our country. We realize that the money that is available through illegal drug and gun trafficking is enormous. As long as this kind of profit is available by doing illegal things our job will be more difficult in providing the necessary funding and technology required to deter that.

As a result, we have worked vigorously to fund the law enforcement agencies' priorities. And I hope that we can continue to work together to continue to fully fund much needed crime prevention programs such as GREAT, the Youth Crime Gun Interdiction Initiative, the Drug Free Prison Zone demonstration project and others.

I have enjoyed reviewing the diverse and complex issues of the agencies funded through this bill. I look forward to continuing to work with the subcommittee members and these agencies. Only through a constructive dialog, in a bipartisan fashion can we continue to build and maintain the agencies contained in this bill.

Finally, I want to say that I have enjoyed working with you, Mr. Chairman, and with your staff.

Thank you, Mr. President. I reserve the balance of my time.

I yield the floor.

OIRA

Mr. NICKLES. Mr. President, I ask the Chairman, is it correct that it is Congress' intent that the budget appropriated for the Office of Management and Budget includes sufficient funds for the Office of Information and Regulatory Affairs, OIRA, to coordinate and implement the Congressional Review Act?

Mr. CAMPBELL. That is correct.

Mr. NICKLES. I thank the Chairman. It has become evident that OIRA has not been implementing and coordinating the Congressional Review Act despite its organizing statute and President Clinton's Executive order. To make the Congressional Review Act work, Congress and the agencies need OIRA's expertise to coordinate agency input to the General Accounting Office on the new rules they promulgate. The General Accounting Office has reported to us that they have been frustrated by OIRA's refusal to work with them in their role of helping Congress understand the impact of each major rule.

Mr. CAMPBELL. I thank the Senator.

We have several requests for time on both sides of the aisle, Mr. President. I would be happy to have Senator KOHL yield time to Senator WELLSTONE.

Mr. KOHL. I yield to Senator WELLSTONE.

Mr. WELLSTONE. Thank you, Mr. President.

I thank both my colleagues, Senator KOHL from Wisconsin and Senator BEN NIGHTHORSE CAMPBELL from Colorado, for their fine work.

Let me, first of all, say, Mr. President, I understand this is a conference committee report, we will have a vote on it and there are many, many good things in this bill. I understand the good work of all Senators. I also want to express my personal gratitude to Representative BERNIE SANDERS in the House and Senator HARKIN for a provision, with the support of my colleagues, that they now have in this bill which really puts our country on the side of taking some action against coerced child labor in other countries. I think it is a terribly important provision, and I am very pleased to see this provision in this conference report, Mr. President.

So it is with a little bit of regret that I speak against this bill. I intend to vote against it, though, again, I want to make it clear why because there are a lot of good things in the bill.

When we had this bill before us in the Senate, I had sent a letter out to colleagues saying that I thought it was not appropriate for us to take a pay increase, cost-of-living increase, salary increase, whatever you want to call it, which I would raise our salaries to about $136,000. I sent a letter to all my colleagues, and then we in the Senate voice voted for the proposition that we would delete that pay increase. So the Senate took a position when we voice voted that we are not going to have a recorded vote because there is unanimity, there is a consensus in the Senate, that this cost-of-living adjustment for Members is not the right thing to do. I regret to say that in the conference committee we did not keep this pay increase out of this legislation. So now we are here today with the pay increase.

Now, a filibuster is beside the point. There is much in this bill that is very good. It is going to pass. I understand that. But I want to go on record as a Senator from Minnesota about this pay increase, not to talk about the process, though I must say I think my colleagues have done a pretty good job of not being recorded for or against this pay increase.

To me, there is something more important. That is why I speak in the Senate this morning and why I am going to vote against this conference report. I hope other Senators will as

well. I put the cost-of-living increase or pay increase for Senators and Representatives in the context of the debate that we have had on the floor of the Senate over the last several years. I have traveled in the country and spent a lot of time in poor communities, and I cannot even begin to tell you the number of Head Start teachers who tell me how important early Head Start is, how it would make so much difference if they could have a chance to work with kids when they are 1 and 2 years of age to give them a head start. We have a pittance of funding for that. We say we do not have any more money for it, and yet we give ourselves a salary increase.

I cannot begin to describe the conversations that I have had with people all across the country about child care, affordable child care, which by the way is not just a problem for low-income people, but is a problem for middle-income and moderate-income families as well. Again, we have made precious little investment in children for child care but we give ourselves this salary increase.

I was at the University of Iowa on Monday and there I found a focus on Pell grants. I can't tell you how many people in the higher education communities say, ''Look, by doing so little by way of expanding Pell grants—yes, you did the tax deductions and tax credits—you are still not dealing with the students most in need.'' Expansion of the Pell grant is by far the most effective way to do this. We say we cannot do it, but we give ourselves a salary increase.

Mr. President, most poignantly of all, or at least most poignant to me, we voted not long ago for some $50 billion in deficit reduction, and the two major programs that we targeted were, first, the Food Stamp Program, which is the major safety net program in this country when it comes to nutrition for children; and second, benefits for legal immigrants. Now, we have restored some of the benefits, though, again, we still have eliminated food and nutrition assistance for legal immigrants, and by the year 2002 there will be a 20 percent cut in food assistance for children.

Over 50 percent of the cuts we have made come from the Food Stamp Program, which is the major food nutrition program in this country and is our major safety net program. This is the program that has led to a significant reduction in malnutrition and hunger among children, and yet we said that in the name of sacrifice and in the name of deficit reduction and in the name of tightening our belt that we would cut the major nutrition programs for children in America, and at the same time we are now about to vote for a conference report that gives ourselves a salary increase, putting our salaries over $136,000 a year.

I don't think a salary increase is appropriate, Mr. President. I just don't think it is appropriate. That is my own view. I have had a chance to come to the floor of the Senate and express that view honestly, openly and directly. I expressed that view in the letter I sent to my colleagues before this ever came out of the Senate. I sent another letter to conferees saying, please stick to the Senate position. We had a unanimous vote in the Senate to stop this pay increase and yet we still now have the increase in this piece of legislation.

I just don't see the justice of it, colleagues. I don't see how we can cut basic benefits to the most needy and vulnerable citizens in this country—food and nutrition benefits for children in the name of belt tightening, sacrifice and deficit reduction—and at the same time give ourselves a salary increase, putting our salary over $136,000 a year. I don't think it is appropriate. I don't think it is the right thing to do.

As good a job as both colleagues have done on this piece of legislation, I will vote against this bill and I hope other colleagues will as well.

I yield the floor.

Mr. CAMPBELL. Mr. President, before I yield 2 minutes to my friend from Kansas, Senator BROWNBACK, I commend Senator WELLSTONE for personally taking the lead on many of our children's issues in the U.S. Senate. I have always admired him for that. He knows my background from a home for orphans as a youngster, and I have always really appreciated his willingness to fight the battles for so many children in Congress who do not have a voice themselves.

In this bill there are many dollars, in fact, many tens of thousands of dollars, that are going to eventually help youngsters. The GREAT Program is a good example, the Youth Crime Awareness Program is a good example. Just because we fund money through the Federal agencies doesn't mean that some of it has not gone to help reduce gang violence or trying to get youngsters away from a life of crime.

I point out that I think in the other bills that have come before the Senate we have tried to at least keep the baseline steady, in fact, increased funding for many children programs in other areas of the national budget.

Mr. WELLSTONE. Will the Senator yield?

Mr. CAMPBELL. I am happy to yield to the Senator.

Mr. WELLSTONE. This is less in the spirit of a question, but I want to make it clear to my colleague, because I appreciate what he said, I have no objection to increases for other programs for children in the Government, and I understand full well some of the important programs in this piece of legislation.

That is not my quarrel. My quarrel is the proposition that we did not eliminate the pay increase for ourselves. And I think we should have included increases for the other programs I spoke about.

Mr. CAMPBELL. I yield 2 minutes to the Senator from Kansas [Mr. BROWNBACK].

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Colorado for yielding.

I want to express my appreciation and congratulations to the conferees on the bill and what they put together. Overall, it is a good bill. There is a provision in this that I disagree with, and I will join my colleague from Minnesota in voting and stating my position against this bill because it does contain the COLA for Members of Congress.

That amendment was offered by myself and the senior Senator from Minnesota and was a bipartisan amendment which prohibited the Congress from receiving a cost-of-living adjustment in fiscal year 1998. Mr. President, I strongly believe that Congress should not receive a COLA until we balance the budget. The Senator from Minnesota and I have different reasons for doing this but the same objective, which is to object to the COLA for Members of Congress. I note, as well, that Members of Congress have not received a COLA for several years to date. I have been involved in those fights when I was in the House. The problem for me is that I think while we are moving to balance the budget and we are asking everyone to sacrifice in getting that done, that we should not be receiving a COLA during that period of time. While we have passed legislation to balance the budget, we are not quite there yet. But we are close.

Mr. President, it has never been my purpose in this debate to cast aspersions upon any of my colleagues or the institution of the Congress. I have great respect for the Senate and the people with whom I have the privilege to serve—all of the people in the Senate and all the people in this body. But I continue to believe that we should not receive a COLA while we are still running deficits. We should lead by example and not raise our COLA while we are still getting the Government's fiscal house in order.

Therefore, I oppose this conference report and call on my colleagues to do the same. I believe this is the kind of leadership that is necessary to finish the work of balancing the budget and beginning to pay down our massive public debt. I think our children deserve no less. For that reason, I do oppose overall the conference report. For that reason, even though I think it has many, many, very good features and I congratulate my colleagues for putting it together, I cannot support the COLA at this point in time.

I yield the floor.

Mr. CAMPBELL. I thank my colleagues from Kansas and Minnesota.

I point out a couple of things: It has been 5 years in which most of the Members voted down a cost-of-living increase for themselves; also, as they both remember when we were here on the floor with this bill a month or so ago, it was Senator BROWNBACK's

amendment and cosponsored by Senator WELLSTONE and me to delete that COLA increase from the original bill.

So I think I have a pretty strong record. In fact, I have never voted for a pay increase in the U.S. Senate. And in fact when we did go to conference, as the Senator probably knows, both Senators probably know, there was a vote. It was a tie vote. It was not deleted. But Senator KOHL and I both voted against a pay raise in conference, if you want to use that phrase, but some people have a disagreement. However, we lost.

The question here is, should we sink a $26 billion bill because we didn't get our way in conference or we didn't get our way on the floor? I have been torn with this myself, too. It is a difficult decision for all of us, but frankly I just think there is so much good in this bill that there are other options. Certainly we can return it to the Treasury. If Members do not want it, certainly they can give it to charity as I have done in the past. They can give it to scholarships.

From my perspective, Mr. President, this bill is extremely important. Today is the date that funding runs out. It seems to me we need to pass the bill even if we don't agree with the various parts of it.

Mr. BROWNBACK. Will the Senator yield?

Mr. CAMPBELL. I am happy to yield to the Senator.

Mr. BROWNBACK. I say to the Senator from Colorado he has been a leader in this effort on Members of Congress not receiving a COLA, and did put this in the bill that came from the Senate. That was the Senate provision, that there would not be a COLA for Members of Congress. That was the Senate provision. It was the House that put in otherwise.

I recognize the work that the Senator has done, and I appreciate that very much. I also recognize the totality of the bill and the excellent qualities within it. I just want to note that because it had that provision I could not support it, but by no means question you or other Members of the Senate. Our provision did not have the COLA in it.

Mr. BAUCUS. Mr President, I rise today in opposition to the Treasury, Postal, and general Government appropriations bill. I do so with respect for the managers of the bill, my good friends Senator CAMPBELL of Colorado and Senator KOHL of Wisconsin. They have done a fine job of bringing divergent interests together, crafting a bill that takes care of essential Government functions. Clearly, there is much that is right with this bill.

One thing that is right is funding for the Global Trade and Research Program at the Montana World Trade Center in Missoula, MT. This vital program is the only world trade center housed in a university. This important link will allow new global business markets to be identified and targeted to create new jobs in Montana.

But, Mr. President, I will vote against this bill because it contains a pay raise for Members of Congress. Look, I'm not against pay raises. Who couldn't use a few extra dollars in every paycheck. The question is: who needs the raise. Clearly, Montanans do. And I think with this bill we are missing the point and sending the wrong message.

The message this bill sends is simply ''we are going to protect ourselves instead of creating an economy that protects average families.'' That just doesn't make sense.

A vote to raise Members' pay is the wrong priority for Congress. This is not the kind of leadership the Congress needs. I believe that we will be as effective as leaders as the level of confidence vested in us. Clearly, voting to raise our pay will undermine public confidence in Congress. Particularly when we have an economy that isn't protecting average Americans.

It is clear that income for the average Montanan is not rising. Just Monday, the Census Bureau released consumer income statistics for 1994 to 1996. The numbers are startling and, I hope, a call to action for this Congress. Let's look at Montana. Median household income in Montana from 1994 to 1996 was $28,838. That's household income, money that an entire family has to spend for the year on bills, groceries, education, health care, and all the other expenses that take a bite out of their wallets. Montana's median income for those 3 years is over $6,000 lower than the national average and ranks 43d in the Nation.

And, compared to our regional neighbors, our median income ranks as the lowest. Now, we have all seen the stock market rise over the last few years. And clearly, a healthy percentage of Americans are making significant money. But it hasn't trickled down, to borrow a phrase, to the average Montanan.

I grew up on a ranch where it was a day's work for a day's pay. Americans work hard. And we in Congress work hard, but let's not lose sight of who we work for. We work for the citizens of our States and our country. We have a responsibility to protect them and to advance their ability to get a fair wage for a fair day's work. That should be the job of this Congress, not whether we in this Chamber are getting a raise.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I am sorry to say that I cannot support the legislation before the Senate today. While this bill contains many good provisions, I have never supported any legislation to raise the pay of Members of Congress, and I will not support this bill.

Yes, the Republican Congress has accomplished much this year. We have passed legislation which puts us on track toward balancing the Federal budget and providing much-needed tax relief for Americans. We have reformed the welfare system, our nation's immigration policies, ensured our national security, and many other laudable accomplishments.

But there are many tasks the American people expect us to complete that we have yet to accomplish.

We still face a $5.4 trillion national debt, which will increase by hundreds of millions of dollars for several more years. In fact, current predictions are that we will not eliminate annual deficits until 2001 or 2002, and our national debt will have increased to nearly $6 trillion by that time. We have a long way to go before we can claim to have ended the fiscal irresponsibility that has saddled our children and grandchildren with this staggering debt.

We still face the daunting tasks of ensuring the future viability of the Medicare and Social Security systems, improving access to and affordability of health care for all Americans, reducing the size and intrusiveness of our Federal Government in people's lives, and ensuring the continued economic health of our Nation.

Members of Congress already rank in the top 1 percent of wage earners in this country. Public service in the Congress should not be a means to becoming wealthy, but an opportunity to serve our country.

I intend to vote against this legislation. And if it passes, I will not accept a pay raise. I have donated to charity every pay raise Congress has approved for itself since I have been in office, and I will do the same with this raise.

Mr. President, I find it quite ironic that, at the same time the Congress is proposing to raise pay for Members, we are also wasting more millions of taxpayer dollars on unnecessary, wasteful programs.

Mr. President, this bill contains the usual earmarks and set-asides requested by Members of Congress for their home States or districts.

I am particularly disappointed to note that the conferees retained all but one of the provisions to which I had objected in the Senate bill. And that one provision that was not retained in the conference bill—an earmark of $4 million each for repair work at the Truman and Johnson Presidential Libraries—has, instead, been clearly earmarked in the conference report language.

I would like to list for my colleagues the Senate bill language, retained in this conference agreement, that are earmarks for unnecessary or low-priority spending or that are protectionist in nature.

There is $1.25 million earmarked for the Global Trade and Research Program at the Montana World Trade Center, which the report indicates is a one-time set-aside to support research and dissemination of information on exploration, definition, and measurement of contributions to economic globalization. I should note that the Senate had allocated $2.5 million for this program, and the conferees very frugally cut this earmark in half.

Section 107—Prohibition on reorganizing the Aberdeen, SD, office of the IRS until toll-free phone line assistance reaches an 80-percent service level. We all know the difficulties experienced by all taxpayers in getting accurate, timely information from the IRS. But why should the taxpayers in Aberdeen, SD, be guaranteed continued access to an area IRS office? What about taxpayers in North Dakota? Or rural Ohio? And what if it makes sense to save money by closing some IRS offices in order to devote more resources to achieving the 80 percent service level for IRS telephone assistance?

Section 108—Prohibition on reorganizing the IRS Criminal Investigative Division if the result is a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level. Again, I question whether the Congress is the right body to decide whether the IRS' criminal investigative resources should be concentrated.

Section 123—Requirement to establish the port of Kodiak, AK, as a port of entry requiring U.S. Customs Service personnel in Anchorage to serve that port. Neither the Senate report nor the conference report offer any particular rationale for this directive.

Earmark of $3 million for the Rocky Mountain High Intensity Drug Trafficking Area, plus $1.5 million earmarked for methamphetamine reduction efforts at the facility. I ask my colleagues, do we know whether the Rocky Mountain area is most needful of this extra money?

Sections 507 and 508—Provisions requiring compliance with Buy America trade restrictions. I have long sought to remove all protectionist restrictions on free trade, and having made some progress, I guess the conferees wanted to ensure that nothing would change in the global marketplace.

Not surprisingly, the conferees also added several provisions from the House bill that are the same type of wasteful spending:

Earmark of $10 million for three newly designated High Intensity Drug Trafficking Areas—one in the three-State area of Kentucky, Tennessee, and West Virginia; one in central Florida; and one in Milwaukee, WI that was not included in either bill. We all support heightened efforts to combat drug trafficking throughout the United States, but I wonder how the Appropriations Committee determined that these three locations were the highest priority areas for funding for antidrug efforts?

Section 410—Earmark of ''such sums as may be necessary'' to repay debts to the U.S. Treasury incurred by the Pennsylvania Avenue Development Corporation. How much is ''necessary''? And what sense does it make to appropriate Federal tax dollars to repay the Federal Treasury?

Section 412—Directed sale of the Bakersfield Federal Building at 800 Truxton Avenue in Bakersfield, CA, including all land and improvements. It is unclear from the conference agreement or the House report language whether the Federal Government wants to dispose of this property, or if the Congress has unilaterally decided to demand that it be sold.

Mr. President, these are just the provisions that are included in the bill. The report language of this conference agreement contains numerous other earmarks and set-asides. Let me note just a few:

Three Hundred thousand dollars to staff a dedicated commuter lane in El Paso, TX. This was an earmark in the Senate report that is repeated in the conference report, for emphasis, I guess.

Language ''encouraging'' the Customs Service to provide extended hours at the Opa-locka Airport in Florida.

Language ''urging'' GSA to consider the needs of the U.S. Olympic Committee and to give the USOC priority in acquiring a Federal building in Colorado Springs, just in case the current occupants—the U.S. Air Force Space Command—decide to move out.

I ask unanimous consent that a list of objectionable provisions in this conference agreement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McCAIN. I think it is important to note for my colleagues that this conference agreement, like each of the four other conference agreements the Senate has approved in the past few days, contains a clause in the statement of managers language that specifically endorses every single earmark and set-aside in the underlying reports of the House and Senate, unless specifically stated otherwise in the conference report. Mr. President, the bottom line is that Members of Congress can use the language in these reports, which ''urges'' or ''encourages'' or ''strongly supports'' some action, but which falls short of an earmark or directive, to pressure agencies to act accordingly.

Mr. President, I will say once again that this practice of wasteful spending must stop.

EXHIBIT 1

OBJECTIONABLE PROVISIONS IN CONFERENCE AGREEMENT ON H.R. 2378, THE FY 1998 TREASURY/POSTAL APPROPRIATIONS BILL

BILL LANGUAGE

$1.25 million earmarked for the Global Trade and Research Program at the World Trade Center, which the report indicates is a one-time set-aside to support research and dissemination of information on exploration, definition, and measurement of contributions to economic globalization.

Section 107—Prohibition on reorganizing the Aberdeen, South Dakota, office of the IRS until toll-free phone line assistance reaches an 80 percent service level.

Section 108—Prohibition on reorganizing the IRS Criminal Investigative Division if the result is a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

Section 123—Requirement to establish the port of Kodiak, Alaska, as a port of entry requiring U.S. Customs Service personnel in Anchorage to serve that port.

Earmark of $10 million for three newly designated High Intensity Drug Trafficking Areas—in Milwaukee, Wisconsin; in the three State area of Kentucky, Tennessee, and West Virginia; and in central Florida.

Earmark of $3 million for the Rocky Mountain High Intensity Drug Trafficking Area, plus $1.5 million earmarked for methamphetamine reduction efforts at the facility.

Section 410—Earmark of ''such sums as may be necessary'' to repay debts to the U.S. Treasury incurred by the Pennsylvania Avenue Development Corporation.

Section 412—Directed sale of the Bakersfield Federal Building at 800 Truxton Avenue in Bakersfield, California, including all land and improvements.

Sections 507 and 508—Provisions requiring compliance with ''Buy America'' trade restrictions.

REPORT LANGUAGE

[NOTE: Conferees explicitly endorse all earmarks and set-asides included in either the House and Senate reports, unless specifically addressed in the conference report statement of managers. The following listing includes only those objectionable provisions specifically included in the conference report language; additional items can be found in the underlying House and Senate reports on the bill.]

Earmarks

$500,000 earmarked for contract awards to the National Law Center for Inter-American Free Trade to support federal government efforts to conduct legal research specific to relevant trade issues.

$500,000 to support the Global TransPark Network Customs Information Project.

$300,000 to staff a dedicated commuter lane in El Paso, Texas.

$2 million add-on for Customs Service monitoring and enforcement of the U.S./Canada Softwood Lumber Agreement, and language stating the conferees' ''expectation'' that the Customs Service will cease to enforce any interpretive ruling ''that would have the effect of undermining enforcement of the Lumber Agreement, including any ruling that would have the effect of classifying lumber that would otherwise be classified under the heading of 4407 of the Harmonized Tariff Schedule in a different classification because it has been drilled or otherwise subject to minor processing, until Congress can address this issue''.

$2 million of GSA funds directed to be spent in accordance with House report, which earmarks the funds to initiate a pilot project in the development, demonstration, and continuous research of emerging digital learning technologies.

$1 million of GSA funds earmarked for a digital medical education project.

Directive language that GSA provide funding in FY 1999 for protection and maintenance of Governor's Island in New York, as necessary to ensure no undue deterioration of the property prior to disposal.

$4 million earmarked for repair and restoration of the Truman Library, and another $4 million for similar work on the Roosevelt Library.

Words of encouragement:

Language ''encouraging'' the Customs Service to provide customs service at Opalocka Airport in Dade County from 9:00 a.m. to 10:00 p.m. daily, instead of the current 9:00 a.m. to 5:00 p.m. daily schedule, because the conferees believe the diversion of aircraft after 5:00 p.m. to Miami International Airport creates unnecessary congestion at the nation's busiest cargo airport.

Language ''urging'' GSA to strongly consider the U.S. Olympic Committee's need for additional space and to give priority to the USOC request to gain title to or otherwise acquire a building in Colorado Springs currently occupied by the U.S. Air Force Space Command and owned by GSA.

Mr. FAIRCLOTH. Mr. President, I rise to make a few remarks concerning the fiscal year 1998 Treasury appropriations conference report. First, I would like to thank the chairman of the Senate Treasury Appropriations Subcommittee, and my good friend, Senator CAMPBELL. He and his staff have been most gracious in working with me on a range of issues of concern to North Carolina, including funding in the budget of the Bureau of Alcohol, Tobacco and Firearms for two new data acquisition stations [DAS] for the Cumberland County sheriff's office and the Guilford County sheriff's office. These two stations will allow law enforcement in both western and eastern North Carolina access to sophisticated technology to examine bullets and bullet fragments found at crime scenes. These DAS stations will be powerful crime-fighting tools, and I want to thank the chairman for helping to make this possible.

I also want to thank the chairman for his inclusion of language I requested to repeal section 1555 of the Federal Acquisition Streamlining Act [FASA]. As many of my colleagues in the Senate know, this language was originally passed in 1994 without any hearings, and without any debate in Congress.

It was intended to give State and local governments access to the General Services Administration [GSA] purchasing schedule. GSA sells everything from office supplies to cars and law enforcement equipment.

The problem is this—if every State and local government purchases their supplies directly through the Federal Government, thousands of small businesses who currently provide those supplies will go out of business.

Section 1555 has not yet been implemented—a temporary moratorium was enacted in 1995, and most recently extended until the end of this session of Congress as part of the Emergency Supplemental Appropriations Act for fiscal year 1997.

If section 1555 were not repealed, most businesses would no longer be able to sell products to their local governments, but would be driven out by unfair competition. Perhaps a select few would be included in the General Services Administration's purchasing schedules, but heaven help the small business man or woman who must come to Washington, DC, for permission every time he or she wants to sell office supplies to their local city council or county commission. Tragically, this is the kind of result that section 1555 would bring about, and it would devastate small businesses across the country.

I have heard from numerous small business men and women who regard this provision to be a potential disaster, were it ever to be implemented. Thankfully, it will not be, now that language to repeal this statute has been included in this conference report. Section 1555 should never be implemented, it should be repealed as soon as possible. I strongly support the repeal language included in the bill.

CONGRESSIONAL PAY RAISE

Mr. President, there are two other matters addressed in the Treasury appropriations conference report which forces me to oppose the bill, in spite of much that I have already described which is good.

Most troubling to me is language added to this conference report which removes a Senate amendment placing a 1-year freeze on congressional pay. I am opposed to a congressional pay increase. I am deeply disappointed that Members of Congress will now receive a 2.3-percent cost-of-living adjustment [COLA], and I do not plan on accepting this increase when I receive it.

In fact, I believe that to accept this pay raise next year would be in violation of the 27th amendment to the Constitution. I know that Chairman CAMPBELL and others joined me in opposition to this pay increase, but due to some procedural shortcuts, a conference was convened late on the evening of September 29—on a day when no votes had been scheduled, and I had already made commitments to be in North Carolina—for the sole purpose of attaching this pay increase for Members of Congress.

I am also deeply disappointed that an amendment I offered to remove computer games from all Government computers was not included in the conference report. I am pleased, however, that Senator THOMPSON, chairman of the Committee on Governmental Affairs, has indicated his interest in pursuing this issue in the future. I look forward to working with Senator THOMPSON to ensure that Government employees are not wasting taxpayers' dollars playing computer games when they should be working.

Due to the inclusion of the pay raise for Members of Congress and the removal of my amendment to remove computer games from Government computers, I regret that I must vote against the Treasury appropriations conference report on final passage.

THE CONGRESSIONAL PAY INCREASE

Mrs. MURRAY. Mr. President, I rise today to express my deep concern about one provision within the bill before us today. The fiscal year 1998 Treasury-Postal Appropriations Act contains a cost-of-living adjustment—a pay raise—for Members of Congress. This increase represents a major change in policy. It has not been the subject of hearings. It has not been aired in public. The timing and merit are questionable. In light of these concerns, I intend to vote no on the pay raise, and no on the bill.

Each year I have been in the Senate, we have acted to suspend cost-of-living adjustments for Congress. In light of our ongoing efforts to balance the Federal budget and restore people's faith in the process, I think this has been the right course. Simply stated, allowing our own pay to increase sends the wrong signal at a time when the budget is out of balance and real wages are stagnant for many workers.

Like it or not, we in Federal office have a responsibility to set an example, to set the tone for responsible dialog about the Federal budget. Accepting a pay raise at this time undermines any credibility we might have on budget issues.

In July, Congress passed a historic law that will balance the Federal budget. After years of partisan rancor, bickering, disputes, and Government shutdowns, we were able to put aside differences and agree on a compromise that makes sense, and gives the people what they have been asking for.

Now, most of us who worked on this package, and made the tough calls over the past few years understandably want to promote the compromise and take credit for finishing the job. And I think we should. But taking a pay raise on the heels of passing a balanced budget sends the wrong signal. It says to the people, ''we didn't really mean it.''

As a member of the Appropriations Committee, it is very difficult for me to vote against the Treasury-Postal bill. In fact, it is rare that any of us on the committee opposes one of our own bills. In this case, I have to make an exception, even though there are many worthy programs and projects funded in this bill.

I hope my colleagues will hear my reasons and listen to them. As elected leaders, we are held to a different standard. We have a responsibility to set the tone, to earn the respect of our constituents. The public will be watching this vote. To them, it is not about funding the executive branch agencies. Instead, it is about whether we are willing to live up to our own standard of fiscal responsibility in 1997.

Mr. KOHL. Mr. President, I rise today to voice my opposition to a provision within the Treasury, General Government, Civil Service Appropriations Act.

I am the ranking member of the subcommittee which crafted this legislation, and there is much to support in the bill. However, I am opposed to the provision in the bill to provide a 2.3-percent cost-of-living-adjustment to Members of Congress.

I have heard the arguments on both sides of the issue and I cannot agree that it is appropriate for Congress to receive this pay raise. While we have made progress in balancing the budget, we have not made the kind of progress which justifies this raise. The American public is rightly holding us to a higher standard, and until we meet that standard, congressional pay should remain at its current level.

Earlier this week, we had a vote in the House-Senate conference committee on whether to keep the pay raise in the bill. I was prepared to offer a motion to reject the pay raise, and, indeed, voted against the measure. As this body knows, the House voted to insist on its position, and we could not muster a majority in the Senate to similarly insist on this Chamber's position against the pay raise.

Mr. President, this bill before us also includes many provisions and important programs. If this were an up-or-down vote on the pay raise, I would again oppose the measure. But, this bill is more than that—it funds the Treasury Department, the Internal Revenue Service, the White House, and dozens of other Federal agencies.

In addition, the bill includes many anticrime programs, including those operated by ''Drug Czar,'' the Treasury Department, and the Bureau of Alcohol, Tobacco, and Firearms. I'm pleased that the legislation includes $3 million for the designation of a high-intensity drug trafficking area for milwaukee, WI. Unfortunately, the drug epidemic often crosses State lines, and it is necessary for Wisconsin law enforcement agencies to coordinate with Federal authorities. If the drug czar concurs with the language in this bill, this money will help my State better combat the growing drug problem.

The legislation also includes a $1 million increase in the Youth Gun Crime Interdiction Initiative. Milwaukee is one of a small number of cities selected last year to participate in the program which uses resources from the Federal Bureau of Alcohol, Tobacco, and Firearms to trace weapons in an attempt to track the seller. The program saw its first success in April when Milwaukee Police arrested a grocery store security guard and charged him with Federal firearms violations. Lawrence M. Shikes plead guilty to purchasing guns and reselling them to juveniles, gang members, and drug dealers in the Milwaukee area. This is an important program, and one of the reasons that I am voting for the overall bill.

Mr. President, while I am voting for this bill, I strongly oppose to the congressional pay raise provision. Because of this conviction, I will not accept any increase in my salary. Since coming to the Senate in 1989, I have not accepted any salary increase, and I will return any future pay increase to the U.S. Treasury to reduce the deficit.

Since this is one provision of a larger bill, I will vote in favor of the measure.

Mr. CAMPBELL. I suggest the absence of a quorum and ask that the time continue to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. ABRAHAM. 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. ABRAHAM. Mr. President, I ask unanimous consent to be permitted to speak as in morning business for up to about 5 minutes.

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

SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT

Mr. ABRAHAM. Mr. President, today, I want to bring to the Senate's attention an issue of great concern, not only to my home State of Michigan, but also to many other Northeastern States that border Canada. Section 110, a rather small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, has generated waves of controversy here in the United States and in Canada because of its unintended negative impact on trade and travel between the two countries.

Section 110 requires the Immigration and Naturalization Service to develop an automated entry and exit system to document the entry and departure of every alien arriving in and leaving the United States. The term ''every alien'' certainly would be interpreted to include both Canadians and American permanent residents who cross our land borders with Canada.

This interpretation conflicts with the decades-old practice of not requiring Canadians to present a passport, visa, or border crossing identification card at the border. As previously described, this interpretation was not intended by the law's authors. My former colleague, Alan Simpson, who preceded me as chairman of the Senate Immigration Subcommittee, and Representative LAMAR SMITH, who is the current chairman of the House Immigration Subcommittee, wrote in a letter last year to the Canadian Government that they did not intend to impose a new requirement for border crossing cards on Canadians who are not presently required to possess such documents.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

His Excellency RAYMOND CHRÉTIEN,
Ambassador of Canada,
Canadian Embassy, Washington, DC.

DEAR MR. AMBASSADOR: This is in reply to your letter regarding congressional intent in the implementation of Sections 104 and 110 of the ''Illegal Immigration Reform and Immigrant Responsibility Act of 1996.'' Ms. Strom and Mr. Day were accurate in their description of our intent regarding those provisions.

With regard to Section 104, it was not our intent to impose a new border crossing card requirement on Canadians who do not now need to possess such a card to enter the United States. With regard to Section 110, again, it was not our intent that Canadian citizens who now enter the United States without an I–94 will be required to obtain that form in the future.

Of course, any Canadians who elect to possess a border crossing card will be subject to the requirements for an improved card; and any Canadians who are now issued an I–94 form will be subject to the new exit control provisions of the law. But, again, we did not intend to impose a new requirement for border crossing cards or I–94's on Canadians who are not presently required to possess such documents.

Respectfully yours,
ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration, U.S. Senate
LAMAR S. SMITH,
Chairman, Immigrations & Claims, House of Representatives.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the letter from the Canadian Ambassador to Congressman SMITH to which his letter responds be printed in the RECORD.

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

HON. LAMAR S. SMITH,
Chairman, Immigration and Claims,
House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: I wish to bring to your attention some language of the ''Illegal Immigration Reform and Immigrant Responsibility Act of 1996'' which, depending on how it is interpreted, could have significant cost implications for the United States as well as affect the mobility of millions of Canadians.

Section 110 of the Act requires the Attorney General to develop an automated entry-exit control system at ports of entry. We understand that this provision was introduced to document the entry and exit and gather information on immigration violations committed by foreign nationals who are entering the United States legally either with a U.S. non-immigrant visa or through the privilege of a visa waiver pursuant to the Visa Waiver Program initiated in 1986. Officials in both the Immigration and Naturalization Service and the State Department have brought to our attention that the final language of Section 110 uses the word ''alien'' without any qualification. This could be interpreted as including the millions of Canadian citizens who enter the United States every year and are not issued an I–94 form.

My officials have discussed the matter informally with Ms. Cordia Strom, your Chief Counsel, and Mr. Richard Day, her counterpart, in the House immigration Subcommittee. Ms. Strom and Mr. Day confirmed our understanding of the legislative intent as stated above. They indicated that Congress did not intend to require the issuance of documentation and the control of departure for the millions of Canadians who have, since well before 1986, traditionally enjoyed the privilege of a summary inspection. Such interpretation would have a very negative impact on cross border mobility at high volume border crossings such as the Rainbow bridge in Niagara Falls or the Detroit-Windsor Tunnel. I would therefore be grateful if you could confirm that Congress did not intend to make Canadians subject to this provision.

I am also concerned about an interpretation of Section 104 of the same Act that appeared in ''Interpreter Releases'' in their October 7, 1996 issue. The ''Section-by-Section Summary'' of that publication on Section 104 suggests that all aliens must use a border crossing card with a biometric identifier by September 30, 1999.

In their efforts to facilitate mobility in the context of the Border Accord, both Canada and the United States, encourage frequent travellers to consider the benefits of using dedicated inspections lines by enrolling in

INSPASS or CANPASS. Enrollment in these programs is voluntary. Making it a mandatory requirement would become a major impediment to cross border mobility for millions of American and Canadian travellers. Our reading of Section 104 of the Act does not lead us to such a conclusion. I would therefore also appreciate your confirmation that it was not Congress's intention to require all Canadians, travelling to the U.S. by September 30, 1999, to hold such a card.

Thank you in advance for your cooperation on these matters.

Yours sincerely,

RAYMOND CHRÉTIEN,
Ambassador.

Mr. ABRAHAM. Unfortunately, the INS appears to maintain, regardless of the intention, that the law clearly calls for a record of every entry and departure by noncitizens entering or departing the United States. I will be sending a letter to INS Commissioner Doris Meissner to ask how the agency interprets section 110, how the agency plans to implement the law, and how we might work together to remedy what I see as an enormous problem on the horizon.

Bumper-to-bumper traffic is not an unusual occurrence in many parts of the country, whether its a morning or afternoon commute or a trip to a football game. This also occurs every day at already busy border crossing points. But imagine if you will, the traffic nightmare of back-up for miles and miles that would result from implementing this new provision at all U.S. border crossings. Under the section 110 statute, every Canadian citizen and American permanent resident must present a visa or proper immigration form to border inspectors. In 1996 alone, over 116 million people entered the United States by land from Canada. Similarly, over 52 million Canadian residents and United States permanent residents entered Canada last year. The new provision would require a stop on the U.S. side to record the exit of each person in every car. That's more than 140,000 every day; 6,000 every hour; 100 every minute. And that is just when you exit the United States. Those person entering the United States from Canada will also confront a similar circumstance. These delays will affect American citizens alike.

Now imagine the economic impact of such a policy. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. Together, trade and tourism between the two nations is worth a billion dollars a day for the United States, and Canada is the United States' largest trading partner. The State of Michigan is an important beneficiary of this longstanding close relationship. The Ambassador Bridge in Detroit is the largest land border crossing point in North America. The United States automobile industry conducts $300 million worth of trade with Canada every day. Michigan, and Detroit in particular, would be severely impacted by excessive delays that would surely arise if truckers were forced to show a visa or fill out immigration forms at each port of entry. New just-in-time delivery methods have made United States-Canadian border crossings integral parts of our automobile assembly lines. A delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns.

Tourism is another industry that would surely be affected by the implementation of section 110. Suddenly, people in Windsor, Canada, who thought they'd head to Detroit for a Tiger's baseball game or Red Wing's hockey game think again and stay home—with their money. In fact, this provision would force all Canadian residents who visit their family and friends in America to obtain a visa or obtain other immigration forms. It is for these reasons that we have twice rebuffed previous attempts in the Senate to impose a tax on border crossings.

Mr. President, our borders are already crowded. In 1993, nearly 9 million people traveled over the Ambassador Bridge I referred to earlier, 6.4 million traveled through the Detroit-Windsor tunnel, and approximately 6.1 million crossed the Blue Water Bridge in Port Huron. Think what it would mean to load them down with paperwork and fee payments. Optimistically, the new controls might take an extra 2 minutes per border crosser to fulfill. That is almost 17 hours of delay for every hour's worth of traffic. It's just not practical, and we must act to prevent it from happening.

As chairman of the Senate Subcommittee on Immigration, I intend to hold hearings in both Michigan and Washington to learn more of the impact of section 110. I am certain these proceedings will be useful in determining how to clarify the act and make the case to my colleagues that we must remedy this situation.

The illegal immigration law passed last year focused on those persons who enter our Nation illegally, not those who come here legally to make a better life for themselves and their families—let alone those who visit family here on a regular basis or help carry out our crucial, ongoing trade with Canada. I should also note that Canadians have not historically presented significant illegal immigration problems and that I appreciate very much the unique and close relationship Americans and Canadians share. Section 110 will not go into effect until September 1998. In the meantime, it is my hope that Congress will take the time to closely consider the problems I have outlined and conform the act to reflect current policy and our special relationship with Canada.

Mr. President, I yield the floor. I suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CAMPBELL. Mr. President, given that there are no further Senators seeking recognition, I yield my time.

Mr. KOHL. I yield my time.

The PRESIDING OFFICER. All time has expired.

Mr. CAMPBELL. Mr. President, I urge the Senate to adopt the conference report for H.R. 2378, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. FRIST). The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will the role.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—55

Akaka	Glenn	Mack
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Hagel	Moynihan
Breaux	Harkin	Murkowski
Bumpers	Hatch	Nickles
Byrd	Hutchison	Reed
Campbell	Inhofe	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Kempthorne	Sarbanes
Conrad	Kennedy	Smith (OR)
Craig	Kerry	Stevens
Daschle	Kohl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Levin	Torricelli
Durbin	Lieberman	Warner
Feinstein	Lott	
Ford	Lugar	

NAYS—45

Abraham	Enzi	Leahy
Allard	Faircloth	McCain
Ashcroft	Feingold	Moseley-Braun
Baucus	Frist	Murray
Bond	Gramm	Reid
Boxer	Grams	Roberts
Brownback	Grassley	Santorum
Bryan	Gregg	Sessions
Burns	Helms	Shelby
Cleland	Hollings	Smith (NH)
Collins	Hutchinson	Snowe
Coverdell	Johnson	Specter
D'Amato	Kerrey	Thomas
DeWine	Kyl	Wellstone
Dodd	Lautenberg	Wyden

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

TERMINATING INVESTIGATION OF LOUISIANA ELECTION

Mr. WARNER. Mr. President, I wish to advise the Senate that the Committee on Rules and Administration met this morning at 10 o'clock for the purpose of voting in executive session to review the investigation by that committee into the 1996 Louisiana election. The committee reviewed the evidence, heard the report of the chairman, then voted unanimously on a resolution to terminate the investigation by the Committee on Rules and Administration into that election.

I ask unanimous consent that the text of my remarks before the Rules Committee this morning, the text of the committee motion, and several letters, be printed in the RECORD.

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

STATEMENT OF CHAIRMAN JOHN WARNER, COMMITTEE ON RULES AND ADMINISTRATION, LOUISIANA CONTESTED ELECTION, OCTOBER 1, 1997

INTRODUCTION

This business meeting today is called to brief the Committee on the findings of our preliminary investigation of allegations that fraud, irregularities, or other errors affected the outcome of the 1966 Senate election in Louisiana. Our focus primarily will be on those matters the Committee has investigated since the Committee's vote on July 31 to continue the investigation.

HISTORY OF CONTEST PRIOR TO JULY 31, 1997

Mr. Jenkins' petition addresses one of the closest Senate contested cases in history: Senator Landrieu's margin was just under 6,000 votes out of 1.7 million cast. Mr. Jenkins' amended petition alleged that ''a pattern of misconduct, irregularities, fraud, and political machine corruption violating state and federal law changed the result of the election . . .'' He also alleged that ''state, parish, and precinct officials inadequately administered the 1996 general election and failed to ensure the sanctity of the electoral process in Louisiana so that the results of the 1996 United States Senate election are in doubt.''

On April 10, two outside counsel, Bill Canfield and Robert Bauer, respectively selected by the majority and minority members of this Committee to review the pleadings filed by the parties, reported their assessment of only the following: Jenkins' petition and related evidence, the rebuttal material submitted by Senator Landrieu, and the surrebuttal information presented by Mr. Jenkins. It is important to note that their review did not include any field investigation. These counsel jointly recommended that the allegations of fraud, including vote buying, multiple voting, and fraudulent registration, should be investigated by the Committee. They also recommended that the next phase be conducted under their direction, subject to guidance from the Chairman and the Ranking Member. Counsel further recommended that certain types of evidence be dismissed, such as evidence of mismatched signatures and phantom votes. On April 15, the Committee heard from Mr. Jenkins and counsel for Senator Landrieu concerning the Bauer-Canfield joint recommendations.

On April 17, the Committee, voting on partisan lines, adopted much of the Bauer-Canfield recommendation, but directed the Chairman to conduct a preliminary investigation. In doing so, the Committee indicated that it would not ignore potential evidence of fraud, including mismatched signatures and phantom voting. I also announced that I desired that the investigation be conducted by a team of outside counsel with extensive investigative experience.

Shortly after the Committee vote on April 17, Senator Ford, on behalf of the minority, expressed his desire to conduct the investigation jointly, and requested that an investigative protocol be developed between counsel for the majority, McGuire Woods Battle & Boothe, and counsel for the minority, Perkins Coie. At the same time, I initiated efforts to secure the assistance of detailees from the FBI. After extensive negotiation and the adoption of a protocol, we were able to secure two detailees from the FBI, and additional personnel from the General Accounting Office, and we negotiated the issuance of subpoenas for election records and documents from Mr. Jenkins and Senator Landrieu.

In the meantime, our majority outside counsel from McGuire Woods Battle & Boothe, headed by Richard Cullen and George Terwilliger, began a review of Louisiana's election laws and to what extent these laws and implementing regulations were followed in the November election. This examination revealed that many of the laws and regulations—statutory safeguards designed to protect the integrity of the election system—had not been observed: Fraud could have occurred.

The full preliminary field investigation then began in earnest on June 9, when two FBI agents were detailed to the Committee, and arrived in New Orleans to work with assistance from two retired FBI agents hired by the Committee. Outside counsel for majority and minority provided guidance as to the agents' activities.

A short twelve working days later, the minority unexpectedly pulled out of the investigation and the FBI terminated the detail of the two agents, despite my request that the detail be continued.

During those twelve days, our investigative teams had interviewed a number of witnesses who had submitted taped statements to Petitioner that they participated in or observed vote fraud. As has been well publicized by the minority, these witnesses recanted their testimony, stating that they had been paid and coached by a person hired by the Petitioner to make up their stories of fraudulent voting.

The complete picture on these witnesses, however, was complicated by the fact that there were reports of threats associated with the witnesses' initial reports, making it unclear if those who did recant were truthful in the first instance, or truthful in their recantation. It is also clear that many of these witnesses were acquaintances who clearly had the opportunity to discuss their testimony. Moreover, a small number of witnesses, alleging fraudulent voting, stuck to their original testimony and never recanted.

Senator Ford and I made separate referrals of the evidence of alleged witness tampering and threats to the Department of Justice. In addition, I made a referral of this information to Doug Moreau, the District Attorney for East Baton Rouge, Louisiana, who had opened his own investigation into allegations of election fraud during 1996.

Meanwhile, the Committee had charged detailees from the Government Accounting Office to examine election records for discrepancies between vote totals recorded on election documents and machines. This examination focused specifically on four of the seven categories of ''phantom votes'' alleged by Petitioner.

An interim report provided to the Committee on July 9 revealed that the allegations of widespread irregularities in these four categories could not be substantiated. While this review confirmed many of the discrepancies identified by Mr. Jenkins, the GAO detailees concluded that all but 153 of the several thousand ''phantom votes'' were explainable. The problems with Petitioner's analysis resulted from three primary factors: (1) transcription errors in the election records themselves; (2) errors in the compilation of numerical results by Mr. Jenkins; and (3) the fact that Mr. Jenkins did not have available to him all of the election documents which were available to the Committee. In short, many errors identified by Mr. Jenkins could be explained by our review of certain election records.

It is important to note, however, that while the irregularities in these four categories were not nearly as widespread as alleged by Mr. Jenkins, there were a number of precincts that did contain errors which might have been the result of fraudulent activities. In addition, there was one instance where 100 votes were erroneously credited to Senator Landrieu.

Let me for a minute return to the withdrawal of the minority. When the minority withdrew from this investigation, they focused on two facts. First, a number of witnesses to fraud had recanted their original testimony. Second, the allegations of widespread irregularities in four of seven categories raised by Mr. Jenkins were not significant enough to impact the election.

At that time, however, there were other significant areas of potential fraud which had not been examined at all. Mr. Jenkins had submitted hundreds of allegedly mismatched signatures which merited audit. He had alleged that massive numbers of voters had not completed legally required forms, which merited review. He had identified over one thousand voters registered to housing that had been abandoned. Petitioner had made allegations of fraudulent registration that had not been examined even though the Bauer-Canfield report had cited it as worthy of review. And allegations of political machine corruption, including the illegal use of corporate funds, deserved review. Remembering that the investigation had already ascertained that many of the statutory safeguards had been ignored, there was clearly the possibility that fraud could have occurred in these areas. It was our duty to further investigate these significant allegations.

On July 31, the Committee affirmed my recommendation to continue the investigation, approved the use of designated funds and authorized me to issue subpoenas.

ACTIONS SINCE JULY 31, 1997

Immediately after the Committee's action of July 31, I wrote the Attorney General of the United States to request the reassignment of FBI agents to the Committee: this request was rejected. As an alternative, I then hired three additional retired FBI agents using Committee funds. I also sought renewed assistance from GAO, and after significant delay, they provided personnel to review election records assistance in late-August and accountants to examine financial documents in early September. To date, our investigation has encompassed a review of literally thousands of documents and the interview of hundreds of persons.

Subsequent to July 31, I issued 40 subpoenas to individuals, organizations, and companies with knowledge or documents related to the election. Some of these were for personal appearance at hearings, some for documents, and some for both. I would like to thank the United States Marshal's office in New Orleans for their help in serving many of these subpoenas in a timely and professional manner. These 40 subpoenas were in addition to

the 134 Senator Ford and I agreed to issue in May for election records and documents from the parties.

The Committee also held four full days of field hearings in Louisiana and another hearing here in Washington. I will turn to the findings of these hearings in a moment.

Our sole focus was to fairly and impartially gather a body of evidence—to determine the presence or absence of fraud or irregularities—upon which the Committee, and ultimately the Senate, could make a reasoned judgment with regard to the petition submitted by Mr. Jenkins.

RESULTS: ELECTION RECORDS AND INTERVIEWS

Election records, if properly prepared and maintained, are the post-election means to a prompt and reliable assessment that fraud did not penetrate an election. Indeed, with the advent of electronic voting machines, these records are often the only evidence available to demonstrate—corroborate—that an election was conducted properly and that the machines accurately reflect legitimate votes. Without reliable records, investigation of vote fraud allegations must involve time consuming and intrusive examination of the actions of both individual voters and groups involved in the political process.

If the legal requirements of the registration and voting process are adhered to and reliable records of the same are created and maintained, allegations of fraud can be expeditiously examined. If widespread fraud occurred, reliable records should readily yield evidence of the vote fraud. However, the absence of such records and effective registration and voting processes creates opportunity for fraud to exist.

Thus, candidates, election officials, and voters all share a common interest in electoral procedures that meet the requirements of the law. Anything less challenges the fundamental public interest in reliable and final elections.

Review of ''suspect'' precincts and voter interviews

Our GAO detailees have thoroughly examined the election documents in 34 precincts across the state. These precincts were identified by the Committee as ''suspect'' because of a variety of factors: Places where multiple voting was alleged, unusual registration patterns, late closing of machines, etc.

This analysis revealed numerous irregularities with these records: names on a poll list but not on a register, and vice versa; poll lists which are supposed to be duplicate have names out of order; and names on poll lists more than once.

Had irregularities not existed and had other safeguards not been ignored, our investigation may have been completed sooner. But these irregularities did exist, warranting further examination of a sampling of voters to assess whether this election was tainted by—and affected by—fraud. In certain of these precincts, Committee staff compared signatures on precinct registers with the signatures on registration cards to identify potentially questionable voters.

Our investigators have now interviewed voters from a third of the ''suspect'' precincts. With few exceptions, these voters have confirmed the fact that they voted. In the few exceptions of fraud that we have uncovered, there is no evidence of an organized, widespread effort to secure fraudulent votes on behalf of any individual, and certainly no evidence of any effort to secure votes specifically on behalf of Senator Landrieu.

Duplicate social security numbers

We have identified over 1500 voters with the same social security number as another voter, and we have learned that a number of these pairs of voters both voted. However, our investigation has revealed no scheme or effort to cast illegal votes, and more significantly, the evidence we have gathered to date indicates that the majority of these duplicate social security numbers appear to be the result of erroneous entry of social security numbers.

Voters registered at abandoned housing

We have reviewed Petitioner's allegations that over a thousand voters in Orleans Parish were registered at housing that had been abandoned before the election. First, our review of a sample of these voters revealed that none of them had registered before the housing became abandoned. Second, a comparison of registration records and records from the Housing Authority of New Orleans revealed that of 522 voters from four precincts that were reviewed, 41% still lived in housing that Mr. Jenkins alleged was vacant. Third, an additional 45% of these 522 voters had moved to other housing within Orleans parish, and were legally permitted to vote in their old precinct.

Inactive voters required by law to complete address confirmation forms

Under Louisiana law (18:192), address confirmation postcards are sent to voters every four years. Voters whose postcards are returned because the addresses are apparently invalid, are placed on ''inactive status'', and these voters are required by law to complete an ''Address Confirmation Sheet'' confirming that they still live within the parish, before they are permitted to vote.

Petitioner alleged that approximately half of the inactive voters in certain parishes did not fill out the required forms. He also expressed concern that the list of inactive voters is available to the public, and thus could be used to send imposters to the polls.

Of 170 precincts reviewed in Orleans Parish, we found approximately one voter per precinct who had not completed the requisite form and no more than seven in any one precinct. Overall, 55% of those required to fill out the form did not do so. In addition, in the 29 ''suspect precincts'' in Orleans Parish, we found that few voters had completed the form as required, but this still only amounted to approximately two voters per precinct. We also attempted to contact voters in the suspect precincts who should have completed these forms. Although many could not be contacted, of the nine we did contact, each of them confirmed that they voted, and several reported that they had completed the form, indicating sloppy record keeping.

While it may be argued that these are illegal votes under Louisiana law, it is also clear that these are errors that could have been brought to the attention of the precinct commissioners at the time of the election, and the issue may be waived for failing to raise it at that time. In addition, the disparate nature of these irregularities is far more indicative of negligence than a pattern of fraud.

ILLEGAL CORPORATE CONTRIBUTIONS

We have attempted to examine whether local political organizations or gambling-related corporations illegally influenced the election in violating federal and state campaign finance laws. Foremost in this review was an examination of the activities of a group known as the Louisiana Independent Federation of Electors (''LIFE'') and the marketing firm utilized by LIFE, Carl Mullican Communications, and those of several gambling companies.

Our review indicates that some federal and state election campaign laws may have been ignored, avoided, and even intentionally violated. There is evidence that gambling money used to pay canvassers, and donations given to local political organizations, may have resulted in illegal donations to federal candidates. However, there is no significant body of evidence that this use of money or other infractions of campaign laws was intended to aid the campaign of Senator Landrieu. Rather, the activities appear to be directed at local initiatives and elections. The absence of significant evidence of an organized effort to directly and illegally assist Senator Landrieu makes it appropriate to let the existing system (i.e., the Federal Election Commission and appropriate state authorities) assess where possible election campaign violations might have occurred.

VOTE BUYING AND TRANSPORTING VOTERS TO THE POLLS

There is evidence that voters were transported to the polls which is illegal under most circumstances under Louisiana law. However, our investigation has revealed little evidence of fraudulent vote buying, and no evidence of an organized effort to buy thousands of votes so as to impact the Senate election.

EMPLOYEES FORCED TO CAMPAIGN

We did confirm the existence of an organized effort to use city employees in support of election efforts. We did not, however, find any evidence that this was directed toward the benefit of Senator Landrieu. Nor did we find any significant evidence of illegal coercion. Moreover, this type of evidence normally does not support an election contest.

AREAS UNDER EXAMINATION

Before making my recommendation with regard to Mr. Jenkins' petition, I note that there are two areas of examination that require greater discussion.

First, we were unable to conduct a direct examination of possible fraudulent registration by using the State's voter registration computer database. This system, when prepared and operated properly, is a significant safeguard against multiple registrations. In addition to the many voters registered with the same social security number, we learned that there are over 200,000 registrants who have no social security number in the database, making in easier for fraudulent registrations to be submitted without detection.

A federal district court has ruled that the Commissioner of Elections may no longer collect social security numbers, raising issues about the propriety of his maintaining those he has collected. This issue caused the Commissioner to refuse to comply voluntarily with a subpoena, and to advise us that he would resist our request in court. This position has been confirmed by the fact that Doug Moreau, the District Attorney for East Baton Rouge, is currently in court litigating the Commissioner's refusal to provide him a copy of the state voter registration computer database (which include social security numbers). Mr. Moreau is seeking these records to assist him in his investigation of possible illegal election activities during the November 1996 elections.

Second, under Louisiana law (18:102(1)), a convicted felon may not legally vote until he has completed this sentence, including any period of parole or suspension. These voters are supposed to be taken off the voter database and not be allowed to vote. It was recently reported that there are over 100,000 convicted felons that may not have been purged from the voter registration records, possibly leading to illegal votes. The Office of the Commissioner of Elections advised Committee staff last week that only about 2,100 felons remained on the registration records, with the number that voted less than the 2,100. Yesterday, it was reported in Louisiana press that parish registers are finding felons on their registration rolls at a

number higher than indicated by the Commissioner of Elections.

I spoke with the Governor last evening and he assured me—as he also stated in his letter to me which I received on Monday of this week—that he would call for a bipartisan investigation of this issue of felons possibly voting in the election. I also spoke with the East Baton Rouge District Attorney who informed me that he would be examining this issue also.

There is no way, at this time, to itemize the amount of time and Committee effort that could be expended in assessing these two areas, although it clearly could be very substantial.

RECOMMENDATION

While it is not necessary that the evidence gathered during a preliminary investigation prove that the election outcome was the result of fraud or irregularities, that evidence must indicate that further investigation is likely to result in that conclusion before proceeding to a full and lengthy investigation.

The facts submitted by Petitioner, and gathered by this Committee to date, do not meet that level of proof. It may be impossible, given the state of observance—or lack thereof—of election laws, and lax record keeping by Louisiana officials, for Petitioner to ever overcome this burden. This observation has been made by the Governor and the Moreau.

But the failure of election safeguards and lax record keeping do not suffice to overcome an election. More is required. There must ultimately be proof that the election would have been decided differently, or proof of such a magnitude of fraud, irregularities, or other errors that the true result of the election are unknown.

While there were some irregularities in this election, and isolated incidences of fraud, there is insufficient evidence in the aggregate, at this time, to indicate further investigation would result in the degree of evidence necessary to overcome petitioner's burden.

Our investigation to date has revealed a failure of safeguards and discrepancies in records. It has revealed possible campaign finance violations, although no indication of such violations on the part of Senator Landrieu. It also has revealed isolated instances of fraudulent or multiple voting and improper or duplicate registration. But it has not revealed an organized, widespread effort to illegally affect the outcome of this election. It has not revealed an organized, widespread effort to buy votes, or to procure multiple votes, or secure fraudulent registrations. It has not revealed such gross irregularities in the election and record keeping process that—by themselves and in the absence of massive fraud—meet the burden, which is always on the plaintiff, to prove that fraud or irregularities affected the outcome of the election. Finally, it has never been alleged, and no evidence has been uncovered, that Senator Landrieu was involved in any fraudulent election activities.

I would like to discuss briefly the challenges faced by the Committee in conducting this investigation—and I mean problems beyond the very difficult ones caused by the partisan division on the Committee concerning the conduct of the investigation.

The last time the Committee handled an election contest alleging voter fraud was in the *Hurley* v. *Chavez* contest in 1953–54. In 1954, there were actual paper ballots which could be reviewed, rather than electronic voting machines which print out results you hope are reliable. In 1954, there was no Federal Election Commission and few, if any, prohibitions on how money could be spent on campaigns. In 1954, there was not the communications system which made it easy for candidates, groups, and others to work together, both legally and illegally, by fax, by e-mail, or by cell phone.

But in both 1954 and 1997, there were many of the same problems with which this Committee has struggled: the need to balance a voter's right to privacy versus the need for information; the tendency to assume that all elections should be run perfectly even though most of the individuals actually running the precincts are volunteers putting in long hours with limited training; and the difficulty in deciding how and whether to determine if irregularities had an impact on the outcome of the election.

All of these have been problems which the Committee has faced and overcome in fulfilling its constitutional duty as ''the Judge of the Elections, Returns, and Qualifications of its own Members...''

From the inception of this case, I have viewed the obligation of this Committee to be to fairly and objectively judge all the facts, with the Senate as our client. I submit to this Committee and the Senate a record which I believe is a credible discharge of the Committee's duty to the Senate.

COMMITTEE ON RULES AND ADMINISTRATION—COMMITTEE MOTION, OCTOBER 1, 1997

1. Whereas Louis ''Woody'' Jenkins filed a Petition for Election Contest with the United States Senate on December 5, 1996 and an Amended Petition for Election Contest on December 17, 1996, and Senator Mary Landrieu filed a Request for Summary Dismissal on January 17, 1997; and Petitioner Jenkins filed Petitioner's Answer to Request for Summary Dismissal on February 7, 1997;

2. Whereas the Committee on April 17, 1997 authorized ''the Chairman, in consultation with the ranking minority member, to direct and conduct an Investigation of such scope as deemed necessary by the Chairman, into illegal or improper activities to determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities or other errors, in the aggregate, affected the outcome of the election for United States Senator in the state of Louisiana in 1996'';

3. Whereas the Committee on July 31, 1997 authorized ''the Chairman to continue the investigation of the 1996 election for United States Senator from Louisiana authorized by the Committee Motion of April 17, 1997'';

4. Whereas during the Committee's continued preliminary investigation, the Committee examined a number of areas of potential fraud, irregularities or other errors which had not been reviewed before July 31, including but not limited to the following allegations:

(A) use of funds from gambling interests to influence the Senate election;

(B) inaccurate and unreliable election records in certain precincts;

(C) apparent discrepancies in voters' signatures;

(D) duplicate voter registrations;

(E) illegal transportation of voters to the polls;

(F) improper and unreported campaign expenditures;

(G) voters registered at vacant public housing; and

(H) voters failing to submit required address confirmation forms;

5. Whereas the preliminary investigation has uncovered evidence that many of the statutory and regulatory safeguards meant to protect the integrity of the registration, voting, and campaign finance processes were violated, ignored, or enforced unevenly by election officials and others;

6. Whereas the Chairman has throughout this preliminary investigation conferred with the Governor of Louisiana and the District Attorney for East Baton Rouge, Louisiana, and both of these officials have written regarding their concerns about the election procedures, the violations of many election safeguards, and the absence of records corroborating the election results;

7. Whereas the Governor of Louisiana wrote to Chairman Warner on September 29, 1997, and concluded that:

''These issues are not about party affiliation. They are not about individual candidates or specific elections, even though this election in question clearly has illustrated some of the problems. The issue is the integrity and sanctity of our election process and its results. I share wholeheartedly with you your basic premise that our foremost duty is to ensure that our elections are conducted fairly and in accordance with law.

''I particularly share your frustration that our system of record keeping precludes adequate standards of accountability and that our lax enforcement substantially lowers public confidence in our elections. Witness to this is the fact that we recently learned that we have thousands of felons still on the voter rolls.

''Regardless of the future course of your investigation with the Rules Committee, Louisiana has a duty and an obligation to fashion a remedy for the many ills which have so amply been illustrated throughout these past months.

''Therefore, I will call for a bipartisan state legislative initiative with hearings focusing on every element of our registration and election process, involving Democrats and Republicans, and all appropriate state and local registrars, elections officials, and enforcement authorities.''

8. Whereas the District Attorney for East Baton Rouge wrote to the Governor of Louisiana on September 2, 1997, and concluded that:

''We are currently conducting an investigation into election and voter registration irregularities. During the investigation, we have come across many concerns, including a number which I feel should be brought to your attention. That is because it appears that many of the Louisiana laws which were designed to assure the integrity of voter registration records and voting procedures may not be achieving the goals intended by the Legislature when enacted. The immediacy of the situation is that if the current procedures are not addressed, then the simple passage of time will result in the inability to insure that our laws provide either registration or election result integrity.

* * * * *

''These various practices, among others, create the opportunity for fraud in registration and voting and make it, for all practical purposes, impossible to discover, after the fact, if it occurred.''

9. Whereas the breakdowns in Louisiana's electoral system indicate significant institutional problems which create the opportunity for fraud and irregularities to affect the outcome of Louisiana's elections; and

10. Whereas, notwithstanding the breakdowns in Louisiana's electoral safeguards, the Committee has not found a cumulative body of evidence of fraud, irregularities, or other errors—after review of a significant number of potential areas of fraud, irregularities, or other errors—to meet the petitioner's burden, as determined by Senate precedent, which burden is: to show not only proof of fraud or irregularities, but also that, upon completion of a full investigation, such fraud or irregularities, in the aggregate, did affect the result of the election or clearly make the true result of the election unknown.

Now, therefore, the committee hereby states that it finds that the evidence collected to date does not meet the applicable burden to justify further consideration of the amended petition by the Committee, or by the Senate, and the Committee terminates its investigation of the 1996 election for U.S. Senator from Louisiana and directs the Chairman to so inform the Senate;

The committee further hereby directs the Chairman to prepare a committee report, with minority or supplemental views as appropriate, which details the actions taken by the Committee, the legal standards applicable to the petition, and the evidence developed during the preliminary investigation;

The committee further hereby directs the Chairman to determine whether the evidence obtained during the preliminary investigation indicates that evidence of violations of federal or state election, campaign finance, or other laws or regulations should be referred to the Governor of Louisiana, the Department of Justice, the Federal Election Commission, law enforcement authorities in Louisiana, or other investigative authorities, and to report such determinations to the Committee for further action by the Committee and the Senate, according to Senate Rules; and

The committee further hereby authorizes the Chairman to maintain appropriate copies of relevant records for the official Committee files and to return or otherwise forward to the appropriate parties, as determined by the Chairman, all original documents submitted to the Committee in response to subpoenas issued in furtherance of the Committee's investigation.

NINETEENTH JUDICIAL DISTRICT,
EAST BATON ROUGE PARKS, OFFICE OF THE DISTRICT ATTORNEY,
Baton Rouge, LA, September 2, 1997.

Re: Voter registrations and elections.

Hon. MURPHY J. ''MIKE'' FOSTER,
Governor, State of Louisiana,
Baton Rouge, LA.

DEAR GOVERNOR FOSTER: We are currently conducting an investigation into election and voter registration irregularities. During the investigation, we have come across many concerns, including a number which I feel should be brought to your attention. That is because it appears that many of the Louisiana laws which were designed to assure the integrity of voter registration records and voting procedures may not be achieving the goals intended by the Legislature when enacted. The immediacy of the situation is that if the current procedures are not addressed, then the simple passage of time will result in the inability to insure that our laws provide either registration or election result integrity.

Though there are too many to be detailed in a letter, I will attempt to highlight some of the problems which we have found.

I would like to mention at the outset that the purpose of this letter is to point a finger at problems, not at people, so that they may be identified, discussed, understood, and solved. Blame assessment, if it occurs, will come at its time and in its forum.

Our investigation began with a focus on the Election Code, LRS 18:1 et seq, which was enacted to ''. . . regulate the conduct of elections . . .'' It governs all aspects of elections, including officials, voters, registration, voting procedures, results, reporting, and even campaign finance.

Recent discoveries have prompted me to write this letter. The first is the finding of duplicate, inaccurate and/or incomplete information in the voter registration computer database. As of approximately one month ago, that database admittedly contained thousands of instance of duplication of social security numbers as well as over 200,000 registered voters who were shown as having no social security number. From our continuing review, this number is much higher today than it was then.

There are also a number of persons who are shown on the State Voter Registration Computer System to be registered in the same or in different parishes with the same social security number. Investigation has shown that in some cases, the registration seems to be of the same person who has moved, and in some cases, the registration seems to be of a completely different person. Regardless of which of these scenarios is true for any particular record, to maintain the status quo is to invite fraud.

These problems fly in the face of the enactments of the Legislature contained in Louisiana Revised Statute 18:104 and 101 which requires that citizens who register to vote provide certain unique information to the Registrar of Voters in order to be properly identified and registered, and that there be no citizen registered in more than one place. Among the statutory requirements is the applicant's social security number. Despite this statutory mandate, the Commissioner of Elections office recently sent a directive to all registrars instructing that the obtaining of a social security number would no longer be required from a voter applicant. The directive was presumably based on a judicial decision rendered in a lawsuit filed by an individual against a Registrar and the Commissioner of Elections. The State of Louisiana was not made a party to the suit. Pursuant to the requirements of LRS 18:64, the Registrar of Voters was represented by an Assistant Attorney General. However, the State as an entity was neither made a party nor represented. Based upon that ruling the Commissioner's office is advising registrars around the state that they are no longer required to follow the mandate of LRS 18:104.

Permitting a discussing of the legal issues involved, if the necessary identifying information is not required when a voter is registered, then it is a matter of which you should be aware.

The second recent discovery occurred in attempting to match voter signatures from ''Motor Voter'' applications to signatures on the precinct registers which are signed on election day. Though no handwriting analysis has been done, there are a number of obvious discrepancies apparent in many of the records. This, of course, has been one of the concerns raised by the National Voter Registration Act (NVRA), and appears to have caused a problem in our election records.

Further complicating all of these matters is the lack of administrative rules, which has resulted in inconsistencies among the various offices of the local registrars, not the uniformity envisioned in the law.

These various practices, among others, create the opportunity for fraud in registration and voting and make it, for all practical purposes, impossible to discover, after the fact, if it occurred.

There are many other problems we have found which cause a great deal of concern, but they will not be detailed here. The purpose of this letter, instead, is to inform you of the existence of some of these problems in our system of registration and elections so that you can take whatever action you think is necessary to correct the problems. I stand ready to assist you in identifying the depth of, and solutions to, these problems.

If there are any questions, please feel free to contact me.

Yours truly,

DOUG MOREAU,
District Attorney.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, September 3, 1997.

Hon. DOUG MOREAU,
District Attorney, 19th Judicial District,
Baton Rouge, LA.

DEAR MR. MOREAU: Thank you for your letter of September 2, 1997, about your concern for the integrity of the election process in Louisiana. Your remarks have caused me grave concern as to whether our election laws require extensive legislative review in order to ensure that election results in Louisiana are reliable, and so that the public may have confidence in our election process. The first duty of government is to protect the democratic election process against all risks of fraudulent practices, so that those who are chosen in the election process are indeed the true choices.

I am so very concerned about the questions which you have raised that I will forward a copy of your correspondence to Senator Randy Ewing, President of the Senate, and Representative Hunt Downer, Speaker of the House of Representatives, recommending that these questions, as to election process integrity, be reviewed by a joint committee of the legislature, with assistance of appropriate legal counsel and the power of subpoena. With such legislative oversight we will be able to ensure that the election results based on the election laws of Louisiana are above any suspicion as to their reliability.

I thank you most sincerely for calling these matters to my attention.

Sincerely,

M.J. ''MIKE'' FOSTER, Jr.

U.S. SENATE, COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, DC, September 26, 1997.

Hon. J.J. ''MIKE'' FOSTER, Jr.,
Governor of Louisiana,
Baton Rouge, LA.

DEAR GOVERNOR FOSTER: This letter follows up our telephone conversation earlier today and the important personal meeting we had several weeks ago at the Southern Governors Conference. The Committee on Rules, which I chair, will meet next Wednesday to receive my report on the status of the Committee's preliminary investigation on behalf of the Senate, into allegations that fraud and irregularities affected the outcome of the November 5, 1996 election for U.S. Senate in your state.

My report will contain references to Louisiana's election laws, the presence or absence of adequate regulations, and the need for a proven level of enforcement of such laws and regulations. You have expressed to me your concerns related to Louisiana's election process and have told me that you plan to make your own evaluation of this system, in conjunction with members of your state legislature.

I particularly commend Doug Moreau, District Attorney for East Baton Rouge whom I have consulted on several occasions. He is continuing to perform investigation into areas which overlap with our own efforts.

One area in particular that Mr. Moreau is pursuing is a complete review of the state's voter registration computer database, which we have both discovered contains a significant number of voters with the same social security number or with no social security number at all. We were unable to obtain the complete database because the Commissioner of Elections would not voluntarily comply with a subpoena, as confirmed by the fact that Mr. Moreau is now in court seeking to enforce his subpoena.

At such time as the ongoing Senate preliminary investigation ceases—and I will know more details after my full Senate Committee meets next Wednesday—I want to

offer, in compliance with Senate Rules, the opportunity for Rules Committee staff to brief the appropriate forum you establish for your legislative review.

My experience in this case leads me to recommend that—in light of the number of instances where the electoral safeguards, including record keeping, were not followed in the November 1996 elections, from the precinct level right up to the office of the Commissioner of Elections—your review should include an examination of what legislative or regulatory changes and enhanced adherence to present laws are needed to ensure that an official body, be it a body of the U.S. Congress, a court of law, or an appropriate governmental authority in your state, can more readily reach a credible and well documented decision about a statewide election contest.

Our foremost duty is to ensure our elections are conducted fairly and in accordance with law. We remain willing to provide you our observations and suggestions, within Senate rules, to assist you in your efforts to protect our electoral process.

Sincerely,

JOHN WARNER,
Chairman.

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, LA, September 29, 1997.

Hon. JOHN WARNER,
Chairman, Senate Committee on Rules and Administration, Washington, DC.

DEAR SENATOR WARNER: I am in receipt of your letter of September 26 in which you informed me of your Rules Committee report to be delivered Wednesday and detailed some of your observations and wisdom gained through years of oversight.

So much of your thought process and concerns directly parallel my own. The allegations of fraud and irregularities which may have affected the outcome of the November 1996 U.S. Senate election are serious and disturbing. But, of even greater long term consequence are the suspicions that you and I apparently both share that there are chronic, systemic, and structural problems in the Louisiana election process.

These issues are not about party affiliation. They are not about individual candidates or specific elections, even though this election in question clearly has illustrated some of the problems. The issue is the integrity and sanctity of our election process and its results. I share wholeheartedly with you your basic premise that our foremost duty is to ensure that our elections are conducted fairly and in accordance with the law.

I particularly share your frustration that our system of record keeping precludes adequate standards of accountability and that our lax enforcement substantially lowers public confidence in our elections. Witness to this is the fact that we recently learned that we have thousands of felons still on the voter rolls.

Regardless of the future course of your investigation with the Rules Committee, Louisiana has a duty and an obligation to fashion a remedy for the many ills which have so amply been illustrated throughout these past months.

Therefore, I will call for a bipartisan state legislative initiative with hearings focusing on every element of our registration and election process, involving Democrats and Republicans, and all appropriate state and local registrars, elections officials, and enforcement authorities.

Nothing in a democracy is more sacred than the integrity of elections. On behalf of the state of Louisiana we offer our deepest appreciation for your efforts in identifying the problem areas in our elections system, and we gratefully accept your offer to have Rules Committee staff provide important information and examples of problems to our state hearings.

Again we sincerely appreciate the earnestness of your efforts and hope that your diligence and the ensuing hearings in Louisiana will profoundly impact our elections system for the better.

With kinds regards, I am,

Sincerely,

M.J. ''MIKE'' FOSTER, Jr.,
Governor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise today to congratulate the chairman of the Rules Committee for one of the most difficult tasks that any Member will be called upon to take in the U.S. Senate, and that is to look into the election of another Member of the Senate. It immediately has partisan overtones and can take a very ugly turn.

I can say that having sat through many of the hearings, both open and closed hearings, having sat with the chairman and seeing the efforts of this case and seeing the level of detail to which he took personally getting involved in this investigation and trying to ferret out the validity of the charges that were alleged, I am very proud of Senator WARNER's work on this investigation. He did it with the skill of the trained lawyer that he is. He did it in a way, really as the Senate's counsel, if you will, and also did it with, I believe, an extraordinary air of bipartisanship when, in fact, the partisan wranglings had boiled over far beyond what he actually deserved.

He did an excellent job. He did a thorough job. He used the resources that he had to the greatest extent that he possibly could. He took lots of arrows, in many cases in the back. But he stood tall and kept his eye on the ball, and that was to find out what happened in Louisiana, whether these charges that were put forward were, in fact, legitimate. He is determined, as well as the other members of the committee, that at this point there is not sufficient evidence to suggest that there was a systematic case of fraud in Louisiana, and so the investigation must come to a conclusion.

I support the chairman in that decision. I supported him, as did every other member of the Rules Committee, in the decision that he came to after this thorough and thoughtful investigation of the information that was presented to him.

I just wanted to take the floor today to commend him for a job well done. No doubt he will be criticized by many for ending this investigation, but I want to stand with him in saying that I think he reached the conclusion that was the only conclusion that could be reached at this point.

Having said that, obviously, just like with any of us, if information comes out subsequent that is a smoking gun or that is really problematic, then that evidence can be brought before the Rules Committee and we can take a look at it. To this point, that has not occurred, and I think the chairman has acted judiciously with respect to the evidence before him.

I wanted to stand and offer my gratitude for his excellent work and state my support for his effort. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank the chairman of the Rules Committee, the distinguished Senator from Virginia, for his honest, straightforward, and direct investigation and statements in closed session and in public today. I think it is evident from his effort, with the vote of 16 to nothing, bipartisan, that we now cease and desist as it relates to the investigation of the Louisiana election, and the distinguished Senator MARY LANDRIEU be seated as a true Senator without any cloud over her head whatsoever, so she can get about the business of full-time representation of Louisiana.

I thank the chairman. I thank the members of the committee. I think it is now time that we put this behind us and proceed with the business of the Senate.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Florida.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. MACK. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1156, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1156) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Graham-Mack-Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Mack-Graham-Kennedy modified amendment No. 1253 (to amendment No. 1252) in the nature of a substitute.

AMENDMENT NO. 1253 TO AMENDMENT NO. 1252

The PRESIDING OFFICER. The amendment of the Senator from Florida is the pending business.

Mr. MACK. Mr. President, I ask unanimous consent that Senator DEWINE be added as a cosponsor to my amendment.

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

Mr. MACK. Mr. President, this amendment was offered last Thursday. We still have not had one Member come to the floor to speak in opposition to it. It has received support from both sides of the aisle and is supported by Senator ABRAHAM, the chairman of the authorizing subcommittee. It has received positive editorial support from a wide array of newspapers, including the Washington Times and the New York Times. It has also received the endorsement of Empire America. Yesterday I introduced into the RECORD a letter of support from Jeanne Kirkpatrick, Jack Kemp, William Bennett, Lamar Alexander and Steve Forbes.

This is a narrowly targeted amendment which merely ensures that Central Americans receive the due process which they were originally promised. It is focused on an identifiable group of people and ensures their opportunity to apply for suspension of deportation. It is not a grant of immunity.

I have not been able to obtain an upor-down vote on my amendment, so I will be moving to table my own amendment. I will oppose the motion to table, and ask for the support of my colleagues in opposing the motion to table.

So, Mr. President, I therefore move to table amendment No. 1253.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. MACK. Mr. President, I ask unanimous consent that this vote be delayed until 12:15.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am pleased that after almost a week we are on the verge of having an expression of the Senate on this important issue. I ask unanimous consent that Senator BOXER also be added as a cosponsor of this amendment.

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

Mr. GRAHAM. I ask unanimous consent that a statement by the President, which was released on July 25 of this year, at the time the administration supported the principles of the Immigration Reform Transition Act of 1997, also be printed in the RECORD.

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

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
July 25, 1997.

FOR IMMEDIATE RELEASE

To the Congress of the United States:

I am pleased to submit for your immediate consideration and enactment the ''Immigration Reform Transition Act of 1997,'' which is accompanied by a section-by-section analysis. This legislative proposal is designed to ensure that the complete transition to the new ''cancellation of removal'' (formerly ''suspension of deportation'') provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; Public Law 104–208) can be accomplished in a fair and equitable manner consistent with our law enforcement needs and foreign policy interests.

This legislative proposal would aid the transition to IIRIRA's new cancellation of removal rules and prevent the unfairness of applying those rules to cases pending before April 1, 1997, the effective date of the new rules. It would also recognize the special circumstances of certain Central Americans who entered the United States in the 1980s in response to civil war and political persecution. The Nicaraguan Review Program, under successive Administrations from 1985 to 1995, protected roughly 40,000 Nicaraguans from deportation while their cases were under review. During this time the *American Baptist Churches* v. *Thornburgh* (ABC) litigation resulted in a 1990 court settlement, which protected roughly 190,000 Salvadorans and 50,000 Guatemalans. Other Central Americans have been unable to obtain a decision on their asylum applications for many years. Absent this legislative proposal, many of these individuals would be denied protection from deportation under IIRIRA's new cancellation of removal rules. Such a result would unduly harm stable families and communities here in the United States and undermine our strong interests in facilitating the development of peace and democracy in Central America.

This legislative proposal would delay the effect of IIRIRA's new provisions so that immigration cases pending before April 1, 1997, will continue to be considered and decided under the old suspension of deportation rules as they existed prior to that date. IIRIRA's new cancellation of removal rules would generally apply to cases commenced on or after April 1, 1997. This proposal dictates no particular outcome of any case. Every application for suspension of deportation or cancellation of removal must still be considered on a case-by-case basis. The proposal simply restores a fair opportunity to those whose cases have long been in the system or have other demonstrable equities.

In addition to continuing to apply the old standards to old cases, this legislative proposal would exempt such cases from IIRIRA's annual cap of 4,000 cancellations of removal. It would also exempt from the cap cases of battered spouses and children who otherwise receive such cancellation.

The proposal also guarantees that the cancellation of removal proceedings of certain individuals covered by the 1990 ABC litigation settlement and certain other Central Americans with long-pending asylum claims will be governed by the pre-IIRIRA substantive standard of 7 years continuous physical presence and extreme hardship. It would further exempt those same individuals from IIRIRA's cap. Finally, individuals affected by the legislation whose time has lapsed for reopening their cases following a removal order would be granted 180 days in which to do so.

My Administration is committed to working with the Congress to enact this legislation. If, however, we are unsuccessful in this goal, I am prepared to examine any available administrative options for granting relief to this class of immigrants. These options could include a grant of Deferred Enforced Departure for certain classes of individuals who would qualify for relief from deportation under this legislative proposal. Prompt legislative action on my proposal would ensure a smooth transition to the full implementation of IIRIRA and prevent harsh and avoidable results.

I urge the Congress to give this legislative proposal prompt and favorable consideration.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 24, 1997.*

Mr. GRAHAM. Mr. President, this is an extremely important and urgent bill, because the continuation of the 1996 law, with what I will describe as its inadvertent retroactive application to this class of people, is causing great distress and unnecessary instability in communities that are principally affected. As those who participated in the press conference earlier today underscored, this is a group of people who came here largely at our request. They came here because communism had taken over their country. They came here because the Soviet Union was establishing a satellite state in our own hemisphere. They came here in order to participate in those ultimately successful efforts to establish a democratic government in Nicaragua.

Now for us to change the rules from those that were in place at the time we extended that invitation, to have the practical effect of denying these people even the opportunity to be heard on their request for a permanent residence in the United States, is outrageous and inconsistent with basic American principles.

I underscore what Senator MACK and I have said throughout this debate. This is not an amnesty provision. By the passage of this legislation, no one automatically has their status in the United States altered. What they do have is the right to use the rules that were in effect when they came to this country to apply for permanent legal status in the United States. I think that is just fair and consistent with the relationships that we want to establish with, particularly, our neighbors in this hemisphere.

Mr. President, I applaud my colleague for having asked for this tabling motion which, obviously, is not a motion in which he is going to urge success, but it is our means of getting an expression of opinion by the U.S. Senate on this fundamental issue. I urge defeat of the motion to table and then a quick adoption of this amendment. Thank you, Mr. President.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of the Mack amendment. I, of course, therefore will oppose the motion to table. This amendment will ensure that fundamental principles of fairness are respected in regard to the cases of some 316,000 immigrants, some of them from Central America.

In the immigration bill Congress passed last year, we changed the criteria for suspension of deportation. Certain retroactive changes in that bill, at least as they have been interpreted by the INS, had the unintended

effect of applying these new criteria to applications of suspension for deportation which were already in the pipeline when the bill was passed.

The Mack amendment will ensure that those immigrants whose cases were in the pipeline when the 1996 immigration law took effect will have their cases decided according to the criteria in effect at the time that the law actually passed. It is only fair that we should not change the rules in midstream for these worried immigrants.

Let me take us back to the 1980's when we granted these 316,000 Central American immigrants temporary protection from deportation. We knew at that time the terrible consequences of war—the grinding poverty, human rights abuses that had driven these men, women, and, yes, children, to our shores.

At that time, we told these immigrants that their protection from deportation would be permanent if certain conditions were met—that is what we told them then—7 years of continuous residency, good behavior, proof of extreme hardship awaiting them in their native country. We basically said, ''As long as you can prove that, then this will be permanent.''

When Congress changed the law in 1996, we clearly did not intend to change the rules for these people who already, at that time, were in the pipeline. We, in essence, had made a commitment to them. We, in essence, had made a deal with them, and I don't believe we should go back on that deal today.

Mr. President, the Mack amendment would keep faith with these individuals. It is not, as my colleagues from Florida have already pointed out, an automatic grant of amnesty, nor is it an automatic grant of permanent residency. Far from it. It is merely a restoration of the original conditions these immigrants have to fulfill if we are going to allow them to remain in this country.

I had the opportunity this morning to participate in a press conference concerning this issue. I also had the opportunity a few months ago to travel to Nicaragua. I had made several visits to Nicaragua in the 1980's, about a decade ago. For me to go back to Nicaragua a few months ago was a very pleasant experience, and it was pleasant because I had seen where Nicaragua was. I had the opportunity a few months ago to see where Nicaragua is today. Yes, it is still the second-poorest country in this hemisphere and, yes, there is high unemployment and, yes, there are many, many problems. But what we see in Nicaragua today is a fledgling democracy. We see a country that is becoming what we envisioned and had hoped for and worked for in the 1980's, and that is a democracy.

Today, for the first time in history, all five Central American countries are democratic; all five are working to bring about the reforms that truly are an example of democracy.

When I traveled to Nicaragua, I had the opportunity to speak with then President-elect, now President Aleman and talked to him about his vision for his country.

One of the unintended consequences of the bill we passed in 1996, and one of the unintended consequences of the deportation of these 316,000 immigrants would be that we would strike a hard blow against democracy in Nicaragua and El Salvador and the other Central American countries. Anyone who has looked at these countries today understands what an economic impact and political impact it would have if all these citizens, all of these individuals were instantly returned to their native countries.

The ability to absorb these individuals simply does not exist. It does not exist from an economic point of view. Further, this would take away a major source, frankly, of income to these countries, a major source of help to the economy, not United States foreign aid, but rather the remittances that are sent back by Nicaraguans who are living in the United States. Those remittances are a major contribution to the Nicaraguan economy today. To take that away, I think, would have a very severe and devastating blow to the economy of Nicaragua and the economy of the other Central American countries.

That is not the principal reason to support the Mack amendment, but it is a fact, and it is a fact of life.

The central reason to support the Mack amendment is what has been stated on this floor by Senator Mack on several occasions, as well as Senator GRAHAM, and that simply is this is a matter of equity, it is a matter of fairness, it is a matter of keeping our word, and it is a matter of doing what is right.

I urge my colleagues to support the Mack amendment and, therefore, vote against the motion to table the MACK amendment.

Mr. President, I yield the floor. Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 1249

Mr. COATS. Mr. President, we had, I think, a very constructive debate on the school choice issue, scholarships for D.C. children. Unfortunately, while having obtained a majority vote in support of at least a test of a program to provide some educational opportunities to D.C. children, we were not able to break a procedural vote of 60 necessary to move forward with this legislation. That limited our options considerably. While Senator LIEBERMAN and I were pleased with the fact that we received more votes than we ever have on this issue, we were still two short of the necessary number to break the promised filibuster on this, and that limits our options.

Mr. President, this is an issue that is not going away. I have always said this is not something that will be legislated from the top down in Congress but will be a grassroots movement from parents and PTA's and administrators and educators and others throughout America who are demanding better education for their children. Unfortunately, in many instances, they are not finding it in some of their public schools.

This is not a condemnation of the public school system. There are many fine public schools across this country. There are dedicated teachers, dedicated administrators, schools that are providing opportunities for their young people.

I am a product of the public schools, as is my wife. Our children are products of public schools, and we have found schools that have provided a sound education for our children.

Unfortunately, there are people in this country who don't have the options that we have had, who don't have the options that those of means have in terms of where they live, the school systems they choose to support, to be a part of and options that, should they find themselves in the situation where they are living that their public schools are not providing the education their children need or a school that has such a high incidence of violence and crime and other problems that they don't feel their children are safe there, they don't have the option that many of us have of transferring their student to a private school or another school outside the system or moving to an area where they can receive the kind of education they want their children to receive.

There is a very interesting story this morning in the Washington Post: ''Popularity Grows for Alternatives to Public School. Some Districts Reacting to Threat of Competition.''

The whole point we were trying to make yesterday is that we are not trying to undo the public school system. We are trying to provide options and alternatives for parents who are trapped in those public schools. But, by the same token, we hope that the competitive pressure will shake them out of their lethargy and cause them to bring about the changes and reforms necessary to make them viable once again.

In quoting from the Post, an article by Rene Sanchez, it says:

> In a movement flustering schools across the nation, more parents than ever are choosing alternatives to public education for their children, so much that what once seemed only a fad to many educators is instead starting to resemble a revolution.
>
> Charter schools are expanding at breakneck pace. Religious schools are overflowing with new students. Home schooling is attracting unprecedented numbers of parents who only a few years ago would never have dreamed of teaching their own children.
>
> Those migrating from public education say the roots of their disenchantment vary. Some parents are frustrated with bureaucracy, others fear student violence. Some want their children to spend more time learning values, others call the one-size-fits-all model of most large public schools an ineffective and impersonal way to learn.

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But today those trends have begun to send a powerful message to public schools, even prompting some of them to acknowledge a threat of competition for the first time.

Our system is built on competition. We pride ourselves in America as producing the best product at the best price because of competitive pressures that force us to do better, that force us to make better products at lower cost, that force us to respond to someone else who is attempting to accomplish the same goal and might have found a better way to do it. It is that that has made this such a dynamic economy, one that employs so many people gainfully, and one that provides such a quality of living for so many Americans. That is the American way.

That system works everywhere except where there is a public monopoly, a State-run government public monopoly. That public monopoly has existed in public schools for far too long in far too many places. There are vigorous private school and parochial school options available in many parts of this country, but they are, sadly, lacking in some of the areas where they are needed the most.

But more than that, the problem is not lack of alternatives. The problem has been a system which leaves the lowest income and frequently the minority students of this country living in our urban areas with only one choice. And that choice, unfortunately, has been a failed public school. They have been denied opportunities to gain skills to enter the workplace. They have been denied opportunities to receive an education that qualifies them to go on to college or university education. They, therefore, are trapped, trapped in a system, a system which says, ''We will do anything we can to maintain the status quo, and yet at the same time we will prevent you from an alternative by blocking any attempts to provide scholarships or vouchers or stipends or support to assist you in paying the tuition if you choose to move from a public school.''

We had that debate yesterday. It was a very instructive debate. I thank my colleague from Connecticut, Senator LIEBERMAN. It is bipartisan obviously, Democrat and Republican, one from Connecticut, one from Indiana, joining forces. I appreciate the support we had from a few of our Democratic colleagues across the aisle. Unfortunately, we did not get enough to move on with this.

But there is a revolution going on in public education. It is a healthy one. It is a healthy one because parents are suddenly rising up and saying: We will not accept the platitudes and the promises that come from the public school system when now 15 years after the report ''A Nation At Risk'', 15 years later, essentially, we see no dramatic changes or no effective changes in many of our public schools. We will not accept any longer the promises of a system which cannot overcome its inertia and its bureaucracy, which cannot direct a majority of its funds to educating students but yet eats up a majority of those funds or a very substantial portion of those funds in administrative costs.

So this issue will be back. It will be back over and over again, and it will arise not because two Senators chose to offer an amendment to the D.C. appropriations bill; it will arise because constituents of Members throughout the country will demand in town meetings and in letters and in calls to their Congressmen and Senators, will demand opportunities and alternatives. No longer will inner-city poor parents, welfare parents and others living at or near the poverty line, allow their children to be condemned to a lifetime of inability to succeed because of the failure of the public school system to provide their children with an education.

They will demand that their Congressmen and their Senators provide opportunities, that their councilmen and their mayors and their school systems either provide a sound education for their children or give them the opportunity to seek that elsewhere. What parent would not do that? What parent in this Senate body would not do that? We all would because we have that choice. Minority children in many cases do not have that choice.

Mr. President, I would like to say just one more thing before I yield the floor. There was another quote in the Washington Post this morning in an article covering this particular issue. That quote was a disturbing one. There are boundaries to public discourse. There are boundaries that we all try to live by, boundaries of civility and honesty and good taste. When those limits are violated, it undermines this institution and it makes democracy more difficult.

I think deep disagreements are possible without bitterness. I have done my best to conduct my debates, including this school choice debate, in that spirit. But today in the Washington Post a quote was attributed to the Senator from Massachusetts. The Post has misquoted me in the past, and I sincerely hope that they have misquoted the Senator from Massachusetts. That quote reads:

Kennedy reminded Republicans that ''D.C. is not a test tube for misguided Republican ideological experiments on education. . ..Republicans in Congress should stop acting like plantation masters and start treating the people of D.C. with the respect they deserve.''

Mr. President, this is not just a racially offensive, irresponsible charge; it is the total inversion of reality. It is the opponents of school choice who want to require, compel, force minority children to remain in substandard schools. It is the opponents of school choice who want to confine poor minority children within the four walls of failed institutions, and sometimes just the four walls because the roofs are in disrepair.

Despite the infusion of hundreds of millions of dollars into this system, much of it is wasted irresponsibly in not providing either buildings or education to the children of the District of Columbia.

If there is a plantation here, it is a paternalistic plantation of those who somehow justify restricting the choices and options of poor children as a defense of their civil rights. As Alveda King said in room 207 just off the Senate floor here a week ago: One of the greatest civil rights issues for minority people today and for African-Americans is those who deny young black children the opportunity to receive an education. That condemns them, because of their income, because of where they live geographically, to a failed public school that fails to educate their children and condemns them to a lifetime of failure.

Let me suggest how we can respect the people of the District. We can respect them to make good choices in the interests of their children. We can respect them enough to give them options other than coercive assignment to failed and dangerous schools. We can respect them with resources, not with more lip service, platitudes, or promises. We can respect the right of a parent, the knowledge of a parent, the caring of a parent to make wise decisions for their children without the paternalistic attitude that only Congress or only bureaucrats, only the State, or only Government knows what is best for our children. This charge that supporters of school choice are plantation masters is deceptive and it is racist and it is hypocritical.

It is time for all of us, liberals and conservatives, to search our conscience. There are Members of this body who voted against scholarships for African-American children whose families have not darkened the door of public schools for generations. There are Members of the administration and this body, hours after those scholarships were defeated, who attended back-to-school night at Sidwell Friends, a school safe from leaking roofs and commonplace violence and failed education that prevails in so much of the District's public schools.

Does not anyone see the irony, does not anyone see the hypocrisy, does not anyone see the injustice in all of this?

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENTS NOS. 1271, 1272, 1273, 1274, 1275, AND 1276

Mr. FAIRCLOTH. Mr. President, I send a series of managers' amendments to the desk on behalf of myself and Senator BOXER and ask unanimous consent that they be considered en bloc and further ask unanimous consent that the reading of these amendments be waived.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. These amendments have been cleared on this side, and I ask for their immediate adoption.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself and Mrs. BOXER, proposes en bloc amendments numbered 1271 through 1273.

The Senator from North Carolina [Mr. FAIRCLOTH], for Mr. BROWNBACK, proposes an amendment numbered 1274.

The Senator from California [Mrs. BOXER], for Mr. MOYNIHAN, proposes an amendment numbered 1275.

The Senator from California [Mrs. BOXER], for Mr. BYRD, proposes an amendment numbered 1276.

The amendments are as follows:

AMENDMENT NO. 1271

(Purpose: A technical amendment on the part of the manager of the bill)

On page 3, line 9, after ''facilities,'' insert the following: ''and for the administrative operating costs of the Office of the Corrections Trustee,''.

AMENDMENT NO. 1272

(Purpose: To make a technical amendment)

On page 4, line 4 and 5, strike ''Administrative Office of the United States Courts'' and insert ''District of Columbia Financial Responsibility and Management Assistance Authority''.

On page 4, lines 15 and 16, strike ''Administrative Office of the United States Courts'' and insert ''District of Columbia Financial Responsibility and Management Assistance Authority''.

AMENDMENT NO. 1273

(Purpose: To express the sense of the Senate supporting the management teams and management reform plans authorized in the District of Columbia Management Reform Act of 1997)

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the management teams authorized in the District of Columbia Management Reform Act of 1997 should—

(1) take whatever steps are deemed necessary to identify the structural, operational, administrative, and other problems within the designated departments; and

(2) implement the management reform plans in accordance with the provisions of the District of Columbia Management Reform Act of 1997.

AMENDMENT NO. 1274

(Purpose: To ensure the effectiveness of the charter school program)

On page 9, line 17, strike ''$1,235,000'' and all that follows through ''134);'' on line 24 and insert ''$3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further,* That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further,* That if the entirety of this allocation has not been provided as payment to 1 or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: *Provided further,* That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: *Provided further,* That until the District of Columbia Education Emergency Board of Trustees reports to Congress as provided in the preceding proviso, the District of Columbia Education Emergency Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect assistance provided to other District of Columbia public schools: *Provided further,* That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property;''.

Mr. BROWNBACK. Mr. President, I want to thank the chairman of the District of Columbia Appropriations Subcommittee for including the Brownback-Lieberman-Coats D.C. charter school amendment in the manager's amendment. I am also pleased that our amendment has bipartisan support. These charter school provisions are critical to ensure the success of charter schools in the District. Here in the Nation's Capital, unfortunately, the progress of creating charter schools has been slow. Legislation to create charter schools in the District was enacted in the last Congress but the District currently only has two charter schools.

I, along with the distinguished ranking member of the subcommittee, Senator LIEBERMAN, had the opportunity to visit one of these charter schools. The Options Public Charter School, which is just a few blocks from Capitol Hill, is the perfect example of the innovative approach charter schools bring to public education. It enrolls about 100 of the D.C. public schools most at-risk students, grades 5 to 8, and works closely with each student. As a result of this charter school education, the high school graduation rate for the Options Public Charter School is 75 percent compared to the approximate 50 percent graduation rate in the D.C. public schools.

To make sure the D.C. public charter school system follows the success of the Options Public Charter School and continues to grow, I, along with Senator LIEBERMAN and Senator COATS offered an amendment to expand funding for the D.C. public charter schools from $1,235,000 to $3,376,000 to ensure that current and future charter schools have adequate funding. In fiscal year 1998, the District of Columbia could have as many as 20 new charter schools. The $1.2 million appropriation is based on the budget of the two current charter schools. This amendment would also make sure there is sufficient funding for current public schools which would like to convert to a charter school.

Our amendment would also require the D.C. education emergency board of trustees to report to Congress on their implementation of policy providing preference to new charter schools for surplus D.C. public school property. It would also establish a revolving fund for D.C. charter schools for funds not spent by May 1, 1997. Under the current legislation, any remaining funds for charter schools must go into the D.C. general fund by May 1, 1997. This provision in the amendment would simply make sure that any funds appropriated for the D.C. charter schools will only be spent on the D.C. charter schools. In addition, the D.C. education emergency board of trustees would be required to report to Congress on the capital needs of each charter school within 120 days of enactment and to take all possible steps to provide assistance in capital costs for charter schools in the meantime.

I am pleased that our amendment is included in the manager's amendment and has the support of our Democratic colleagues. The charter school application process is underway in the District and new charter schools could begin to operate as early as January. Out goal is to make the Nation's Capital a shining city for the world to follow. One of the key elements of achieving this goal is to provide high quality education for the District's children. Charter schools in the District will inject accountability into D.C. public education, more options for parents and, most important, high quality education to the District's children.

AMENDMENT NO. 1275

(Purpose: To designate the year 2000 as the Year of the National Bicentennial Celebration for Washington, DC—the Nation's Capital)

At the appropriate place, insert the following:

SEC. . NATION'S CAPITAL BICENTENNIAL DESIGNATION ACT.

(a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the ''Nation's Capital Bicentennial Designation Act''.

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will make the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as ''the seat of Government of the United States'';

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) The Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the ''Year of National Bicentennial Celebration for Washington, D.C.—the Nation's Capital''; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the ''Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital'' and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

AMENDMENT NO. 1276

(Purpose: To establish a remedial education pilot program in the District of Columbia in the District of Columbia public schools)

On page 49, between lines 13 and 14, insert the following:

SEC. 148. $4,000,000 from local funds shall be available for the establishment of a remedial education pilot program in the District of Columbia public school system to remain available through fiscal year 1999, of which $3,000,000 shall be used to create a one-year pilot program for the implementation of a remedial education program in reading and mathematics for the 3 lowest achieving elementary schools in the District of Columbia public school system (as to be determined by the District of Columbia public school system's Board of Education) and the training of teachers in remediation instruction at the targeted schools and $1,000,000 shall be used to establish a continuing education program for all teachers in the District of Columbia public school system. The General Accounting Office shall report to Congress on the effectiveness of the pilot program funded by this section at the end of fiscal year 1999.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1271, 1272, 1273, 1274, 1275, and 1276) en bloc were agreed to.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent the vote scheduled at 12:15 now occur at 12:30.

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

Mr. LOTT. For the interest of all Members, there has been a meeting at the White House that went a little over time and there are a number of Members involved. They will be here by 12:30, so the vote will be at 12:30.

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. ROBERTS. 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. ROBERTS. Mr. President, I ask unanimous consent to speak as in morning business, notwithstanding the upcoming vote, for 5 minutes.

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

BOSNIA

Mr. ROBERTS. Mr. President, I rise today to voice my concern regarding actions last night in Bosnia. NATO forces, of which we constitute the major part, have again seized several Bosnian Serb radio transmitters because they were hostile to the peacekeeping goals of our forces.

No doubt that was the case. I have no question about that. But I suggest that were we at war and the issue more clear such action would be more than warranted. But we are not, Mr. President. We are trying to implement the Dayton accords, and as such I am concerned this action is not only questionable but may very well be counterproductive.

What did the stations do to warrant this action? They said bad things about the SFOR troops and our mission, and they tampered, apparently, with an hour-long program taped by Louise Arbor, head of the International War Crimes Tribunal.

The good news, Mr. President, is that no violence has occurred yet in regard to the seizure. But I remind my colleagues that the last time we did this our troops were stoned and we quickly returned the station. But we made the Serbs promise not to interfere with pro-Moslem or pro-SFOR messages. Is anyone really surprised, Mr. President, that the Serbs did not live up to that promise?

First question: Now what? Do we have a plan this time? Do we intend to monitor and control all of the media in Bosnia to ensure that only messages that meet our criteria are heard by the people of Bosnia? Is that what the NATO mission has become—one-sided and totally controlled by NATO? Will we put NATO media and our intelligence personnel, let's be frank about it, in charge to produce programs that fit our mission? Are we shining the light of truth into Serb darkness or are we holding a censorship flashlight?

If that is the case, I think you can make a good case that we are enforcing the peace and we are aggressively establishing media control, then let's not kid ourselves and continue to call our role even-handed peacekeeping.

But here is the second question: What will we do if the Serbs react violently to the seizure? General Clark has stated rightly that we will use lethal force to protect our forces. Is this the issue that will precipitate that lethal force? Is this how we would explain loss of life to the parents of an American man or woman in uniform stationed in Bosnia?

Mr. President, we need to hear from the administration on last night's action and they need to outline the plan to get us out of this tar baby.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

ANOTHER TRAGEDY

Mr. DEWINE. Mr. President, I rise today to call the attention of my colleagues to a story on the front page of last Thursday's Washington Post. This article tells the story of the beating death of a little 4-year-old girl, a little girl by the name of Monica Wheeler in Washington, DC. Monica was found dead in the bathroom of a man who was an acquaintance of her mother's. The police have ruled her death a homicide. In addition to being severely battered, Monica was suffering from malnutrition and showed signs of genital bleeding.

Now, Mr. President, 3 years ago, one of Monica's siblings, her brother, Andre, then age 2, was also found dead—in the same man's bathroom. That earlier death was ruled at that time an accidental drowning, but the police now are reopening that case.

Mr. President, it is up to the police and the courts to find out the truth about this particular tragedy. But one thing we know for certain is that there are far too many children returned to the care of people who have already abused and battered them, people who should not be allowed to take care of children at all. We know this occurs time and time again across this great country of ours.

Mr. President, every day in America three children actually die of abuse and neglect at the hands of their parents or their caretakers. That is over 1,200 children every year.

And almost half of these children are killed after—after—their tragic circumstances have already come to the attention of local child welfare agencies.

Mr. President, at the end of 1996, over 525,000 children were in foster homes. Over a year's time, it is estimated that over 650,000 children will spend some time in foster homes. Shockingly, 25 percent of the children in the foster care system at any one given point in time will languish in foster care longer than 4 years—25 percent of the kids. Ten percent will be in foster care longer than 7 years.

This problem has been brewing for many years. It is, at least in part, the unintended consequence of a law passed by this Congress in 1980, a law requiring that reasonable efforts be made to reunify families. In practice, this law has resulted in unreasonable efforts, unreasonable efforts, Mr. President, being made to reunite families that are really families in name only, families that simply never should be reunited.

I have been working to change this for almost 3 years now. About 10 days ago, along with Senator CHAFEE, Senator CRAIG and Senator ROCKEFELLER, I introduced a bill that I hope will represent the culmination of this effort. The PASS Act—the acronym we have given to it stands for the Promotion of Adoption Safety and Support for Abused and Neglected Children Act—would make a difference. It would, Mr. President, save young lives. It would put an end to a tragic policy that has put parents' interests above the health, the safety, and yes, even the survival of innocent children.

Mr. President, it would help child welfare agencies move faster to rescue these children. Every child deserves a better fate than being shuttled from foster home to foster home for years on end. That is why, Mr. President, we are working to pass this important bill.

Once this bill is passed, Mr. President, then let's work together on the next step in the continuing battle for our children's right to live in safe, stable, permanent and loving homes.

Mr. President, the tragedy of this little child who died in Washington, DC, a few day ago, this little 4-year-old girl, Monica Wheeler, should not be repeated. I think we have an obligation in this Congress to move as quickly as possible to change a 1980 law that has done a lot of good but that frankly had an unintended consequence. That unintended consequence is that children, even after there is evidence of abuse, even after there is not just evidence, even after there is overwhelming indication of abuse, children are placed back in homes time and time and time again. One of the reasons that occurs is because of the 1980 law.

We must act, Mr. President, to clarify that law, to clarify the reasonable efforts requirement of the law, so that the safety of children will always be paramount, and that these tragedies will be eliminated.

I yield the floor and 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. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAMS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

LEGAL PROTECTION FOR DATA BASES

Mr. GRAMS. Mr. President, I rise today to make a few remarks about an important issue facing our Nation in the information era—the issue of legal protection of data bases. The U.S. Copyright Office recently released a comprehensive report on the issue of data base protection. I welcome this new information and look forward to both the prompt consideration of the report by Congress and to the introduction of much-needed legislation that will protect the enormous investments of data base producers, to assure scientists, educators, businesses, and other consumers that they will continue to have access to accurate, verifiable information.

The Copyright Office report provides the requisite legal and legislative analysis that Congress needs in order to act in an appropriate and timely manner to respond to the legitimate concerns of all parties.

It is an important step in the process of addressing recent technological and legal developments that have left valuable American data bases vulnerable to unauthorized copying and dissemination.

The report states that it is expected that all member countries of the European Union will implement the European Union's directive on data bases by January 1, 1998—a fact that underscores the international implications of this issue for American data base producers. The directive provides a new form of protection for data bases to supplement copyright law. The directive extends this new protection only to data base producers located in a European Union member state and will not protect data bases originating in the United States until we adopt our own data base protection legislation.

Mr. President, the United States, as the world's leading producer and exporter of data bases of all types, needs legal protection abroad far more than any other nation. Unless the United States adopts this protection, the data bases of U.S. companies will be at risk. Smaller U.S. firms without global operations will be the most vulnerable. The worst-case scenario is that this could potentially force U.S. companies to move their operations out of this country and into countries that offer data base protection. Such a move poses a serious threat to U.S. jobs.

After studying the report, I believe current U.S. law and precedent are insufficient to adequately protect the enormous investment of money and effort that typically goes into creating data bases, both print and electronic. This is especially true given the declining copyright protection afforded to data bases after the Supreme Court's 1990 decision in Feist, and the inherent vulnerability of data bases to piracy made easy in the new digital environment.

America's data base producers employ or represent thousands of editors, researchers, and others who gather, verify, update, format, and distribute the information contained in their data base products. They also invest billions of dollars in hardware and software to manage these large bodies of information.

Mr. President, comprehensive data is indispensable to the successful operation of today's American economy, including information about communications, finance, medicine, law, news, travel, defense, and many other topics. As one of America's leading growth industries—one that generates jobs and supports American families—the information services industry creates a wealth of user-friendly, reliable, and up-to-date information critical to the lives of American citizens. Congress must provide the legal protection that ensures the future viability of the information services industry. Thank you, Mr. President.

I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 1253

Mr. GRAMM. Mr. President, as I understand it, we have scheduled a tabling motion of the Mack amendment, and Senator MACK himself has moved to table the amendment. I thought it would be timely for me to come over and say a little bit about this amendment.

Let me make it clear that I intend to vote against tabling the amendment. I think this amendment should be debated, and I think it is important to try to outline why. That is the purpose that has brought me to the floor today.

First of all, we are talking about, in the Mack-Graham-Kennedy amendment, an amendment that changes the immigration laws of the country. I remind my colleagues that we are considering the D.C. appropriations bill and, therefore, this amendment has nothing to do with the subject matter of that bill.

Second, I believe that this is complicated legislation, dealing with very complex, very important, and, quite frankly, very emotional issues that ought to be dealt with by the Immigration Subcommittee, by the people who wrote the law that we just adopted last year, and by people who are experts in this area. I do not believe that an amendment that has the sweeping impact of this amendment should be dealt with as a rider to an appropriations bill when, by and large, other than three or four Members of the Senate, nobody has closely examined the pending amendment.

Now, let me outline very briefly what the amendment, in my opinion, seeks to do, and let me also say that I am not a member of the committee that has

jurisdiction. My concern about this amendment was generated by the chairman of the Immigration Subcommittee in the House, who is my colleague from Texas, who is very concerned about this amendment, and who is very much opposed to it. Basically, what this amendment seeks to do is to change the immigration bill that we wrote just last year. Now, our colleague from Florida argues that, well, it doesn't appear that maybe we wanted to do what we did. It is hard for me to judge that and, quite frankly, I don't know. But let me outline what the amendment will do and the concerns that I have.

First of all, one of the provisions in the immigration bill last year was a provision to try to end the practice of people coming into the country illegally and then using the system to stay here. I am very sensitive to this issue. We had an effort that was undertaken last year to cut back on legal immigration. I was a leader in killing that effort because I want people to have an opportunity to come to America legally. I am not one of these people who believes that America is full. I believe that we have a system for people to come here under existing law—to come to the country legally, to come to work, to build their dream, and to build the American dream.

I am a strong supporter of legal immigration, but I am a strong opponent of the illegal immigration of people who come to the country illegally and, in doing so, jump in line in front of 7 million people who are waiting to come legally. One of the things we did last year in the immigration bill was set a cap on the number of people who were in the country illegally but who were able to stay here by claiming extraordinary hardship if they were returned home. The cap was 4,000 people a year that we would allow to remain in the country under these extraordinary circumstances.

What the Mack amendment does is waive that cap for a huge number of people, certainly in the range of 300,000, and critics—I can't speak for whether they are right or wrong—who are concerned about it suggest perhaps a larger number. I think what this does is produce sort of a rolling amnesty. I remind my colleagues that in trying to gain control of our ability to have some say about who comes to our country, without limiting legal immigration, we took the extraordinary step of granting amnesty to people who had violated the law. But part of the deal was that it was a one-time agreement and that we weren't going to continue to do it. My concern here is that we are creating a rolling amnesty.

A second very real problem is that we are talking about people who came to this country, many of them from El Salvador, Guatemala, and Nicaragua, when there was a war going on. The war in El Salvador was a war where Communist insurgents were trying to overthrow the government and deny democracy and capitalism to the people in El Salvador. The war in Nicaragua was a war against a Communist dictatorship. What happened during this period is that people came to this country illegally.

Now we are hearing the argument that there was a wink and a nod and there was an agreement. But I don't see anywhere in law that that was the case. Now, I can't today make a judgment about whether people who came here from Nicaragua fleeing communism should be granted the ability to stay. I would have to say that I am more sympathetic to them than I am to people who came here from El Salvador, because they were supporting a Communist insurgency, and now the El Salvadoran Government is saying, ''Please keep those people in America, don't let them come back to El Salvador.''

My point is this. I think we need to look at each one of these cases. But the war in each country from which these people were fleeing is over. We were successful in stopping Communist insurgency in El Salvador. We won in Nicaragua. Now people who were fleeing a conflict, now that the conflict is over, are saying, ''We don't want to go back.'' Well, now, in some circumstances, they should not have to go back. But I don't think the Senate is ready today, without the benefit of hearings, without the benefit of consideration by the subcommittee and full committee, without an extensive debate, to make that determination. I don't know what we should do in each of these circumstances. If we could narrow the scope, if we could put the focus on those who came from Nicaragua, if we could find some middle ground, I might be willing to do that. But I don't see any effort to find a middle ground.

So this is one of these circumstances where we are trying to change a law that is just now going into effect—the first real test we have had in the new immigration bill—where we set a cap on the number of people who come to the country illegally and we subsequently allow to stay here. The first time we come up with a test based on, obviously, very real human drama—in many cases, strong cases by individual families—we are getting ready to set aside the bill that we so recently adopted and grant a rolling amnesty. Apparently, nobody else seems to care, but I care. That is why we have the rules of the Senate as we do, so that one person who cares can be heard, so that there can be a debate.

So I intend to vote against tabling. I hope the vote will be 100 to 0. But it won't change anything. We can vote not to table this amendment 100 times and it won't change anything, because I don't intend to step aside on this issue. Now, we have rules of the Senate. There can be cloture. We can file cloture and we are going to wait the several days that the Senate rules require it to mature.

We can have extensive and thorough debate. This amendment is amendable. It is amendable with a motion to recommit with instructions. It will be amendable when the second-degree amendment is disposed of. It will be amendable when we vote to name conferees. It will be amendable when we vote to take up the House bill and insert the Senate language. It will be amendable in many different ways. And, until we find a solution, I intend to see that it is amended.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on a motion to table amendment No. 1253 by the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

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

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

Under the previous order, the Senate will now proceed to vote on a motion to table amendment 1253 by the Senator from Florida. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] is necessarily absent.

The result was announced—yeas 2, nays 97, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—2

Byrd	Stevens

NAYS—97

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Thomas
Daschle	Kerry	Thompson
DeWine	Kohl	Thurmond
Dodd	Kyl	Torricelli
Domenici	Landrieu	Warner
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Enzi	Levin	
Faircloth	Lieberman	

NOT VOTING—1

Sarbanes

The motion was rejected.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate, having received H.R. 2267, the House companion bill to S. 1022, will now proceed to its immediate consideration. All after the enacting clause is stricken, the text of S. 1022, as amended, is inserted. The House bill is read a third time and passed. The Senate insists on its amendment and requests a conference with the House.

The bill (H.R. 2267), as amended, was passed.

The PRESIDING OFFICER (Mr. ROBERTS) appointed Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. BYRD, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, and Ms. MIKULSKI conferees on the part of the Senate.

The PRESIDING OFFICER. Under the previous order, S. 1022 is indefinitely postponed.

Who seeks time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada.

Mr. BRYAN. Mr. President, I want to advise the floor leaders it is my intention to request approximately 12 minutes as in morning business to discuss another issue. I don't want to interrupt their flow on the floor, but it looks like this may be an appropriate time to do so.

Mr. FAIRCLOTH. We have no objection whatsoever.

Mr. BRYAN. I ask unanimous consent I might speak as in morning business for a period up to 12 minutes.

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

RADIATION EFFECTS

Mr. BRYAN. Mr. President, earlier today the Labor Subcommittee of the Senate Appropriations Committee held a hearing on a report prepared by the National Cancer Institute regarding the health effects of fallout from atmospheric testing of nuclear weapons in the 1950's and 1960's.

Today, 35 years after the last atmospheric test, we are just beginning to get a clear picture of the effects of the radioactive fallout from these tests.

While we should obviously continue to do everything we can to help the victims of these tests, I hope we can also learn something from our mistakes in the past.

This August, the National Cancer Institute released the results of its nationwide study of radioactive fallout from atmospheric nuclear tests conducted at the Nevada Test Site in the 1950's and 1960's.

In 1982, Congress directed the Department of Health and Human Services to develop methods to estimate radioactive iodine–131 exposure, to assess thyroid I–131 doses, and to assess risks for thyroid cancer from the exposures.

Ninety atmospheric tests were conducted at the test site mainly in the years 1952, 1953, 1955, and 1957.

All 48 contiguous States received some degree of exposure to radioactive iodine–131 fallout from these atmospheric nuclear bomb tests.

Everyone in those States was exposed.

Let me repeat that—everyone was exposed.

People living hundreds of miles to the north and east of the Nevada Test Site in Montana, Idaho, Utah, South Dakota, and Colorado were exposed.

Within these 5 States, 25 counties had particularly high fall-out exposure ranging from 12.0 to 9.0 rads.

A ''rad'' is a radiation absorbed dose, which is the amount of radiation absorbed by the tissues in the body.

The tragic conclusion of this study is that children, who lived in these high exposure areas, and who were aged between 3 months and 5 years at the time of the tests were at the greatest risk for iodine–131 exposure.

Since children's thyroids are so small, their exposure was disproportionately higher than adults.

Children who drank contaminated milk—particularly from cows maintained for family use—and which ate pasture vegetation, have an even greater exposure.

The children in this age group exceeded the average per capita thyroid dose by a factor of about 3.7 following the tests because of their greater milk consumption and their smaller thyroids.

After each of the 90 tests, people living in these States were exposed to varying levels of iodine–131—for about 2 months following each test.

This means the air, milk, and other dairy products, eggs and leafy vegetables were all contaminated, and that contamination lingered for a significant period of time after each test.

The National Cancer Institute has concluded from the limited data available on people who were exposed, as children, to iodine–131 from the nuclear tests' fallout that this exposure is linked to thyroid cancer.

NCI estimates between 10,000 to 75,000 people who were exposed as children may develop fallout-associated thyroid cancer during their lifetime.

Nearly all were under 15 years of age at the time of exposure, and 75 percent were under 5 years of age.

NCI is currently working with scientists in Belarus and Ukraine to study thyroid cancer following the Chernobyl nuclear accident in 1986.

Thousands of children exposed to the accident's fallout received radiation doses to their thyroids.

These doses ranged from comparatively small to 10 times higher than U.S. residents received from the Nevada tests in the 1950's and 1960's.

There was a clear increase in thyroid cancer from the Chernobyl accident in this population.

The wide range of radioactive fallout exposures to such a large number of people that resulted in an increase in thyroid cancer will be most helpful in assessing the impact of the Nevada tests on those exposed.

Additionally, the Centers for Disease Control and Prevention researchers are studying the health effects of radioactive iodine released from the Hanford, WA nuclear weapons plant in the 1940's and 1950's.

The Hanford study results are to be available in 1998.

The Institute of Medicine [IOM] is currently also working with the Department of Health and Human Services to review the data from the National Cancer Institute's study to assess the risk to the exposed individuals.

The IOM will also develop recommendations for physicians regarding how to treat people who might be at risk of disease because of their I–131 exposure.

These recommendations should be available within 6 to 9 months.

What child growing up in the 1950's and early 1960's was not encouraged to drink as much milk as possible to build strong and healthy bodies? In the 1950's and 1960's, health experts advocated each youngster should consume four glasses of milk each day. No one in those years expected young children living hundreds of miles to the north and east of the Nevada Test Site drinking their milk were going to face a possible increase in thyroid cancer incidence.

But that is the consequence being faced by those exposed.

In addition, it is becoming increasingly clear that some of the scientists and engineers associated with atmospheric testing knew, or at least suspected, that there were health and safety consequences to the fallout.

Some of the Government personnel working on the testing program actually sent their families away from the area during and immediately after tests to protect them from the fallout.

A story reported yesterday in the New York Times is even worse, the Atomic Energy Commission apparently warned the Eastman Kodak Co. and other film companies of planned tests, so that the film companies could take steps to protect their film stocks from being damaged.

Somehow, the AEC decided it was more important to protect photographic film, than the health and safety of tens of thousands of citizens who were exposed and who, today, we know will suffer thyroid and other genetic

problems as a consequence of that exposure.

The last atmospheric test took place 35 years ago, but signs of atmospheric testing are still present in many areas, including southern Nevada.

Recently, in fact, scientists discovered the presence of radioactive contamination in dust in some attics in Las Vegas.

Nevadans have had plenty of experience with the Department of Energy.

During the cold war, we were proud to do our patriotic duty, and host the Nevada Test Site, the United States' major continental nuclear weapons testing facility.

We were all very proud of our participation in what we expected to be an exciting new age, we thought we were at the center of a new technology that would dominate the 21st century.

Of course, as these recent studies have shown pretty clearly, we were all completely ignorant of the tremendous dangers and costs of the nuclear age, and most of the captivating ideas of the 1950's never developed. In point of fact, nuclear power is on the decline.

Nuclear plants close regularly, due either to serious safety related problems, or dismal economic performance.

The legacy of the nuclear age, however, is still with us, the tens of thousands metric tons of commercial high-level nuclear waste, and an incomprehensible volume of defense related waste generated by the production of nuclear weapons.

Over Nevada's vigorous objections, our State has been targeted as the final resting place for these dangerous, poisonous wastes.

The Department of Energy, and the nuclear power industry, have spent millions of dollars attempting to convince Nevadans that they have nothing to fear, that this waste is perfectly safe, and poses no threat to our health and safety.

Unfortunately, Nevadans have had enough experience with the Department of Energy and its scientists to hold a certain amount of skepticism regarding these claims.

The report being reviewed by the committee today is yet another confirmation that the Department has historically cultivated a culture where concerns for public health and safety are subsumed to the pressure to reach the agencies ultimate goals, whether it is the development of nuclear weapons, or the disposal of commercial high-level nuclear waste.

The Yucca Mountain project is no exception.

In the 15 years Nevada has fought being designated as the repository for commercial high-level nuclear waste, we have seen repeated instances of the Department ignoring or explaining away scientific findings that do not conform to its repository program.

Signs of water percolating through the repository site were repeatedly ignored.

Seismic activity in the area, including an earthquake that did serious damage to the buildings housing project offices, were dismissed.

For every objection that has been raised, the Department has been quick to assure us that they are meaningless, and that even if there were problems, the engineers can design around them.

Recently, several new discoveries have added to the uncertainty about the suitability of Yucca Mountain as a repository site, and called into question the models and assumptions Yucca Mountain scientists have relied upon for more than a decade.

For example, analysis of material removed from the exploratory tunnel at Yucca Mountain have shown pockets of unusually high concentrations of chlorine 136, a radioactive isotope generated by nuclear detonations.

The presence of high levels of chlorine 136 at the proposed repository level is assumed to result from penetration of water from the surface, where it picked up chlorine 136 fallout from atmospheric testing at the NTS 50 years ago.

This rapid penetration of water through the welded tuff of Yucca Mountain contradicts the Department of Energy's assumptions about the nature of the geology at the site, and calls into question the validity and accuracy of much of the characterization effort.

Despite repeated assurances by the Department of Energy and the nuclear power industry that the nature and behavior of radioactivity and radionuclides are well understood and predictable, and thus nothing for Nevadans to worry about, evidence continues to mount that the scientific community actually knows little about this field.

Just 1 month ago, scientists studying the Nevada Test Site, an area adjacent to Yucca Mountain, discovered that plutonium resulting from underground nuclear testing have migrated underground far faster and further than previously expected—nearly a mile in less than 30 years.

The empirical data collected at the site contradicts the models that are being relied on by the Department to evaluate the environmental impacts of underground testing at the Nevada Test Site.

The cumulative effect of these, and other, scientific assurances that later prove to be inaccurate, misleading, or even outright dishonest has been to seriously damage the credibility of the Department of Energy and the nuclear industry in Nevada, and elsewhere across the Nation.

Nevadans, and many others, will continue to suffer the consequences of our failure to properly understand the nature and effects of radioactivity in the past.

Despite these historical lessons, however, the proponents of nuclear energy continue to press forward with their misguided efforts to bolster the industry at the expense of the health and safety of the public.

The most recent incarnation of the industry's avarice is the nuclear waste legislation currently working its way through this Congress. In a misguided attempt to remove waste from reactor sites, where it can be, according to the industry itself, safely stored for the next 100 years, the industry has proposed shipping 80,000 metric tons of its waste on 16,000 shipments through 43 States to Nevada where it will be stored in exactly the same type of storage currently available and, in some instances, currently in use at existing reactor sites. This unprecedented shipping campaign will bring shipments of high-level nuclear waste within 1 mile of the homes of more than 50 million Americans, creating potential public health and environmental consequences of staggering proportions.

The nuclear power industry's attempt to ship its waste to above-ground storage in Nevada is corporate welfare at its worst. In a desperate attempt to rejuvenate a dying industry, the nuclear power industry is willing to sacrifice the health and safety of millions of Americans to improve its bottom line.

Mr. President, there is simply no need to move this dangerous, poisonous waste at this time. The Nuclear Regulatory Commission and the industry itself concedes the storage of the waste at reactor sites is safe. The Nuclear Waste Technical Review Board, an independent oversight board created by Congress, has said that centralized interim storage is presently not needed.

The nuclear power industry's waste legislation has passed the Senate and I fear will likely pass the House in the near future. Fortunately, President Clinton has committed to veto this ill-advised piece of legislation, and we are fortunate to have the votes in the Senate to sustain the veto.

It is time for the nuclear utilities to give up their efforts to establish interim storage in Nevada and enter into serious negotiations with the Department of Energy regarding support for the continued storage of high-level nuclear waste at reactor sites until an objective, defensible characterization of Yucca Mountain can be completed.

In the 1950's and 1960's, most public policymakers could not understand the terrible consequences that would result from atmospheric testing. Today, more than 40 years later, every taxpayer is contributing to compensate those downwind victims for the cancer, genetic, and other health effects from the fallout of those tests. It would be inexcusable for us, with what we know today, to create yet another situation where future legislators, our successors, 50, 100, or even 150 years from now will need to make similar arrangements for new generations of victims of the legislation the nuclear power industry is asking us to approve in this Congress.

Mr. President, I yield the floor, and if there is any time remaining, I yield back the remainder of the time.

The PRESIDING OFFICER. Who seeks time? The Senator from North Carolina.

MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that there 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.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VA–HUD APPROPRIATIONS

Mr. BOND. Mr. President, one of the pleasures and honors I have in this body is to serve as the chairman of the appropriations subcommittee that funds veterans' programs, housing, as well as environment, space, science, and emergency management.

On the veterans side, we have a very heavy responsibility to the people who, in my State and throughout the country, have been willing to put their lives on the line to protect our freedoms, and I think they deserve the best that we can give them. That is why in past years, I have been very disappointed and troubled at this administration's approach to funding for veterans' medical care. Quite frankly, they were willing to sacrifice these important programs, at least on paper, in order to pretend that they were reaching a balanced budget. I think that is just plain wrong.

I was also disappointed earlier this spring when the President and the congressional leadership proposed to take $300 million out of veterans' medical care as a part of the budget agreement. I said at the time that we would not let that happen.

I am pleased to report that last night in a bipartisan, bicameral session, the Senate and House negotiators on both sides, Democrats and Republicans, approved a measure that provides more funding than the President, more funding than the budget agreement for veterans' medical care. The conference agreement that we hope will soon be signed into law provides $17 billion next year for medical care for veterans. This level of funding ensures that we keep our promise of continued care to all eligible veterans.

We will also be able to continue our efforts to improve the VA medical system, which has been under great stress and which we hope is making progress toward more efficient, more effective, more humane care and treatment for our veterans who need care.

It is sometimes easy during peace and prosperity to forget temporarily the promises that we as a country have made to those veterans who were willing to risk their lives to protect us. I said throughout this budget process I did not intend to let us forget, and I hope we will move quickly to send this bill to the President.

In addition to the tough battles we fought in the veterans' medical care area and the difficult decisions we made, we had to make some tough decisions and take some difficult actions with respect to housing. Over the last several weeks, many elderly residents in public housing complexes in Missouri and I am sure in other States represented in this body, have expressed their deep concern about the possibility of their housing subsidies being ended.

HUD was required by law and did send notices to thousands of senior citizens across the country over the last few months telling them that their rent subsidies were scheduled to expire this fall. That is required by law. But for most of the seniors who received the notices, it is very frightening because it threatens to tell most of them they will no longer be able to afford their homes and will be forced to move.

I visited residences of complexes in St. Louis and Springfield, MO, and listened as the residents described their fears about losing their rent subsidies. I told them I would do everything in my power to help them stay in their homes.

I am pleased to announce once again that last night the House-Senate conference agreed to provisions that we crafted, that I crafted to protect elderly housing. During the years I have spent as a member of the Senate Banking Committee and now as chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I made preservation of affordable, low-income housing, especially for seniors, for the elderly, a top priority and a long-term commitment.

Unlike the administration which, for some reason, continues to emphasize the possibility of vouchers as a one-size-fits-all approach to housing needs of low-income families and the elderly, I believe that elderly housing complexes, which are good, safe places, comfortable for the elderly residents, should be maintained. Frankly, it is terrifying to seniors who may have lived 10 to 15 to 20 years in the same housing complex to tell them suddenly they must move: ''Here is a voucher, go out and pound the pavement and try to find housing.''

Mr. President, if you have visited these complexes, and I am sure you have them in your State as we have them in all of our States, all you have to do is go into one of those complexes and meet with the residents, many of them in walkers, using canes, in wheelchairs and think just a minute of giving those people vouchers and asking them to go out and look for housing. What a ridiculous thought that is. We are not going to force them to go out and look for housing.

How many of us who have parents and grandparents or other relatives in elderly housing complexes want to see them torn away from their communities and forced to find new housing? I really believe that seniors should be treated differently from young persons eligible for subsidized housing.

While the trend in recent years has been to provide vouchers for recipients to use for housing of their choice in a variety of neighborhoods, many seniors—most of whom I talked to—prefer to remain in senior-only housing complexes. I think it makes sense for them to remain in communities where they have grown accustomed to living and have made friends and feel comfortable.

As chairman of the Senate appropriations subcommittee, I included language in the HUD-VA bill that was agreed to last night which does allow these seniors to remain in their homes, to remain in their complexes. Specifically, we provided for the renewal of project-based section 8 contracts at a rate affordable to the elderly.

Good, affordable elderly housing, more than just an example of a successful private-public partnership, is a community of people who live together and care about each other. We cannot afford to lose this type of housing. We cannot afford to lose the type of community this housing represents.

Washington sometimes loses sight of people and the importance of local communities. But I do not plan to let Washington lose sight of these elderly housing communities or the people who live in them now or in the future.

Mr. President, I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I will use my leader time to make a statement on a couple of issues.

TRIBUTE TO GEN. JOHN SHALIKASHVILI

Mr. DASCHLE. Mr. President, I have very mixed feelings about the decision announced yesterday at the White House. After nearly four decades of exemplary service to his adopted Nation, Gen. John Shalikashvili will step down as the top soldier of our Nation's military forces. We understand that by statute he is required to do so, but it does not make the reality any less of a disappointment.

With his 39 years of distinguished service, General Shali, as he has come to be affectionately known, has earned

the respect and admiration of men and women in uniform, the Nation and indeed the whole world. His brand of quiet, steady leadership will be greatly missed.

The General Shali story is as unusual as it is remarkable. Born in Warsaw, Poland, on June 27, 1936, John Shalikashvili was just 3 years old when Hitler's tanks rolled into his homeland. Five years later, Stalin's troops invaded Poland from the east. His family fled to Berlin, Germany, after World War II and then later moved to Peoria, IL, when John Shalikashvili was 16 years old. He graduated from Peoria High School in 1954 and received a degree in mechanical engineering from Bradley University 4 years later.

General Shali began his extraordinary military career in an ordinary way—as a draftee in 1958.

He graduated from officer candidate school a year later and was commissioned a second lieutenant in the Army. During the next 23 years, General Shalikashvili served in a variety of command and staff positions before becoming a brigadier general in 1982.

In addition to serving on the Army staff, Shali served in Germany as an assistant division commander in the 1st Armored Division. In 1986, he was promoted to major general, and, from 1987 to 1989, he served as Commander of the 9th Infantry Division in Fort Lewis, WA.

In 1989, he was promoted to lieutenant general and returned to Germany to serve as the deputy commander in chief of the Seventh Army. Then, in 1991, he was selected to command Operation Provide Comfort, the relief operation that returned hundreds of thousands of Kurdish refugees to northern Iraq.

In 1991, he became the Assistant to the Chairman of the Joint Chiefs of Staff and later served as the Supreme Allied Commander in Europe and the commander in chief of the U.S. European Command from June 1992 until October 1993.

On October 25, 1993, Gen. John Shalikashvili completed his rise to the top of the military. President Clinton appointed him to serve as the 13th Chairman of the Joint Chiefs of Staff. In that position, he has served as the principal military adviser to the President, the Secretary of Defense, and the National Security Council. During that tenure as Chairman, Shali was integral to the United States-led efforts to restore democracy in Haiti, enforce sanctions against Iraq, and keep peace in Bosnia.

His guidance, his commitment, and dedication truly made a difference in each of these and more than 40 other missions in which our troops participated over the last 4 years.

In addition to his extraordinary operational successes, the general has also made significant contributions to improving the Department of Defense. He was instrumental in adjusting our military forces to post-cold-war realities and budget levels, always ensuring that the troops received the best equipment and training in the world.

There is not a single soldier in our military today who has not benefited from the concern General Shali has consistently displayed for his or her well-being. His commitment to improving the quality of life for those serving in the Armed Forces has been second to none, and I am sure that they, like the rest of their fellow Americans, salute him.

I think his Commander in Chief best expressed the high regard in which General Shali is held. In his comments at General Shali's farewell ceremony yesterday, President Clinton stated:

> When future students look back upon his time, they will rank John Shali as among the greatest chairmen of the Joint Chiefs of Staff America ever had.

Mr. President, on behalf of the U.S. Senate, the men and women in uniform, and millions of his countrymen, I concur with President Clinton's assessment and thank General Shali for his 39 years of service to his country. I wish him and his wife, Joan, the very best as they begin a new chapter in their lives in the State of Washington.

THE COMPREHENSIVE TEST BAN

Mr. DASCHLE. Mr. President, I come before the Senate this afternoon to talk briefly about the Comprehensive Test Ban Treaty submitted to the Senate by President Clinton last week. This treaty represents another useful and important step toward reducing the spread of nuclear weapons. I stand ready to do all that I can to ensure that the Senate considers the CTBT in a timely manner and votes to allow the United States to join 145 other signatories of this treaty to put an end to nuclear testing.

It was on July 16, 1945, at a site called Trinity in the desert near Alamogordo, NM, that the United States conducted the first test of an atomic bomb. In a fraction of a second, the detonation not only released over the isolated test site an amount of energy equivalent to what we consume in the entire United States in 30 seconds—it also changed the world. The nuclear age had loudly begun. For decades to come, humanity would be forced to grapple with the consequences borne out of what occurred at Trinity.

Much has happened since that first test in the New Mexico desert.

The United States was quickly joined in the nuclear club by Russia and several others. We saw the onset of the cold war and an arms race between the United States and the Soviet Union. As each country strove to keep pace with the other, the United States and Russia engaged in a buildup of thousands of nuclear weapons with a destructive power unprecedented in human history.

The United States would go on to conduct more than 1,000 additional nuclear tests; and the Russians more than 700. Several other countries would carry out a total of roughly 300 tests of nuclear weapons.

The Russians would test the largest weapon ever designed by mankind—a monstrous device that, in a split second, produced enough energy to power the entire United States for a whole day. At the height of the cold war, the United States and the Russians had deployed between them roughly 60,000 nuclear weapons.

Taken together, these frightening developments would make a four decade old comment by the preeminent scientist of the 20th century, Albert Einstein, even more poignant. Einstein played a large role in the conceptual development of the atom bomb. Moreover, in 1939, in a letter he sent to President Roosevelt, Einstein urged the President to begin a nuclear weapons program immediately. Later in life, after observing the early stages of the arms buildup and the development of ever more destructive weapons, Einstein commented, ''I made one great mistake in my life, when I signed the letter to President Roosevelt recommending that atom bombs be made.''

Fortunately, the outlook has improved markedly since the darkest days of the cold war. The United States and Russia have cooperated repeatedly during the past several years to reduce the nuclear threat. Each country has ratified the START I Treaty.

Following President Clinton's lead, the Senate ratified the START II Treaty, and we hope the Russians will follow suit by year's end. If START II is implemented, each side will reduce its strategic arsenal down to about 3,500 deployed weapons. In addition, once START II enters into force, Presidents Clinton and Yeltsin pledged to immediately begin negotiations on START III. Under the terms of the Helsinki agreement, START III would establish ceilings of as low as 2,000 strategic weapons.

While much has been done to reduce the threat posed by nuclear weapons, much remains to be done. And, President Clinton's submission of the Comprehensive Test Ban Treaty represents a useful step in the right direction.

The CTBT prohibits any test involving a nuclear explosion, regardless of the test's purpose, size, or location. On behalf of the United States, the President was the first to sign this treaty last September. He would subsequently be joined by representatives from more than 140 other nations.

We will soon hear from the usual critics of arms control, voicing objections to the treaty that are as predictable as they are likely. They will say the CTBT is unverifiable. They will say that it will lead to the inevitable erosion of our nuclear weapons capability. And, they will be wrong on both counts. Although we will have plenty of time to thoroughly address their objections in the days ahead, I will briefly address each of those criticisms.

As to the verifiability of the Comprehensive Test Ban Treaty, this is a

familiar refrain uttered by those who oppose arms control agreements in any form. The treaty's verification regime includes a comprehensive international monitoring system composed of hundreds of seismological, radionuclide, hydroacoustic, and infrasound sensors spread out all over the globe. This network is backed up by the ability of Members to conduct onsite inspections of questionable activities. This combination should be more than sufficient to deter would-be cheaters and, if deterrence fails, catch those who try to violate the treaty's restrictions.

As to the concern that CTBT will erode our nuclear capability, I have 4.5 billion reasons why that will not be the case this year and tens of billions more reasons in subsequent years. Last week, the administration reached an important agreement with our weapons development labs. These labs are staffed by the world's foremost nuclear weapons experts. The labs stated that if they are provided with $4.5 billion this year and similar amounts in each subsequent year, they will be able to conduct a program that will ensure with a high level of confidence the safety and reliability of the nuclear weapons in our stockpile. In short, the cessation of nuclear testing need not erode our nuclear capability.

The CTBT is an important step down the path toward a safer world. In simple terms, the United States, the country with one of the largest and certainly the most sophisticated nuclear weapons arsenals in the world, has the most to gain from freezing the competition in place. Countries already possessing nuclear weapons will have a difficult time making qualitative and quantitative improvements to their existing arsenals. And as for countries without nuclear weapons, the CTBT will place an additional hurdle in their path if they seek to develop and deploy such weapons.

I do not believe we can rest with the submission, and, hopefully, ratification of this treaty.

Many more challenges face us if we are to reduce to acceptable levels the threat posed by nuclear weapons. For example, despite the fact that the cold war ended years ago, the United States and Russia still maintain at least 3,000 strategic nuclear warheads poised and ready to launch at a moment's notice. As noted by former Senator Sam Nunn, one of the most distinguished and insightful defense experts to ever serve in this Chamber, while this practice may have been necessary in the cold war, ''today it represents a dangerous anachronism.'' Moreover, tens of tons of nuclear materials and thousands of nuclear weapons remain outside international controls.

Tens of thousands of highly trained employees of the Russian nuclear complex, each armed with the ability to design and build nuclear weapons, go unpaid for months at a time. Future security measures must be designed to speak to these concerns as well.

While I will be doing all I can to ensure smooth ratification of the CTBT in the Senate, I will also be attempting to help design measures that speak to these other security problems. Outside experts such as former Senator Nunn, General Lee Butler, the last Commander in Chief of the now-disbanded Strategic Air Command, and Dr. Bruce Blair, a thoughtful arms control expert at the Brookings Institution, have all raised these same concerns and begun to design solutions. It is an important opportunity for the Senate, the Pentagon, and the country to begin to consider them.

At Helsinki, the administration acknowledged its awareness of these problems and indicated a commitment to resolve them. Unfortunately, the administration appears to have put the detailed discussion of many of these measures on hold until START II enters force and the START III negotiations begin. I hope the administration would begin exploring these steps today. The only real linkage between START and these other measures is that they both can enhance our security. There is no reason why United States action in one arena should be held in abeyance until the Russians act in another.

In summary, Mr. President, I look forward to working with the administration and the other supporters of the CTBT in this body to ensure that the merits of this treaty are fully aired. If that happens, I am confident the CTBT will be ratified, and another step will be taken toward turning back the clock that unfortunately began ticking 52 years ago at a place called Trinity.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

CAMPAIGN FINANCE REFORM

Mr. THOMAS. Mr. President, we have spent several days recently and this week talking about campaign finance. I would like to share some of my thoughts. It is one of those issues that have become so complicated and so convoluted that it seems to me it is very difficult for a person to really bring it down to the simple basics, particularly if you haven't listened to all of it.

Proponents of campaign finance reform bills will have you believe this is the top issue and in the interest of Americans, that everyone on Main Street is waiting breathlessly for some significant action that would be more important than tax relief or the balanced budget—no. I think that is not so. When I go back to Wyoming nearly every week, people don't come and talk to me about campaign finance. They want to discuss health care, they want to discuss public lands, they want to discuss taxes.

This is not to say that it is not important, certainly not to say that I am against finance reform, because I think there should be some thoughtful changes in terms of campaign financing. I just don't believe that it is a catastrophic issue. I don't believe it is an issue that is the most important thing on our agenda as it sometimes is termed.

The steam behind the issue, as a matter of fact, is generally that of enforcing the laws that are now on the books. That is what the hearings were about. That is what brought it up. It is not new laws that are needed—enforce the ones that are now there, not merely adding more to be unenforced.

I am in favor of campaign finance reform. I have been very involved in political systems, as a matter of fact, long before I was ever in elective office, because it seemed to me over a period of years that it is pretty clear that politics and campaigns are how we govern ourselves. That is how you and I in our precincts decide the big issues in terms of government. So I just think we need to make it the kind of a process in which people can be involved, the kind of a process in which the first amendment opportunities to speak are there and are extended to everyone—not just limited to the press.

On the other hand, we can't overlook the defects we saw in the last campaign cycle. The answer, however, is not to marshal the powers of the Federal Government and increase governmental intervention. We can reintroduce principle, we can introduce integrity and serious compliance into this important function of governing ourselves by strengthening and enforcing the reporting and disclosure laws, by limiting the influence of soft money on the national level, by requiring that a majority of the funds in a campaign come from the district in which the election takes place, by banning compulsory contributions.

I don't think we ought to pass a bill just because we want to go through the rhetorical process, just because we want to shift the attention from not adhering to the law to writing new laws.

We are talking about being home, and I hear more than anything else in Wyoming, ''Wait a minute, the issue is not new law; the issue is enforcing the laws we have.'' I think disclosure is the most important of the election issues. In that case, voters can determine where the money comes from to go to a candidate and make their own judgment as to whether or not that is reasonable. It is a simple way to bring our system of privately financed campaigns on track by strengthening and enforcing existing disclosure laws.

Privately financed—I think it is a mistake to move more and more to how the taxpayers finance campaigns. It seems to me that has proven not to be useful. Candidates in parties must offer fuller and more timely disclosure of campaign receipts and spending activities. Reports must be prompt and

early. Now there is a period of time between the last reporting and the election in which donations and contributions are not reported until after the election is over. That is wrong. We ought to change that. Candidates' reports are often late and partial and voters are kept from knowing what they should know about contributions prior to the time of voting. People need to be better informed. We can do that and we should.

Soft money—I am concerned about the increased amount of soft money being spent on a national level. I say again, I was very involved in my party prior to being elected, and I saw us use money of that kind to do things that I thought were useful, and continue to think are useful—party building, voter identification, voter registration, getting people to vote and participate in government. That is what soft money is for.

Unfortunately, the receipts for campaigns have increased some 200 percent from the 1992 Presidential election to the 1996 cycle. That is a little scary. That is a lot. This money is not subject to the kind of disclosure requirements and restrictions in the kind of things that so-called hard money is. Voters have the right to be suspect of this kind of dough, it seems to me, since there are really not stringent accountability standards. We must develop, I think, a contribution limit on soft money. It doesn't need to be small. It can be healthy, but it should not be unlimited, and it should be for party building.

We talk sometimes disdainfully about politics. Politics is how we govern ourselves. That is how you and I who live in our precincts are able to make an impact. I feel very strongly about that.

Fundraising in the district—pretty evident that is the important thing. I support the idea of having at least 50 percent of the money that goes into the campaign come from the district from which the candidate runs.

Now, I am the first to admit—and that is one of the difficulties with all kinds of election controls and election restrictions—there are ways to go around that. In my State there are large companies that run mines, for example, that contribute to campaigns from out-of-state headquarters. They will simply contribute from instate headquarters, and it will be the same money. But, nevertheless it is important. I think there is a great shift of money from one place to another outside of the eligible voters, simply because of interests that are somewhere else, that go to this campaign. I suggest that at least 50 percent come from the area in which the candidates come.

Compulsory dues being used for campaigns I think is a real mistake. Labor unions are the only ones that really are able to do that. I think it certainly ought to be voluntary on the part of the member whether or not those dues are used for that purpose. There are some polls recently that say that is greatly supported, 4 to 1, by members of unions. I think that is right. They should not be restricted from using their money for that purpose if they choose to, but they need to choose.

Mr. President, in summary, voting is one of the highest privileges of being a citizen. Not only is it a privilege, it is an obligation and a responsibility if we are to have a government of the people, by the people and for the people, then the people must participate, must be given an opportunity to participate.

It is ironic to me, it seems to me we are in a time where we have the technical ability to have more information available to more people than ever in history. Can you imagine what it was like to vote 100 years ago? How much do you think people knew about national elections? Very little, I suspect. Now we know anything that happens in the world, and we know it in 10 minutes. Yet we seem not to have the kind of participation that we really ought to have in a citizen government. That is what we ought to be striving to have as we deal with election finance—voters being responsible, voters fulfilling their obligation, voters being knowledgeable, and voters being able to choose.

One of the real meaningful ways, of course, is that individuals can contribute to that point of view that they support. We should work hard to ensure that campaign system is free of some of its current laws and yet open and free and not governed in every detail by some bureau somewhere that decides what you can say in an ad. Those kind of things are not useful and, indeed in my opinion, move us in the wrong direction.

I hope we continue to work on this issue. I hope we do some things. I hope we stay away from the convoluted notion that we ought to have somebody in some bureaucracy, somewhere, manage all of the election activities. Here again, these kind of things belong in our communities, they belong in our States, they belong in our towns, they belong in our school boards. That is where they ought to be.

I yield the floor.

SETTING GOVERNMENT LIMITS

Mr. BROWNBACK. Mr. President, I rise today to speak on two bills that I have introduced aimed at limiting the size of Government and restricting its growth. One reduces the Federal Government by restricting the ability of Congress to spend money, and the other limits Government by sunsetting the Internal Revenue Code.

First, I will discuss the Economic Growth and Debt Burden Reduction Act. Although I have only been in Congress a short time, I have reached an inescapable conclusion, and that is that Congress is much better at exercising fiscal recklessness than fiscal restraint. Accordingly, I have authored legislation that specifically restricts Congress' ability to embark on spending sprees by making it illegal to use excess Government revenues for anything other than debt reduction or tax cuts.

Congress has historically been wholly unable to exercise fiscal restraints when given resources in excess of the current demands of the Government. I believe we need to limit the size of the Government, and this bill forces it to do so.

Mr. President, we are going to soon approach a historic opportunity. For the first time since 1969 we are going to balance the budget. It was the last time we actually had revenues and expenditures equivalent. Now is the time for us to begin this great national debate as to, once you go into balance and you start moving into surplus, how should those surpluses be spent. In other words, whenever revenues exceed expenditures, what should they be spent upon.

We can say go on another spending spree and spend more money, or we can pay the debt down, or we can say we will cut taxes further on an American public that is taxed too heavily.

The bill that I put forward puts it this way: If revenues are projected to exceed the agreement levels, those excess revenues are immediately captured and reserved for tax cuts. If tax cutting legislation is not enacted, the additional revenues revert to deficit or debt reduction. This prevents any unanticipated revenues from being plowed back into higher expenditures and higher spending. And it seems to me that is what the American public wants us to be. They want us to pay down this massive $5.4 trillion debt —and we get from deficit into debt, start paying the debt down —and if we can't agree on cutting taxes further, then we can apply that immediately and require that it go toward the debt reduction. So we can reduce the mortgage on America, which is on our children. They are going to have to reduce the overall tax burden in this country today, which is about 38 percent of the average two-wage earner, two-child family—a 38-percent tax rate. That is at all levels of government, including Federal, State, and local.

SUNSETTING THE INTERNAL REVENUE CODE

Mr. President, the other bill I introduced would sunset the Internal Revenue Code, except for the section relating to Social Security and Medicare. As my colleagues know, last week, the Senate Finance Committee held hearings on the Internal Revenue Service, and during those hearings, the Congress and the American people heard detailed accounts of endless cases of the IRS's abuse of power.

I believe the IRS needs to be reformed and, more fundamentally, I believe our Tax Code needs to be changed. The current Tax Code, along with the regulations, consists of more than 10 million words. It is impressive in size and oppressive in operation. It is antigrowth, antifamily, and it is not

the sort of environment that we can put forward economically and hope to have the next century be another American century. That is why I have joined with Congressman PAXON on the House side in sponsoring a bill that would sunset the current Internal Revenue code by the end of the year 2000.

What we hope to do with this is start the great national debate about what sort of tax system should be in place. Should we go to a flat tax or a consumption-based tax, or truly do tax simplification? But let's set the timeframe and a goal and work toward it like we have done on balancing the budget, when we said that, in 7 years, we would balance the budget and then we will figure out how we are going to get that. That is what we have done and that is why we are going to get it balanced. Let's do the same on fundamental tax reform. Let's set a time certain in which to accomplish it and let's begin the great national debate.

I hope a number of my colleagues will join me in sponsoring this effort to sunset this Tax Code and start the next millennium in this Nation with a taxation system that is pro-family, progrowth and pro-American. We can do that and start this great debate now. I hope my colleagues will join in sponsoring both of those bills.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CAMPAIGN FINANCE REFORM

Mr. KENNEDY. Mr. President, few if any issues before the Senate this year are more important than campaign finance reform.

Americans from all walks of life are fed up with the current campaign financing system and its excessive reliance on unlimited contributions that make conflict of interest a way of life. They are fed up with a campaign process driven by the high cost of television commercials. They are fed up with candidates who spend more time raising money from special interests instead of serving the public interest.

And who can blame them?

In recent years, the amount of money spent in Presidential campaigns has doubled every 4 years. Senate and House races now cost millions of dollars. Election campaigns have become more and more negative, with misleading TV spots that traffic in half-truths or outright falsehoods. And corrupting and corroding it all are the massive abusers of the current loophole-ridden campaign financing laws.

The constant hunt for campaign dollars demeans our electoral process and undermines the very foundation of our country. We have the best political system that money can buy, and it's a disgrace to everything our democracy stands for.

The time for change is now. We must take elections off the auction block. We must limit campaign spending. We must return the election process to the people, in which every voter is equal, no matter what their income, or what job they hold, or where they live.

Democrats understand this. Democrats in the Senate are unanimously committed to campaign finance reform that limits campaign spending. All 45 Democrats in the U.S. Senate have pledged their support for the bipartisan McCain-Feingold bill. President Clinton, too, has clearly stated his unequivocal support for this important legislation. He has taken the extraordinary step of announcing his intention to use his authority under the U.S. Constitution to require Congress to meet in special session if it fails to take up this urgently needed reform.

But where are the Republicans?

Have they united behind a proposal—any proposal?

Are they willing to join with Democrats to clean up the cesspool, and limit the amount of money and the power of money in American elections?

Sadly, the answer is ''no.''

The Republican prescription for these flagrant abuses is more money in politics, not less. They prescribe an even larger overdose of money for elections, in which their friends in big businesses and their lobbyists and special interests can write more checks and fatter checks to the Republican Party.

Their recipe for campaign finance reform is to tilt the balance even more unfairly against American workers. They want to increase the power of large corporations, and squash even the limited power that American workers have today. Republicans want to handcuff labor unions in the battle for a living wage, for decent health care for working families, and a secure retirement for the elderly. They want to silence union support for candidates who stand up and speak out on those basic issues.

In short, Republicans want to impose a gag rule on American workers.

The Republican antiworker scheme is a poison pill for campaign finance reform, and the Republicans admit it. The majority leader, Senator LOTT, told the Washington Times that his amendment would kill the bill because Democrats would mount a filibuster. He said, ''I've set it up where they're going to be doing the filibustering.''

Columnist Robert Novak agrees. Writing about the Republican amendment to impose a gag rule on workers, he says its ''primary purpose in Congress is not to win Republican supporters for campaign reform but to lose Democratic supporters . . . . Republicans are divided between the many who bash labor to kill reform and the few who appease labor to save reform.''

The Lott amendment is a killer amendment, because it unfairly punishes working Americans and their unions for participating in the elections. The Lott amendment bars unions from collecting dues from any workers—even members who voluntarily join the union and participate in setting its goals—unless those workers sign an authorization form to allow part of their union dues to be spent for political purposes.

This isn't reform—it's revenge. It's a blatant attempt to punish working Americans for their role in the 1996 elections—and an equally blatant attempt to silence working Americans in future elections.

Republicans intend this procedure to cripple any union's ability to participate in elections. They know that imposing such a requirement on any organization would have the same result. Yet, they don't propose it for the National Rifle Association or the big tobacco companies or the American Farm Bureau or the Chamber of Commerce. They don't ask corporations to get permission slips from their shareholders before the corporation can spend funds for political purposes. The Lott amendment should be called The Rampant Republican Hypocrisy Act of 1997. How hypocritical can they get?

The real measure of whether Republicans are serious about campaign finance reform is whether they will support honest limits on campaign spending.

The McCain-Feingold bill that all 45 Senate Democrats support will ban so-called soft money—the millions of dollars in campaign funds that today are virtually unregulated. This immense loophole in our current campaign laws allows contributions worth hundreds of thousands of dollars to be made to political parties. The parties then spend the money to help elect candidates for Federal office. While the amount of money that an individual voter can give to a candidate is limited to $1,000 per campaign, candidates for Federal office can receive millions through the back door using this soft money loophole.

Clearly, any legislation worth the name reform must ban this shameful practice.

In addition, the McCain-Feingold bill limits the ability of outside groups to run ads supporting specific candidates. This practice has become another source of soft money for Federal candidates. If you don't have enough money in your own campaign to pay for your ads, then get a friendly outside group to support them.

The McCain-Feingold bill says that organizations are free to run ads on genuine issues. That's free speech, and it's protected under the Constitution. But if an outside group runs an ad supporting a specific candidate, then the cost of that ad should be counted as part of the candidate's campaign, and should be subject to the Federal election laws.

The McCain-Feingold bill also increases disclosure requirements for campaigns, so that the public will be able to see much more clearly the sources and the amounts of all contributions that any candidates accept.

It is time for Congress to stop talking about reform and start acting to make it happen. This bill is not a perfect bill. All Senators can find some provision in it that they do not like. But the McCain-Feingold bill is an honest reform and the best hope to end the most flagrant abuses under the current system. I urge Democrats and Republicans alike to support this bill and send it on to President Clinton, so that we can clean up the current mess and restore the voters' shattered confidence in our democracy.

It is time to take our campaigns away from the special interests and give them back to the people. It is time to make our democracy worthy of its name.

Mr. President, I am not sure whether these have been printed in the RECORD so I will ask unanimous consent to print in the RECORD two editorials, one from the Washington Post and one from the New York Times, that comment on our Republican leader's amendments and parliamentary maneuvering so as to require the first and only vote that will be available to the Members of the Senate to occur on his particular gag rule on American workers.

The Washington Post says in the first sentence:

Senate Majority Leader Trent Lott, having magnanimously allowed campaign finance reform legislation to come to the floor, now proposes to kill it with an amendment affecting the use of labor union dues for political purposes. . . .

Everyone understands what kind of vote this is—a vote not on labor law but on campaign finance at one remove.

They have it right.

And the New York Times points out in its editorial:

Trent Lott, as expected, has come up with a perverse stratagem to kill campaign finance reform this year. . . . Mr. Lott's purpose today is to scuttle the bill by making it unacceptable to Democrats. . . .

[Members] should realize that if they let Mr. Lott kill the bill by subterfuge, their criticism of Democratic excesses will be mere opportunism and hollow rhetoric.

I ask unanimous consent that both of these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 1, 1997]

LEADER LOTT'S AMENDMENT

Senate Majority Leader Trent Lott, having magnanimously allowed campaign finance reform legislation to come to the floor, now proposes to kill it with an amendment affecting the use of labor union dues for political purposes. He thinks he can summon the votes for the amendment, after which the theory is that the Democrats, who are the principal beneficiaries of labor support, will do the rest of his work for him by halting the underlying bill. The transparency offers him the best of both worlds: The bill will be defeated, but he won't have been the one to have done it.

The amendment would require unions to get the written permission of individual members before spending any of their dues for political purposes. The Paycheck Protection Act, its sponsors call it with mock solicitude. ''Our political system depends upon one's freedom to participate without even the slightest degree of compulsion,'' assistant majority leader Don Nickles says. But in fact under labor law such freedom already exists; there is no such compulsion. No worker in this country can be forced to join a union. In some states, workers covered by union contracts who decline to join can be required to pay the equivalent of union dues, but they already have the right, under a 1988 Supreme Court decision, to have the political portion of those dues refunded. The reform bill would codify that decision; the amendment would go beyond it, not necessarily incapacitating the unions but creating an extra hill for them to climb.

Question One is whether Mr. Lott is right in thinking he has the votes. Everyone understands what kind of vote this is—a vote not on labor law but on campaign finance at one remove. A number of Republicans have indicated support for the reform legislation—perhaps enough, assuming all 45 Democrats also vote no, to set the Lott amendment aside. Do they vote with their leader or do they vote for reform?

Question Two is what happens if Mr. Lott prevails. Once again it is a question of senatorial will Proponents of reform said before the August recess that they were willing to tie up the Senate—prevent it from taking any or most other action—until they got a clear shot at a clean version of the reform bill. You presume they meant not just a chance to talk for a few days, take a test vote on a deflective amendment and quit, rather that they intend to press for a straight up-or-down majority vote on the bill itself. Do they do it at the risk of violating the accommodative code by which the Senate normally lives, or do they cave? What finally matters most to them? That's what the vote on Leader Lott's amendment will begin to tell.

[From the New York Times, Oct. 1, 1997]

TRENT LOTT'S POISON PILL

Trent Lott, as expected, has come up with a perverse strateagem to kill campaign finance reform this year. The Senate majority leader would add a provision to the McCain-Feingold bill requiring unions to get approval from workers before using their dues or fees for political purposes. The idea might deserve consideration another day, but Mr. Lott's purpose today is to scuttle the bill by making it unacceptable to Democrats.

After months of disclosures about excesses in both parties, all 45 Senate Democrats have joined 4 Republicans to support the McCain-Feingold legislation, which would prohibit unlimited donations to the parties by wealthy individuals, labor unions and corporations. These contributions were at the heart of the access-buying scandals of the Clinton campaign, and they figure in the influence of money from tobacco and other industries on Capitol Hill. Mr. Lott knows there are nearly enough senators to approve the bill, so he wants a poison pill to repel Democrats and shatter its bipartisan support.

Only one additional Republican would be needed to join other Republican backers of reform to block Mr. Lott's plan. But it will not be easy for Republicans to resist his seductive amendment. Even two reformers, Senators John McCain of Arizona and Susan Collins of Maine, support the principle behind the amendment, though they have said they oppose the amendment itself as a threat to reform at this crucial point. Many other Republicans would like to vote for something that would punish labor for its recent campaign spending, particularly the $35 million that paid for attack ads directed at Republican candidates in 30 Congressional races last year.

The McCain-Feingold bill would codify a nine-year-old ruling of the Supreme Court holding that non-union members who pay union dues or fees as a condition of employment are entitled to demand that the fees not be used for political purposes. If Republicans want to vote on a broader provision giving that right to all union members, they should accept the Democratic offer to consider it on another day without the threat of a filibuster. It would only be fair to consider a similar curb requiring corporations, which outspent unions nearly 9 to 1 on politics last year, to get approval from shareholders when making political expenditures.

If the four Republican supporters of McCain-Feingold stand firm, only one other Republican will be needed to defeat Mr. Lott's disingenuous amendment. Senator Alfonse D'Amato of New York, no particular champion of campaign reform in the past, is in for a tough re-election fight next year and has always had the backing of at least some labor unions. Senator Jim Jeffords of Vermont, a long-time champion of campaign reform, should see the wisdom of standing up now. Senator Olympia Snowe of Maine, where campaign finance reform has been approved locally, can join with Senator Collins to save the reform legislation.

Other senators who have shown independence on this issue in the past, like John Chafee of Rhode Island, should also come to the rescue. Down the road, still more Republicans will be needed to save the bill, because it will take 60 votes to thwart a promised filibuster. For now, they should realize that if they let Mr. Lott kill the bill by subterfuge, their criticism of Democratic excesses will be mere opportunism and hollow rhetoric.

CENTRAL AMERICAN REFUGEES

Mr. KENNEDY. Mr. President, I would like to speak for just a few moments about a very special provision that is now before the Senate, which we will vote on next week, and that is the amendment which has been proposed by Senator MACK, Senator GRAHAM, and myself, which is pending on the D.C. appropriations bill. Without this amendment, thousands of Central American refugee families who fled death squads and persecution in their native lands and found safe haven in the United States would be forced to return to their countries. Republican and Democratic administrations alike promised them repeatedly that they will get their day in court to make their claims to remain in the United States.

Last year's immigration law, however, turned its back on that commitment and treated these families unfairly. This legislation reinstates that promise and guarantees these families the day in court they deserve—that's all, just the day in court they deserve to be able to make their case, which they were promised at the time they came to the United States, by Republican and Democratic administrations.

That particular guarantee was eliminated in the bill last year. It is the attempt by Senator MACK and Senator GRAHAM and myself to maintain that commitment to these families.

Virtually all of these families fled to the United States in the 1980's from El Salvador, Nicaragua, and Guatemala. Many were targeted by death squads and faced persecution at the hands of rogue militias. They came to America to seek safety and freedom for themselves and their children. The Reagan administration, the Bush administration, and the Clinton administration assured them that they could apply to remain permanently in the United States under our immigration laws. They were promised that if they have lived here for at least 7 years and are of good moral character, and if a return to Central America would be an unusual hardship, they would be allowed to remain. They have to meet those particular requirements and if they don't meet those requirements, then they are unable to remain in the United States. Last year's immigration law violated that commitment.

President Clinton has promised to find a fair and reasonable solution for these families, and the administration will use its authority to help as many of them as possible. But Congress must do its part by enacting this corrective legislation.

Earlier in the course of today's debate, our colleague from Texas, Senator GRAMM, talked at some length about this particular amendment and about the situation in which these refugees find themselves. I would like to just clarify and respond to some of the comments that were made earlier in the day.

The first comment was this legislation reverses our immigration laws enacted just last year. The answer is the law was changed on these families retroactively, we took steps, gave guarantees, and then took action. These families had very little to do with it, and now the law was changed. They played by the rules laid out by President Reagan, President Bush, and the Clinton administration. They were promised their day in court. But last year's law went back on that promise. All we are trying to do is to make sure they are given their day in court.

Then the comment was made that this should go through the Immigration Subcommittee, not on an appropriations bill. Our chairman, Senator ABRAHAM, spoke in support of this amendment. He is the chairman of the Immigration Subcommittee, and I am the ranking member. We are in strong support of this particular proposal, as I believe the members of the committee are.

The further point that was made by Senator GRAMM was we need to stop illegal immigration, that this is an amnesty. Mr. President, it is an insult to these hard-working refugees, and their families who have suffered so much pain and hardship and who relied in good faith on the solemn promise they were given to call them illegal aliens or call what we are doing an amnesty. Virtually all of these families are already known to the Immigration and Naturalization Service. They are not illegal aliens working underground. These are families who applied to come to the United States under INS programs, and they are here on a variety of temporary immigration categories. They have acted in accord with what our Government told them to do.

Not all these families will qualify to remain here under the terms of this amendment. They still must meet certain standards that existed in the law before the law was changed and applied retroactively. The Immigration Service estimates that less than half of those who qualify to apply to remain in this country will be approved. These families are law-abiding, tax-paying members of communities in all parts of America. In many, many cases, they have children who were born in this country and who are U.S. citizens by birth. They deserve to be treated fairly.

I just want to take a few moments to talk about who these people are. Zulema Balladares came to the United States from Nicaragua in 1986. If she is deported, she will be leaving her husband and four children who are lawful, permanent residents here in the United States. The Balladares have strong ties to the United States. They own their home, and two of their children serve in the U.S. Army, both served in Bosnia. Their children's ages range from 13 to 21 and have all resided in Miami for the past 10 years, the majority of the children's lives.

Justina Jiron entered the United States 12 years ago along with other family members. She has two U.S. citizen children. Her youngest, a baby, has a need for surgery and ongoing medical treatment as a result of a birth defect. Thankfully, she has health insurance to cover the expenses. However, unfortunately, if she is deported back to Nicaragua, her baby will not be able to obtain the needed medical treatment, because it is not available there. Since this lack of surgery and care is life threatening to the child, the deportation of Ms. Jiron will result in sending a U.S. citizen to death.

Enrique Sequeira, now 21 years old, came to the United States from Nicaragua at the age of 13 in 1988. He has been an outstanding student in the United States and has received numerous academic awards. In addition to excelling academically, Mr. Sequeira is a member of the Junior ROTC and has been involved extensively in community work in Miami. He was granted suspension of deportation November 1996, but the INS appealed that decision based on the Immigration Reform Law of 1996. If the INS appeal is granted, Mr. Sequeira faces disrupting his bright future and returning to a country he has not lived in since he was a young teenager.

Leonte Martinez is extensively involved in community service helping underprivileged youths of all nationalities in several church-sponsored programs. He owns his own home and earns $38,000 a year with medical benefits for his entire family. He has been in the United States since 1986. He is married to a lawful permanent resident, has three children, two of them U.S. citizens. His mother-in-law, a lawful permanent resident, resides with his family. Mr. Martinez was granted suspension of deportation in January 1997. According to the immigration judge, his was the best case she had ever heard. Apparently it was not strong enough, because INS is appealing in order to be able to deport him.

Finally, Roberto Bautista came to the United States 10 years ago from El Salvador. His wife and two children have been in the United States for 12 years. They are a typical upstanding American family. He and his wife hold down two jobs, pay their taxes, have no criminal histories, have health insurance, and have never been on public assistance. Their daughter graduated from the University of Miami and is presently employed by a graphic artist for a newspaper. Their son is an honors student at Georgia Tech, studying engineering, and was awarded the Silver Knight award by the Miami Herald for his outstanding volunteer service.

These individuals are entitled to have administrative process to make a judgment as to their ability to remain here in the United States or whether deportation would serve as a particular hardship. That is all we are attempting to do, under the Mack and Graham amendment. We ought to have enough respect for individuals and individual rights and liberties to treat fairly these families that were subject to extraordinary persecution in their own countries during a time of civil war, where many of these individuals were working and supportive of U.S. efforts to try to build a better country and democratic institutions. Because of the fear of terror, the death squads and others that were loose in the land, they came to the United States and have played by the rules. They were given certain assurances that, if they played by the rules, worked hard and supported their families, they would not be summarily dismissed, they would have a judgment that would be made to see whether they had participated in this country and made an important contribution to the life and well-being of this country.

I have given you a few examples, and there are scores of other examples, where people are giving back to the United States something for all that has been given to them.

I think this is a matter that should be favorably considered.

I am very hopeful that we will have the opportunity to vote on this. I believe we have overwhelming bipartisan support. I think I see a colleague from Pennsylvania, who is a cosponsor of this measure as well.

I yield the floor.

Mr. SANTORUM addressed the Chair.

Mr. LEVIN. Will the Senator from Pennsylvania yield for a unanimous-consent request?

Mr. SANTORUM. Certainly.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the statement of the Senator from Pennsylvania, I be recognized to proceed in morning business for up to 20 minutes.

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

Mr. LEVIN. I thank my friend from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE DEPORTATION OF IMMIGRANTS

Mr. SANTORUM. Mr. President, let me first address the issue the Senator from Massachusetts was referring to with respect to deportation of immigrants in this country. I am a very strong supporter of the Mack amendment. I believe people are entitled to due process and the right to be heard. Promises were made by many administrations and Congresses. These people were welcomed into this country as a result of the political strife that was going on in various countries in Latin America. I think it would be a true injustice for us to have changed the rules in midstream for many, literally thousands of people who are awaiting deportation hearings right now, to deport them in lieu of that hearing.

So I stand with Senator MACK and Senator GRAHAM from Florida, Senator KENNEDY, and Senator ABRAHAM from Michigan in support of the Mack legislation.

CAMPAIGN FINANCE REFORM

Mr. SANTORUM. The subject matter on which I want to spend the majority of my time speaking on is the issue of campaign finance reform. As Members have gotten up to discuss the issue, I think one might be led to the impression that those of us who oppose McCain-Feingold are not for any changes in campaign finance rules and that we don't see that there are some problems there. I want to make it very clear that, as a Senator who is on the Rules Committee, which is the committee that has the jurisdiction on this subject matter—we have been bypassed by these floor maneuvers but we do have jurisdiction and have looked into this subject quite extensively—that I don't know of anybody on the Rules Committee on either side who does not believe the current campaign finance system has some problems with it and there are things that we can do to fix it.

We disagree on how to do that. Let me just, if I can, draw the differences between how one side wants to do it and the other side; sort of the big picture, not really talking so much about specifics but a general philosophy. Then I will get into more specifics.

The general philosophy of those of us who oppose the McCain-Feingold approach is that we believe that we can fix the campaign finance system in this country by making it purely voluntary, so that no one is going to be forced to contribute to an election. That is something that you would think is as fundamental as any right that we have in this country, that you should not be forced by your employer, by your union, by your association, or by your family to contribute to anyone the resources that you have worked hard to earn. So, one general tenet is that contributing to campaigns must be completely voluntary. I think that is a tenet you would suspect would be universally shared. It is not universally shared. People in support of McCain-Feingold, by and large—there are some exceptions, but few—do not support the concept that campaign contributions should be voluntary. That is one difference.

Second, that we achieve a better campaign system, a better campaign and a better campaign financing system, by increasing participation, by having more voices in the political discourse, not fewer. Those of us who oppose McCain-Feingold strongly hold to that reading of the first amendment that ensures, guarantees, one of the highest guarantees in the Constitution, the right of speech, political speech, and political discourse.

In this country today, political speech does not mean—it means this, what I am doing. But it does not only mean standing up on the street corner and sounding off on what you believe in. These days, if you are standing on the street corner sounding off on what you believe in, basically you are labeled some sort of freak. We believe the first amendment covers organized political speech, that is, people who ban together, who want to speak on a particular issue and marshal whatever resources they have, whether it is resources in manpower to distribute fliers that they print at a half a cent apiece, or to buy a radio ad on a local radio station or to, in fact, hold public meetings and public debates. Whatever medium they want to use, I think is appropriate to be protected by the Congress and by the first amendment.

On the other side, you have people who want to limit that activity. They want to limit people's ability to speak in the political arena because they find certain kinds of speech offensive, like people who advertise in opposition to a Member of Congress or a Senator saying that they voted in such a bad way and don't vote for them, and they do it within 60 days of the election; that is bad; somehow people getting together and expressing their opinion in a public forum is a bad thing that has to be prohibited by the Congress.

I don't believe that. I don't like it when someone does it to me, and it's been done to me and it will be done to me unless we pass one of these bills that says you can't. By the way, even if we did do that, I believe the Supreme Court would strike it down in a heartbeat. But I believe it will be done again.

I don't have a problem with it, even though it happens to me, because I think people have a right if they don't like what I am doing to speak up about it, even if I think the attack is unfair, because I trust the American public. I know a lot of people around here on a pretty regular basis don't trust the American public, but I trust the American public and the voters of America to sort of figure out all of those things on their own with the help of all the other information that they are going to get from networks like C–SPAN2, as we are on today, and other independent sources, that that ad, as nasty as it is, as horrible as it is, is not going to change somebody's opinion overnight. People are smart enough to take all that information, realize it is an ad, discount it to the degree they usually do and filter it into the mix, as we do with all speech.

But the other side believes that it is dangerous speech. I believe that there is nothing inherently dangerous about speech; there is something inherently dangerous about limiting speech, because once we start to limit speech, then that takes freedom away from the masses, from the people and gives that freedom and control to a bunch of people in Washington, DC, who think they know what is best for you.

You probably hear many Senators talk in those terms when it comes to a variety of other subjects in Washington, DC. I suggest that this attempt to take power away and freedom away from people and centralize it in Washington is consistent with what the other side of the aisle generally wants to do when it comes to every decision in your life. As a result, we have the huge Government that we have in Washington, DC. We have grown and grown and grown because we have taken more and more freedom away from people, whether it is in the form of freedom to use the money that you have earned by higher and higher taxes, or whether it is freedom in the form of regulation on regulation on every aspect of business and your life.

We have taken that responsibility, we have taken your freedom and have centralized that decisionmaking in Washington, DC. This is another attempt to do that. This has the salutary effect, from those who believe in big government, of stifling your criticism of big government. This is a win-win. This allows them to continue to grow government without you being able to speak out against it. So they can stifle you at the same time they continue what they want to do in the first place. I think that is very, very, very dangerous to the future of this country.

Columnist George Will called the filibuster—I don't know whether that is what it is or not, but let's use that

term—that the filibuster of the McCain-Feingold finance reform is the most important filibuster in the history of America. I don't know if I agree with that, but I would say it is certainly one of the most important because it goes to the heart of our democracy, it goes to the heart of the political discourse in this country and how free are we going to allow this country to be at its most fundamental core, its democratic core. How free are we going to allow you to be, the average citizen in America?

There are those who say, ''Well, you are just too free right now and you have too much power right now. We need to take some of that back for your own good. For your own good we're going to take some power away from you so you don't go out and do things that are going to hurt you.''

My, my, and believe it or not, you have the national news media just along for the ride. They think this is great. And why not? Because if we limit your speech, the speech of those who are speaking everyday on the network news and in the newspapers and on the radios becomes that much louder, because the din of your speech has quieted down, and so their speech becomes much more important to the whole debate. You have the media very much for squelching other input, so they become much more powerful and much more important in the political discourse.

I suggest that if Congress were proposing a law to limit the amount of speech that newspapers and radios and television reporters can speak, there would be an absolute hue and cry of ''freedom of the press''; ''How dare you restrict''; ''It is the most essential element of our democracy.'' ''The first amendment''— ''Oh, I'm sorry, just this part of the first amendment,'' because when it comes to the other part of the first amendment, they are all for shutting you up. They want to shut you up, but they don't want to be even in the least infringed upon. That is the hypocrisy that is going on in the national media today.

Let's get down to the bottom line here. What do those of us who would like to see campaign finance reform see as a solution to some of the problems?

No. 1, I suggest we make sure the system is voluntary; that there should not be a system where any individual in America is forced to contribute against their will. That is not the law of the land today. There are tens of thousands, probably hundreds of thousands, maybe millions, of workers in this country who are forced to contribute money to campaigns in which they do not believe. That should be an embarrassment to every single Member of the Senate and should be an outrage to every member of our society. When it comes to union dues being used for political purposes, that is exactly what occurs. So we have a very simple provision that says you can't do that anymore, it has to be voluntary.

Poll union members—not the union bosses, union members—and ask them whether they would like the right to be able to give money voluntarily instead of having it taken out of their dues. By overwhelming numbers—I just saw a poll in California—by a 4 to 1 margin, union members themselves said they want that choice.

Yet—and I always find this really funny because people for McCain-Feingold say, ''well, we have to fight the special interests; it's the special interests that are the problem.'' Then they stand up here and fight against a bill that says all contributions should be voluntary. Why? Because the unions and their big money backing them in their campaigns won't allow them to do what's right. This just exposes it for what it is. This is about power. They just want to make sure that they can keep all the money funneling toward them, and then go about taking away power from you. Keep the money flowing on that side and then take the power away from you.

I don't necessarily think that is the right approach to take. When it comes to union dues being used involuntarily for political campaigns—there is absolutely no excuse for not having the voluntary campaign finance system. That should be at the fundamental core. The only reason it is not is because of the special interests supporting the other side of the aisle, the special interests that they get up and rail against: ''Oh, this is horrible; special interest money and, by the way, we're going to stop campaign finance reform because of the special interest money we get from involuntary contributions being maced out of the people who work in unions. Maced is actually too kind of a word because some people get maced when they don't go along, because they have no choice. It is not a matter of being maced and losing your job. You just have to go along. You can't even say no.

So No. 1, it has to be a voluntary system.

No. 2, a goal of a campaign finance system should be to increase participation by the people who are most affected by the election, and that is your constituents. The goal of the bill that I am going to be introducing is to increase the amount of influence—I use that term advisedly—influence that constituents within the State in which you reside, such as my State of Pennsylvania, to influence the election disproportionate from anybody else, whether they be political action committees or people from California—I like people from California but they are not from Pennsylvania and, frankly, the people from Pennsylvania should have more of a say who the Senator is from Pennsylvania than the people from Washington State, Maine or anyplace else.

What I have suggested in my bill is we are going to increase the amount of contributions that can be given by people in Pennsylvania. The proposal that I have is to take the $1,000 limit and increase it to $4,000 per individual per election for people who reside in the State in which you run. Everybody else is kept at the $1,000 limit. But people in your State are going to have more of an ability to contribute.

I know, because I was a challenger twice. I am a rare breed of cat around this place. I defeated an incumbent Congressman to get into the House and defeated an incumbent Senator to get into the Senate. There are not very many of us around who have that honor, I guess, or burden, one of the two. So I know what it is like to be a challenger. I know what it is like to be the big underdog. I know what it is like to be outspent 3 to 1, and I didn't like it.

But I will tell you what I didn't like more than anything else. I didn't like the fact that my opponent, who was a sitting Congressman, had the ability to raise money all over the country. Because of being in Congress, he had connections. He could raise money from all over the place. He was known, not only all over the country, but all over the State. Nobody knew who I was.

I remember when I first ran for office, they took a poll 6 months before the election in 1990, and my name recognition in my district was 6 percent. I thought that was pretty great; ''Yea, it is 6 percent.'' Then my pollster informed me that usually when they put somebody's name on the ballot, they get about 8 percent, because about 8 percent of the people are afraid to answer that they don't know the person, figuring if they were on the survey, they should know the person. So I got below what Mickey Mouse would get. Nobody knew me.

It was hard for me to raise money. I didn't have any money. And it was harder only because I could raise $1,000 at a time. If I was lucky enough to find someone who would support me who had any kind of resources, all I could get was $1,000. That makes it very, very hard for a challenger. You have to find a lot of people to help you, to get at least a bit of seed corn to build a campaign organization.

There was a comment from a person who was going to run for the U.S. Senate in Pennsylvania next year. She was headed toward running, but she announced abruptly she was not going to run. The reason she gave for not running was that she found it incredibly hard to find so many people to give her $1,000 at a time. She just couldn't find that many people to build up the seed corn necessary to start a campaign. Once you start a campaign, you can broaden out your search, you can get, as I have done—I have 35,000 donors, I believe, to my committee. And that is a lot of donors. I am very proud of that.

The average contribution is well under $100. But you have to get to there. And it takes time. It takes some money to start. Unless you are a millionaire, which I plead guilty of not

being, then it is very difficult for the average Joe Citizen to get enough resources together to start a campaign when you have to raise it $1,000 at a time.

When you consider the fact that in a Senate race in Pennsylvania it is going to cost about probably $9 or $10 million, someone giving you $4,000 hardly warrants notice in the big scheme of things.

So to suggest that somehow, you know, this person has inordinate influence is ridiculous. And you are going to get hundreds of people to give you that kind of money. I guarantee you, within those hundreds of people there will be hundreds of different opinions on probably the same issue. So to suggest you are going to do one for one—it just doesn't work that way.

Anybody who believes—this is another fallacy of campaign financing—that Members of Congress get donations to do favors for people, I mean, that is just ridiculous. I mean, it is absolutely absurd. And that is why I am for limits on contributions, and I am for low limits. I think $4,000 is a low limit because I don't want someone to be able to give $100,000 or $200,000 or $500,000 because then, whether it occurs or not, the appearance of impropriety is there. With a small donation, relatively small, I am talking in terms of a $10 million campaign, $4,000 does not, I think, stick out to say they are buying a more disproportionate interest here.

The fact of the matter is, we have low limits. I think we should keep them relatively low, but they should be high enough so people can have some ability to form a little bit of seed corn to start a campaign if they want to run for office. So I believe that raising the limit, oddly enough, would help challengers and open-seat candidates more than it will help incumbents.

Incumbents can raise money now. They are one of the few who can raise money now. This is to help challengers. The other thing—follow me on this concept—what I believe has happened over the past 25 years and why campaign reform has come to be such a ''scandal,'' although I think it is a somewhat created scandal in some respects; in many respects it is a scandal because people are breaking the laws—is what we did in 1974. It was well-intentioned. It was to limit the influence of special interests and limit the influence of big donors. Remember, $1,000 was set in 1974. If you index that to inflation, it would be over $3,000 today. That is why we increase it from $1,000 to $4,000. And campaigns have increased by 10 or 20 times as far as expenses since 1974.

What we have done—if I can give an example of a heart—you have a main artery that flows into the heart that provides the blood for the heart muscle so the heart can pump. What we did in 1974 was we occluded partially, we blocked that artery. We said, we are no longer going to allow a free flow of resources, blood, into the heart muscle, the candidate; we are going to block it.

It was an artificial block. It was artificial in the sense that the heart still needed the resources, but you have limited the ability for direct resources to flow into that heart.

If you are lucky, what happens if you are a human being and that happens? What happens is, you build up what is called collateral circulation, other circulation to feed the heart, to keep it alive and going and working.

Collateral circulation in politics is called soft money. By limiting the amount that you or anybody can give directly to a candidate, you have not stopped the need for the money to get to the candidate; all you have done is stop the main, most efficient, most disclosed, most apparent way of feeding that heart muscle, of feeding that candidate.

So what has happened is the money still wants to get there because the candidate needs it to run a race, and so what has happened is these collateral sources have been built up. We have built up all these soft money trees to feed the candidate behind the scenes, undisclosed or disclosed not as efficiently or not as readily as the direct pipeline to the heart or to the candidate.

So what I want to do is do a little angioplasty. Let us clear out the heart artery to allow some more resources and blood to flow so you can watch it. What I propose in my bill is to require monthly reporting—not quarterly, but monthly. Let us have more disclosure. Let us have more prompt disclosure. Let us find out who is giving the money and how much they are giving.

So we have, by doing that, and by raising the limits of people who live in the State, you will reduce the need for this other circulation for this other money to come into the system.

I think the best way to cure soft money is not Government to restrict it because, you know, we restricted hard money, that money, that direct pipeline, that main artery going into the campaign, we restricted it, and what happened? They figured out another way, constitutionally another way. We try to restrict that, and guess what will happen? They will figure out some other way. I mean, look, the big problem here is that Government is too big, it spends too much, and it regulates too much. It is involved in everything. We have this huge Government that people want to have some say in how the Government governs. They want to have some say in who is elected to make those decisions. And they have every right to do so.

What the folks who are for McCain-Feingold say is, ''Well, we don't want you to have that right. We want to limit your right to do that.'' I think that is ridiculous. I think that is, frankly, undemocratic, certainly undemocratic, and I will go as far as to say it is un-American. We are a country that fought hard, we fought wars, we fought a Revolutionary War and many others to maintain our freedom. And first among them—the first amendment—first among them is the freedom of speech.

What this debate is fundamentally about is the freedom of political discourse, of your right to influence the course of an election, and, therefore, the course of the country. It is your only chance. This is a Republic, not a democracy. We are not all gathered here in the Senate—we do not get all 250 million people in the room and everybody says ''aye'' and ''no.'' That is not how we do things. You elect me for better or for worse. You elect a Member of the Senate, two Members in the Senate from each State, and however many House Members you have, and those people represent you.

If you want to be represented here, you have to work through the electoral process to influence the decision as to what Member of Congress is elected and what Senator is elected. That is your outlet. What the people in this room, many who are for McCain-Feingold, want to do is limit the people's ability to impact that election. When I say ''people,'' I don't just mean individuals, but associations and others who have every right under the first amendment to be heard.

So when you hear all this talk about, ''Oh, special interests,'' remember one thing, the biggest special interest that is holding up this bill is labor unions who do not want voluntary contributions to be the law of the land. That is No. 1. So anytime you hear ''special interests'' from people who support McCain-Feingold, ask this question: ''Are you for voluntary contributions for every member of society?'' When they say, ''No,'' then you say, ''Don't talk to me about special interest because I know what special interest is buying you. So don't talk to me about, 'Oh, we need to get rid of special interests when your first vote is to defend it and to exhibit the power.' ''

Voluntary contributions, increased participation, particularly from people who are within the boundaries of the district or your State, and increased disclosure. It is much easier for the cardiologist to be able to find a problem with the flow of blood to the heart by looking at one source where it is supposed to be. It is much easier to determine where the problem is than looking at all the other different sources that may be feeding that heart.

So if we allow the resources to be channeled, and we have disclosure of those resources promptly—monthly—then you are going to have a system that I think everyone will be proud of that will encourage participation, that will be voluntary, and that will be disclosed.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Michigan is recognized.

Mr. GORTON. Would the Senator from Michigan yield for a unanimous-consent request?

Mr. LEVIN. I would be happy to.

Mr. GORTON. I ask unanimous consent, Madam President, that I be permitted to speak in morning business at the conclusion of the remarks of the Senator from Michigan.

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

The Senator from Michigan.

THE INDEPENDENT COUNSEL LAW

Mr. LEVIN. Madam President, I want to speak today about the independent counsel law and the political pressure being put on the Attorney General to appoint an independent counsel in the campaign fundraising investigation.

One Member has called on the Attorney General to resign. Some Members of the House are threatening impeachment proceedings against the Attorney General unless she reaches their conclusion on the appointment of an independent counsel.

For 18 years I served as either the chairman or ranking Democrat on the subcommittee of the Governmental Affairs Committee with jurisdiction over the independent counsel law. I have been actively involved in three reauthorizations of this important statute. And having experienced and studied the history of this law, I am deeply disturbed by this type of pressure being exerted.

Politically motivated attempts to intimidate the Attorney General runs directly counter to the fundamental purpose of the independent counsel law and counter to our constitutional system that makes the prosecution of crimes the sole responsibility of the executive branch.

The independent counsel law was enacted in the aftermath of Watergate. The Watergate committee recommended, and the Congress agreed, that we need a process by which criminal investigations of our top Government officials should be conducted in an independent manner as free as possible from any taint of favoritism or politics.

This was necessary, we decided, in order to maintain the public's confidence in one of the basic principles of our democracy, that this is a country that follows the rule of law. So we established a process whereby the Attorney General would follow certain established procedures in reviewing allegations of criminal wrongdoing by top Government officials and decide at certain stages whether to ask a special Federal court to appoint a person from the private sector to become a Government employee to take over the investigation and conduct it independently from the chain of command at the Department of Justice.

We wanted the public to have confidence that the investigations into alleged criminal conduct by top Government officials were no less aggressive and no more aggressive than similar investigations of average citizens. We particularly wanted to remove partisanship from the investigative and prosecutorial decisionmaking process.

We established the requirement that if the Attorney General receives specific information from a credible source that a crime may have been committed by certain enumerated top Government officials, the Attorney General has to conduct a threshold inquiry lasting no more than 30 days to determine if the allegation is frivolous or a potential legal problem. The top officials who trigger this so-called mandatory provision of the act are the President, the Vice President, Cabinet Secretaries, Deputy Secretaries of the executive branch departments, plus very top White House officials who are paid a salary at least as high as Cabinet Secretaries or Deputy Secretaries and the chairman and treasurer or other top officials of the President's campaign committee.

If, after the threshold inquiry, the Attorney General determines that there is specific information from a credible source that a crime may have been committed by a covered official, the Attorney General must then conduct a preliminary investigation lasting no more than 90 days in which she gathers evidence to determine whether further investigation is warranted. If after the conclusion of the 90-day period the Attorney General determines that further investigation is warranted with respect to a covered official, then she must seek the appointment of an independent counsel from the special court made up of three article III judges appointed for 2-year terms by the Chief Justice of the Supreme Court.

In crafting the independent counsel law, we contemplated a role for Congress with respect to the appointment of an independent counsel in a specific case. We included a provision that is tailored to the purposes of the statute. The independent counsel law explicitly provides that the appropriate avenue for congressional comment on the appointment of an independent counsel is through action of the Judiciary Committee.

The law provides that either a majority of the majority party or a majority of the minority party of the members of the Judiciary Committee may request the Attorney General to appoint an independent counsel.

Upon receipt of such a letter, the law provides that the Attorney General must respond in writing to the authors of the letter explaining ''whether the Attorney General has begun or will begin a preliminary investigation'' under the independent counsel law, setting forth ''the reasons for the Attorney General's decision regarding such preliminary investigation as it relates to each of the matters with respect to which the congressional request is made. If there is such a preliminary investigation, the report shall include the date on which the preliminary investigation began or will begin.''

The Attorney General is not obligated to trigger the statute when she receives such a letter. She is not required to initiate a threshold inquiry or conduct a preliminary investigation. She is only required to respond within 30 days. That is the process that we provided for in the independent counsel law for Congress to express an opinion in triggering the statute. That is how the procedure works.

The Attorney General has the sole discretion to determine if the statute is triggered and if an independent counsel should be appointed. That is a constitutional requisite of the statute, and without that discretion, the Supreme Court has said that the separation of powers principle is violated. Congress has the very specific way I indicated to express its opinion on the subject to the Attorney General. In the last analysis, as our chief law enforcement officer, it is her decision alone to make.

While the independent counsel law was designed to make sure that a covered official doesn't get preferential treatment with respect to a criminal investigation, equally important was the concern that the official not suffer worse treatment or a selective process prosecution that would not be applied to an ordinary citizen. In the din surrounding these calls for the Attorney General to seek the appointment of an independent counsel, that very important feature has been lost.

In 1981, our subcommittee that has jurisdiction over the independent counsel law held the first oversight hearings on its implementation. We had a number of knowledgeable witnesses, and we had several years of experience with the statute to review.

One of the cases that the subcommittee reviewed at the time was the case of Hamilton Jordan and Tim Kraft, top White House officials in the Carter administration, who were accused of using a controlled substance at a party in violation of the criminal code. Then Attorney General Benjamin Civiletti testified at the time that under ordinary circumstances the Department of Justice, exercising its discretion on when to prosecute, would not generally prosecute a case such as that against a regular citizen even though there might have been a violation. But because the law at the time didn't permit the Attorney General to consider prosecutorial policies of the Department in deciding whether or not to seek appointment of an independent counsel, the Attorney General felt obligated to seek appointment of independent counsels in those two cases.

Here is what then Attorney General Benjamin Civiletti told our subcommittee in 1981 about this decision:

> In normal circumstances, the Department does not investigate or prosecute every possible felony or every possible fact, or circumstance that comes to its attention. Historically, and within the law, it exercises

discretion. It stays its hand in individual cases, not for the purpose of advancing or threatening personal interests, but for the purpose of doing justice and advancing the common good.

This discretion is one of the great prerogatives that devolves upon the Department of Justice and the Executive under the common law. It is enormously important, and it is honored every day in every U.S. attorney's office in tradition and in practice.

Any discretionary power, of course, can be abused. And if the Department's investigatorial and prosecutorial discretion should be exercised capriciously or irregularly, it would threaten and not advance the interests that it is designed to serve.

For that reason, over the years we have developed guidelines that structure and restrain the exercise of our discretion in individual cases, thereby introducing a measure of principle and regularity into a sensitive and subjective process.

Attorney General Civiletti went on to say the following:

In some instances these guidelines take the form of explicitly written standards concerning specific statutes and specific kind of offenses and procedures. In other instances they are unwritten understandings or policies that are followed within the Department.

What's the point of the reference to regularity if the purpose of the special prosecutor provisions is to ensure that the high officers in the Government will receive an impartial treatment at the hands of the Department of Justice?

His answer:

I am not sure that the statute goes as far as it might to accomplish that objective because the special prosecutor is given the freedom to disregard the standards, the limits, the discretionary judgments that have been entered over the last 100 years in the Department of Justice, and set about on his own course, which for each special prosecutor could be entirely different under different standards and promote great misfortune to the subject of the particular investigation.''

Now, in light of Attorney General Civiletti's testimony, the subcommittee decided to amend the independent counsel law to require—and it is a requirement; it is not discretionary—to require that the Attorney General follow policies of the Department of Justice relative to the question of whether to prosecute a case even where evidence of a violation may exist.

We concluded that it was important to not let the independent counsel law be used as a weapon to punish a top official who would not otherwise be subject to prosecution if he were a regular citizen. Senator Cohen, with whom I cosponsored the 1982 reforms, and I were both clear that the purpose of the independent counsel law is to provide for criminal investigation of a top government official in a manner no better and no worse than anybody else.

We are not just talking about the written policies of the Department of Justice. Congress specifically rejected that limitation and included language in the statute requiring the Attorney General to follow both the written and unwritten policies of the Department of Justice.

Section 592(c)1 of the independent law reads as follows:

In determining under this chapter whether reasonable grounds exist to warrant further investigation, the Attorney General shall comply with the written or other established policies of the Department of Justice with respect to the conduct of criminal investigations.

So we have an independent counsel statute where the Attorney General has the sole discretion whether to seek appointment of an independent counsel, but she has no discretion whether to apply the Department of Justice policies in making that decision. She must do so.

Now, what is the Justice Department's policy with respect to what has become the primary allegation against the President and Vice President—making fundraising phone calls out of the White House? It is alleged by some that the conduct falls under an obscure statute, 18 USC 607, which makes it unlawful for a person to solicit or receive a contribution, as defined by the Federal Election Campaign Act, in any Federal room or building. Here is what the statute says:

It shall be unlawful for any person to solicit or receive any contribution within the meaning [of the Federal Election Act] in any room or building occupied in the discharge of official duties by any [Federal employee] or in any navy yard, fort or arsenal.

This statute has several elements, and I would like to discuss the key elements. The first element is whether there are certain requirements with respect to the solicitor of the contribution referred to in the statute and with respect to the person being solicited. As many commentators and legal experts have noted, this law was enacted to protect Federal employees from political pressure by their fellow workers and bosses. It was part of the Pendleton Act, which was a major effort in reforming the civil service system enacted in the late 1800's. It is directed at preventing a Federal employee from being pressured at work to make a political contribution, at preventing a sort of ''shake-down'' by a Federal employees' superiors. And it is placed in the part of the United States Code that addresses what Federal employees can and cannot do.

So, some have argued that either the solicitor is required to be a Federal employee or the person being solicited is required to be a Federal employee, or both. Some have argued that in order to cover the President and Vice President or Members of Congress, they would have to be specifically mentioned. That is an ambiguity that the Watergate Special Prosecution Force wrestled with when it recommended in the 1970's that Congress amend the statute ''to clarify the question of its applicability to elected as well as appointed officials.'' We didn't take them up on their suggestion, by the way, so that question has never been answered specifically in the law.

The Justice Department's prosecution manual on prosecuting under section 607 apparently tried to answer this question, since it now says that ''The employment status of the parties to the solicitation is immaterial; it is the employment status of the persons who routinely occupy the area where the solicitation occurs that determines whether section 607 applies.'' Yet, the discussion of section 607 in the manual still refers to section 607 under the title ''Patronage Crimes.''

But following these most recent guidelines by the Justice Department, it seems most likely that the statute could apply to private persons as well as Federal employees and to Members of Congress and the President and the Vice President as well as appointed officials, whether they are the ones making the solicitation or the ones being solicited. But there is still some uncertainty about this.

The next element of the statute is clear. It relates to the solicitation or receipt of a campaign contribution. And the question here is where and when does a solicitation occur. Does it occur when the request is made or when the request is received? There is a Supreme Court case on this very issue which concludes that the solicitation occurs when and where the solicitation is received. In the 1908 case of U.S. versus Thayer, the Supreme Court considered a solicitation conducted through the mail. The Court had to decide whether the solicitation occurred at the place the soliciting person mailed the letter or where the solicitation was received. The Court held, in an opinion written by Justice Holmes, that the solicitation occurred where the employee received the letter, which was his place of work. By analogy, then, with respect to a phone call, the solicitation would occur not from where the call is made but where the call is received.

The solicitation addressed by this statute has to occur where Federal employees are carrying out their official duties. That is what the purpose of the statute is. Section 607 says the solicitation has to occur ''in any room or building occupied in the discharge of official duties by any person'' mentioned in section 603, which means, by Federal employees. We recognize this purpose in the Senate when we described this law in our own Senate Ethics Manual. The September 1996 Senate Ethics Manual says:

The criminal prohibition at section 607 was originally intended and was historically construed to prohibit anyone from soliciting contributions from federal clerks or employees while such persons were in a federal building. In interpretations of this provision, the focus of the prohibition has been directed to the location of the individual from whom a contribution was requested, rather than the location from which the solicitation had originated. . . The Department of Justice has noted that the statute was intended to fill a gap in protecting federal employees from assessment by prohibiting all persons from soliciting such employees while they are in a federal building.

In the 1954 case of United States versus Burleson, the U.S. District Court for the Eastern District of Tennessee

threw out a case brought under section 670 because the court determined that the elements of the statute had not been met since Federal employees were solicited at the facility of a Federal contractor, not on Federal property. That, the court said, was dispositive of the case.

The Department of Justice has adopted this approach as part of its prosecutorial policy with respect to this statute. As the American Law Division and the Congressional Research Service concluded in its report on section 607 in March of this year:

> There is no indication from reported cases or Department of Justice material on the statute that there has ever been enforcement of the statute, in the more than 100 years of its existence, in such a manner as to suggest an interpretation of the law as applying to solicitations made by mail or telephone from a federal building to someone not in a federal building.

Now, that is our own Congressional Research Service saying that the policy of the Department of Justice is to not bring a section 607 case unless the person being solicited is located at a Federal workplace.

A third element of section 607 which has been the subject of discussion is the requirement that the solicitation referred to in the statute be a so-called hard money contribution, a contribution covered by the Federal Election Campaign Act, and not a soft money contribution, a contribution outside of the legal limits of our Federal campaign laws.

Ever since the Attorney General referred to this issue in her letter to the Judiciary Committee, commentators and Members have been working mightily to show that the Vice President was actually raising hard money, and thus covered by the statute, and not just soft money, which others have claimed was the case.

Now, it is hard to imagine that the Vice President thought he was raising hard dollars since the amounts of the solicitation were for far more than the limits for hard money. But even if one could show the intent to solicit hard money contributions, it would seem that the second hurdle to prosecution would be controlling. The Department of Justice has simply not prosecuted conduct where the person being solicited is not on Federal property at the time of the solicitation. The issue of whether the solicited money ended up in a hard money or soft money account would not even need to be addressed under the facts as we know them.

Parenthetically, if the hard money/soft money distinction were controlled, look at what some of us would be seeking to enforce—a statute that makes it a crime for a person to solicit $1 for his or her campaign, but makes it perfectly legal for that same person to solicit a million dollars or more from that same person for a political party which is totally committed to his or her election and will not only spend the money raised, but might even go into debt for that purpose. Now, that is an absurd interpretation that some Members of Congress are not only trying to uphold but, indeed, say is required.

Because the Attorney General raised this issue in her letter to congressional leaders about triggering the Independent Counsel Act, she should make clear what the policy of the Department of Justice is with respect to that, as well as the other elements of this possible crime.

Former U.S. Attorney Joseph DiGenova was straightforward in his assessment of how the Department of Justice should handle possible prosecution of the President or Vice President under section 607 when he said on a recent television show that no prosecutor in his or her right mind would bring a prosecution for those phone calls under this statute with the facts as we know them regarding the President and the Vice President. Other commentators have made similar arguments.

I ask unanimous consent that the following columns be printed in the RECORD immediately following my remarks: Articles by Richard Cohen, E.J. Dionne, Jr., Philip Heyman, and William Raspberry.

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

(See exhibit 1.)

Mr. LEVIN. If we take these elements and apply them to the case of the President or Vice President making phone calls from the White House, it becomes clear to me that the facts do not fit the statute.

Any phone calls they may have made, would have been solicitations made at the place where the person being called was located. We know that from the Supreme Court's decision in U.S. versus Thayer. And we know for section 607 to apply, that location has to be a location where Federal employees are performing their official duties.

In applying the prosecutorial policy and practice of the Department of Justice in this case, with respect to this law, the Attorney General, may well and properly find that she would not prosecute a noncovered official under these facts. If so, she is not allowed by law to seek the appointment of an independent counsel.

Madam President, the pressure being put upon the Attorney General to appoint an independent counsel is undermining the basic principle of this law and the nonpartisan spirit which has been so important to its operation. The effort to shoehorn the conduct of the President and Vice President into the prohibitions of an arcane law, never used under similar circumstances, violates our understanding of the criminal justice system—just as it would if cases had been brought against Senators who have already made similar calls from their Senate offices.

One Senator was reported in the Wall Street Journal several years ago as saying he ''figures he spends two hours a day dialing for cash from his Washington home, his car, and his mobile phone;'' he says he can even place calls from his Senate office. ''I do it wherever I am,'' the Senator is quoted as saying. ''I can use a credit card. * * * As long as I pay for the calls, I can make calls wherever I want to call.''

Another of our colleagues was reported, when phoning to remind potential donors of a fundraiser, to have left a recorded message on an answering machine to call him at his Senate office for more information.

And, a third Senator's signature appeared on a solicitation letter in which potential contributors were invited to call his Senate office with questions about the fundraising solicitation. Have these Members been criminally prosecuted for a violation of section 607? No. Should they have been? No. The judgment of the Attorney General not to prosecute in these visible cases is further evidence that there has not been a policy to prosecute under section 607 when a solicitation is made to a person not on Federal property when solicited.

When President Reagan was in the White House, he called the Republican Eagles who were meeting in a Government building—the auditorium at the Commerce Department. The President called and among his remarks, he said the following:

> I am genuinely sorry I couldn't be there in person with you today. . . . but we have the Eagles down to the White House quite often so I will be seeing you soon. In the meantime I'm sending Secretary Schultz, Secretary Regan and other members of the Cabinet over to keep you abreast of what's going on. In fact you will be seeing more of my Cabinet today than I will. . . . Let me say to you Eagles how important your contributions are to the Republican Party. . . . [T]o keep a lamp burning, we have to keep putting oil in it. You there today help to keep the light of the Republican Party burning brightly.

That call was made 15 years ago in September 1982. And here, with this call, the persons being urged on were actually in a Federal building—just what section 607 seems to cover. And it's very likely that the contributions referred to were hard money contributions. But should there have been an independent counsel appointed to investigate President Reagan to determine whether or not he violated section 607? No—it shouldn't have happened then and shouldn't happen now. But where were the threats, where was the orchestrated chorus then?

If we don't want our President or Vice President making fundraising calls, then we should pass a law to that effect and make it explicit. If its OK for them to make them from their taxpayer subsidized home or cars but not from their offices, then make it clear in the law. I question whether we really want criminality to hinge on whether the President makes a fundraising call from the Oval Office or from his upstairs office in the family section at the White House or from his car or from the phone booth on the corner? I, for one, would rather the President or Vice President not make fundraising

calls, period. That's what we intended when we enacted public financing of our Presidential campaigns—but the soft money loophole changed all that. We've got to fix that. We should eliminate the soft money loophole—not utilize an ambiguity surrounded by a technicality to push the President or Vice President into an independent counsel investigation as if it is intended to be some form of punishment. The independent counsel process was never intended to be used this way.

Madam President, the Attorney General has a job to do. It has been given to her by the Constitution and the independent counsel law. She is now required to act to the best of her ability to follow the law—to conduct a thorough criminal investigation of all of the allegations; to follow the evidence wherever it leads; to follow the requirements of the independent counsel law—and this has too often been forgotten—including the requirement that she follow Justice Department discretionary policies about whether to prosecute when deciding whether to seek an independent counsel.

The political pressure on the Attorney General does a disservice to the Nation which is awaiting an objective and fair review. The political pressure on the Attorney General undermines the independent counsel law, which is dependent upon an application free from partisan pressure. If she finds that the criteria for triggering the independent counsel law has been met and that the Justice Department practice has been to prosecute in a case similar to this, so be it. But if she finds the criteria haven't been met, or if she finds that there has not been a policy of prosecution under section 607, so be it.

If those calling for an independent counsel want the Attorney General to follow the letter of the law with respect to section 607 because they think it means a possible criminal investigation and prosecution—and I have already shown why I disagree with that position—then they also have to urge the Attorney General to follow the letter of the law with respect to the appointment of an independent counsel. And the letter of that law has required, since 1982, that the Attorney General follow the policies and practices of the Department of Justice in determining whether independent counsel should be appointed. Again, it has not been the policy or practice of the Department of Justice to prosecute a solicitation under section 607 if the person being solicited is not on Federal property. If the Attorney General agrees, then she is not permitted to seek an independent counsel under the 1982 amendment to the independent counsel law.

Those urging the independent counsel appointment can't have it both ways. If they look at the spirit of section 607, or if they look at its letter, the Attorney General would be on firm ground should she seek not to appoint an independent counsel.

Madam President, I thank the Chair and I yield the floor.

EXHIBIT 1

[From the New York Times, Sept. 21, 1997]

DON'T MAKE GORE THE FALL GUY

(By Philip B. Heymann; Philip B. Heymann, a former Deputy Attorney General in the Clinton administration, is a professor at Harvard Law School and the Kennedy School of Government)

CAMBRIDGE, MA.—I have publicly supported those who have called for Attorney General Janet Reno to appoint an independent counsel to investigate the campaign donations intended for the 1996 Presidential campaign.

I have also argued that both the Democratic and Republican parties turned donations intended and used for campaigns, which are strictly regulated, into what looked like unregulated ''soft money,'' not to be used for campaigns, by running it in and out of their national parties.

From a prosecutor's point of view, it would be absurd to reject these arguments and instead decide to single out Vice President Al Gore for investigation by an independent counsel. Making phone calls soliciting donations from a Government office rather than some private location is not an adequate basis for prosecution in this case.

Most prosecutors won't bring a case if three conditions apply: when there are serious doubts about whether a law technically covers the conduct in question, when the main purpose of the statute was not violated, and when the conduct is not inherently immoral. All three conditions apply to the facts of the Gore allegations.

When it comes to whether the law—Section 607 of the Federal Criminal Code—technically applies to Mr. Gore's phone calls, much remains uncertain. It is ''unlawful,'' the section says, ''for any person to solicit or receive any contribution . . . in any [Federal Government] room or building occupied in the discharge of official duties.''

Fair enough. But to violate the law, must the person solicited be in a Federal building? In the 100 years since the law was enacted, it has never been applied unless the person solicited was on Federal property.

Must the person solicited be a Federal employee? After all, the main purpose of the statute was to protect Federal employees against being dunned by their bosses. In 1979, the Justice Department's Office of Legal Counsel concluded that ''compelling arguments can be marshaled on either side of this issue.'' By now, the statute probably also applies to solicitation of non-employees, but the law has never been spelled out.

Does the statute cover the President and the Vice President? The wording specifically includes members of Congress and fails to mention the President and the Vice President, but again, the law is unclear. The Justice Department's Office of Legal Counsel has said that there are differences of opinion but that the law probably applies.

One thing is certain: the Vice President's actions were not inconsistent with the only plain purpose of this statute. Section 607 was drafted to protect Federal employees from being coerced into giving money. Since Mr. Gore was soliciting campaign money from outside sources, he did not violate the law's main purpose.

It is almost impossible to think of a reason that would lead to care whether the Vice President made calls from working quarters in the White House (where they may be forbidden) or the living quarters of the White House (where they are permitted) or from some nearby private location or cellular phone.

Of course, in a larger sense, an overriding purpose of many of our campaign finance laws is to prevent the purchase of access and influence. But where Mr. Gore made the phone calls is irrelevant to that purpose. The solicitations are either right or wrong, or either consistent or inconsistent with our statutes, without regard to where they took place.

In sum, it is hard to justify calling for prosecution of Mr. Gore. There is no obvious violation of the purpose of the law or claims on our sense of morality. Even if one tries to justify a prosecution on the grounds that the violation was a willful disregard of Section 607, this provides very frail support in a case where so many uncertainties remain about the law's scope.

So why are so many people calling for prosecution? First, because it would destroy the Democratic front-runner for President. Political figures of both parties have long urged prosecutions to knock off their current or potential opponents. It remains a very bad idea to bend general standards of prosecution either to reach or to avoid political figures.

Second, the Independent Counsel Statute denies the Attorney General the power to exercise even the most obvious of prosecutorial discretion unless she is prepared to say that the Justice Department would, as a matter of policy, never bring a prosecution in these circumstances.

But there is a third and final reason. Attorney General Reno has painted herself into a corner. In 1996, access was sold on a scale we haven't seen since 1972. Presidential campaigns solicited money from corporations and unions, which are forbidden to contribute to campaigns. And from individuals, they asked for donations in excess of what they are allowed to give. Hundreds of millions of dollars from these sources was given to the national parties, which then spent it as the Presidential campaigns directed.

This strategy to evade campaign finance laws was so transparent that the Justice Department could easily have dismissed the notion that the donations were given to political parties for noncampaign purposes. That conclusion would have meant that the donations were in violation of the law, and required the appointment of an independent prosecutor to investigate.

But instead, the Justice Department concluded there were no violations and accepted the parties' claims that they were technically within the law.

Now the Attorney General may find that the Vice President's phone calls from the White House technically violate Section 607, but still do not warrant appointment of an independent counsel. But it would be hard for the Attorney General to explain this decision credibly. Some will ask, if a technicality can be used to protect the President, isn't a technicality enough to prosecute the Vice President?

There is a compelling response to this question. Even if the Vice President's calls violated Section 607, that remains a case that few prosecutors would bring. What does warrant an independent counsel is the thorough evasion of our Federal election laws by dozens of politicians, including both Presidential candidates.

I continue to support calls for an independent counsel to investigate solicitation of donations from forbidden contributors. But Mr. Gore should not be made the scapegoat, simply because the Attorney General has not been willing to appoint an independent prosecutor for these allegations. Besides being unfair, that would simply deflect public attention from the real issue.

[From the Washington Post, Sept. 23, 1997]

WHO NEEDS AN INDEPENDENT COUNSEL?

(By Richard Cohen)

If President Clinton had some gumption and, maybe more important, a taste for confrontation, he would call in the press, order up the TV networks and announce he was pardoning both himself and Al Gore for anything relating to campaign fund-raising. He would do that, he would solemnly announce, so that Congress would write a law that makes some sense.

The current laws do not. In fact, there is something downright absurd about marshaling the Justice Department and then maybe an independent counsel to look into whether Clinton and Gore actually asked someone somewhere to make a political donation. This, we are told, might be a felony—like, say, armed robbery. As anyone can see, it is actually an absurdity.

What do we care—Mr. and Mrs. USA—whether Gore or Clinton was in the business section of the White House when he picked up the phone or upstairs in the private quarters? What do we care whether Gore was in his office or ducked across the street to a pay phone? What do we care whether he used a credit card or called collect? Yet these are some of the very issues involved in this molehill-into-a-mountain scandal.

As everyone but congressional Republicans seems to know, the law involved was designed to stop elected federal officials from putting the arm on their own staffs. This was once a routine practice and, indeed, is not unknown to this day. In some jurisdictions, county or municipal workers are expected to make political donations to the reigning organization. Senate Republicans in need of some pointers can ask Al D'Amato how this is done.

If Clinton or Gore had done something along those lines, an independent counsel would be justified. Or had either one of them—or anyone within a mile of Clinton—offered a job or a government program in exchange for a contribution, that too would be serious stuff. Then it would not matter if the call was made from the presidential shower or the Situation Room—with a Donald Duck phone or the vaunted red one. A crime would have been committed.

But in the absence of any such accusation, the Republicans press ahead anyway—and, in the process, do the White House a favor. The question of who called whom where obscures the uncontested fact that Clinton cheapened the White House with his greed for campaign bucks. The coffees, the sleepovers, the Lincoln Bedroom for the campaign version of frequent flyer miles—all these turned what used to be called The People's House into a bed and breakfast for fat cats.

Sooner or later the public—but probably never the press—is going to understand that the Republicans are calling for an independent counsel for what, in essence, may not be a crime and should not be a crime anyway. Back in 1975, that was the conclusion of four Watergate special prosecutors—Archibald Cox, Leon Jaworski, Henry Ruth and Charles Ruff. In a report, they said the law was so confusing and antiquated that Congress ought to change it. Congress, of course, has done nothing of the sort.

What's more, if an independent counsel is summoned, the result will be a partisan donnybrook. Attorney General Janet Reno will have to turn the matter over to a three-judge panel headed by the toxically partisan David B. Sentelle. (He supposedly named his daughter Reagan after you-know-who.) He is the same appellate judge whose panel fired Robert Fiske and replaced him with Kenneth Starr, a frank ideologue himself. Starr has since conducted an open-ended investigation of Whitewater, which has so far produced nothing more than questions about his competence. He seems lost in Arkansas.

The GOP has a case to make about the way this White House raised money. But for a party whose sole attribute is a belief in less government, it is awfully quick to bring in the government's heaviest guns to swat what is, after all, a mere gnat of an alleged infraction. Once summoned, though, the Lord High Independent Counsel can do pretty much what he or she wants. That would mean, among other things, that Gore would have to spend more and more time in the attic, searching for old records, canceled checks and high school yearbooks. He has already had to hire two criminal lawyers.

The whole thing is a study in disproportion, in a madness that, in other places, would entail an examination of the water supply. Campaign financing badly needs reform but, rather than do that, congressional Republicans are trying to lynch Clinton and Gore for what, it appears, is their most serious offense: winning the last election. No independent counsel is going to change that.

[From the Washington Post, Sept. 30, 1997]

RENO'S BURDEN

(By E.J. Dionne, Jr.)

The issue of whether Attorney General Janet Reno should recommend an independent counsel to investigate fund-raising by President Clinton and Vice President Gore is hopelessly ensnared in politics, weird legal interpretations and Washington power games.

If Reno fails to name a counsel, Republicans are talking about impeaching her. If she names a counsel, she will be seen as bowing to threats and falling into a trap she built for herself. Neither is a good option.

Reno should never have declared that Vice President Gore was legally untouchable if he was raising ''soft'' money in those telephone calls from his office, but under suspicion if he raised ''hard'' money.

This casuistic distinction between the first kind of money, which goes to general party purposes, and the second kind, which can be spent directly on candidates, was blown away when Bob Woodward of The Post reported that the Democratic National Committee put some of the money Gore raised into ''hard money'' accounts.

Reno acknowledged she learned this from The Post, not from her investigators, and was forced to reexamine her position on whether a counsel should be named.

But whether the money was ''soft'' or ''hard,'' those phone calls, on their own, don't justify an independent counsel. That's especially true given widespread disagreement over whether the 1883 law they purportedly violated even applies in this case. And as Phil Kuntz reported recently in the Wall Street Journal, Sen. Phil Gramm was quoted in 1995 saying that he placed fund-raising calls, on his credit card, from his Senate office. He later denied explicitly soliciting money. The Justice Department, wrote Kuntz, ''considered and decided against pursuing'' the case.

Sen. Mitch McConnell (R-Ky.), who has threatened Reno with impeachment, urged the Senate Ethics Committee not to pursue Gramm, according to Kuntz, because so many other senators were probably guilty of the same thing. So Reno can't hang her decision on the phone calls.

But, yes, there are broader and much more troubling questions about the ways Democrats ripped apart the campaign law in 1996. So assume Reno seeks an independent counsel. Who picks the counsel? None other than the three-judge panel headed by Judge David Sentelle.

Judge Sentelle's panel, you'll recall, dismissed the original Whitewater counsel, Robert Fiske, and appointed Kenneth Starr. Sentelle thought the fact that Reno had picked Fiske raised the appearance of conflict of interest.

But appearances didn't seem to bother Judge Sentelle when he lunched with Sens. Jesse Helms and Lauch Faircloth, both North Carolina Republicans, shortly before he replaced Fiske. The same Sen. Faircloth had accused Fiske of a ''cover-up.'' Five past presidents of the American Bar Association issued a statement saying the meeting was ''unfortunate, to say the least'' and gave rise ''to the appearance of impropriety.''

''Sentelle has polluted the waters,'' said Fred Wertheimer, president of Democracy 21 and a fierce critic of both parties' 1996 fund-raising tactics. ''The notion of the independent counsel is to depoliticize the process, and the Republicans in Congress want to turn it into a political process.''

Reno may have good reasons for dragging her feet on the independent counsel. Perhaps she's not happy with the Starr investigation or thinks she appointed too many counsels in Clinton's first term. It's possible she doesn't trust Judge Sentelle and—like many Democrats—has developed doubts about the independent counsel law.

If any of this is true, she should come right out and say so. In the current issue of the conservative American Spectator, former Reagan Justice Department official Terry Eastland has it right on this point. ''there would be nothing necessarily wrong if Reno had changed her mind about the [independent counsel] law . . . and tried to reshape her enforcement of it accordingly,'' he writes. ''But this would be vital information, something worth knowing and evaluating.''

Similarly, Eastland said in an interview, if Reno doesn't trust the Sentelle panel, ''that's the kind of thing that has to be candidly stated and argued for.''

An intriguing alternative to turning to Judge Sentelle comes from Wertheimer and from columnist Al Hunt: Reno should appoint her own counsel within the Justice Department, someone ''of unimpeachable reputation, and give that person the charter to do the job'' of investigating all finance abuses in 1996, Republican as well as Democratic.

This idea, at least, would require Reno to say exactly what she's thinking and why. Whatever she does, Reno shouldn't let herself be railroaded by Republicans with obvious partisan motives. But she also has to restore confidence in the way the 1996 finance abuses are being investigated.

[From the Washington Post, Sept. 23, 1997]

CAMPAIGN FINANCE OVERKILL

(By William Raspberry)

I make no excuse for President Clinton or Vice President Gore. Indeed, I'm quite prepared to accept that they violated—knowingly violated—federal law with regard to campaign fund-raising.

Still, the hearings before Sen. Fred Thompson's Governmental Affairs Committee make me a little uneasy. The prospect of an independent counsel investigation, given the tendency of those things to get out of hand, is positively chilling.

If that sounds like partisan irresolution, it gets worse. I don't like the idea of high officials getting away with law violations, and yet I can't imagine what punishment of the alleged violations I would accept as equitable.

A bad analogy might demonstrate my dilemma. Say your state—for reasons you don't comprehend and which may not in fact make much sense—has enacted a 28-mph

speed limit on an unremarkable two-mile strip of interstate highway. What do you do with motorists who come zooming through at, say, 32 mph?

You don't want to send the message that anyone can violate the speed laws with impunity; speed kills, and you have to believe that those who enacted the limits did so in the interest of public safety.

On the other hand, how many licenses would you snatch, and how many drivers would you send to jail for doing something that (it seemed to you) endangered the public not a whit?

Laws ought both to have some purpose and to advance that purpose. The purpose of the fund-raising laws is clear and commendable; to prevent the buying and selling of public office. But how does the law that has Al Gore in such trouble advance that purpose? It forbids solicitation or receipt of contributions in any federal ''room or building occupied in the discharge of official duties.'' Did Gore solicit campaign contributions from his office phone? Sure he did. Clinton, too. Would the republic have been more secure if they had toddled off to the corner drugstore to make the calls? (Waiting until they got home after work would have been no solution; both live in buildings ''occupied in the discharge of official duties.'')

People who study these things say the prohibition, part of the civil service reform of a century ago, was designed to keep public officials from pressuring their staffs into making contributions. It did not contemplate telephoned solicitations made to private citizens.

But that's not all that bothers me about the investigations. Thompson's hearings are supposed to have some legislative purpose and, in truth, one keeps hearing about the need for campaign finance reform. But one could be forgiven for wondering if the true purpose isn't to bolster Republican Thompson's own presidential prospects and to destroy Democrat Gore's.

That is, perhaps, a small point. This isn't: The Supreme Court has said money is speech. If that makes sense (and it does to me), how can it make sense to put arbitrary limits on the amount of speech that's permissible?

That's not a trick question; it worries me a lot. It's inconceivable that there should be limits on the amount of time, doorbell-ringing, envelope-stuffing or other forms of political ''speech'' supporters can contribute to candidates of their choice. Why should we countenance limits on money speech?

The obvious answer is that we don't like the idea of rich people buying influence over public officials or otherwise subverting the government to their private purposes. (It's easy, though not necessarily fair, to assume that the purposes of the rich are more likely to be against the public interest than are the purposes of, say, organized labor.)

Maybe there's no way out of the dilemma. Either we allow free speech in all its forms, or we arbitrarily limit it for people we don't trust. The latest attempt to split the difference—allowing larger amounts of ''speech'' on behalf of political parties and smaller amounts for candidates—has pretty much come a cropper. Soft money/hard money indeed!

Public financing of campaigns is the most frequently offered solution. But how do you ensure fairness to lesser-known candidates, and how do you ensure the free speech rights of those who talk with their pocketbooks?

We have two things going on at the same time: a serious campaign-finance dilemma and a juicy campaign-finance scandal.

Guess which one will get the attention.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 10 minutes.

RETURNING MORE FREEDOM TO OUR LOCAL SCHOOLS

Mr. GORTON. Madam President, yesterday, President Clinton assailed my proposal to give more money to schools all across the country and restore authority for directing those funds to parents and teachers and school board members. The debate about the future of our public schools is vitally important to the future of this country. A front-page Washington Post article today notes: ''. . .more parents than ever are choosing alternatives to public education for their children. . .'' and are doing so in such great numbers that the phenomenon is starting to resemble a revolution. We should read this as a warning signal that parents are beginning to lose faith in their public schools. We must act decisively to restore that faith, improve education, and prepare our children for their future. More of what we are doing now is not enough.

On one point, the President and I do agree: We can improve public education. We part company, however, on who can best make decisions to improve our public schools. I believe that parents and teachers and local school board officials will make the greatest strides in improving education because they are in our homes and classrooms and high schools with our kids. But with his remarks yesterday, President Clinton says to parents and teachers: I don't trust you.

I find it remarkable that the President believes that restoring decision-making authority to parents and teachers and our elected school board members is somehow dangerous. The Gorton education reform amendment increases the amount of money school districts have to work with, thus, expanding the programs they can target to both disadvantaged and high-achieving students.

A recent study found that if Federal education funds for kindergarten through high school are sent directly to school districts, as the Gorton education reform amendment proposes, school districts would receive an additional $670 million. Why would they receive more? Because the funds would bypass the Department of Education and State educational bureaucracies and save that amount in administrative application and compliance costs. Washington State school districts would receive $12.5 million more to target to their most needy students; Arkansas schools would receive $7 million in increased education funds; Mississippi would get $9 million to target disadvantaged students and other school programs.

President Clinton and opponents of giving parents and teachers a larger role in our children's education presume that local school districts will act irresponsibly if Federal strings disappear. This adds insult to injury. How can the President say with a straight face that programs would be ''abolished'' just because a bureaucrat does not direct them? Those who share the schools and classrooms with our children every day are not going to squander an opportunity to use an increase in Federal funds to address the problems they see every day.

It is also extremely disingenuous to state that my proposal would somehow ''close the Department of Education,'' as President Clinton suggested yesterday. Higher education and dozens of functions relating to education in general will remain in the Department—perhaps too many such functions—but hundreds of bureaucrats who now write rules and regulations to inflict on every school in America will go, and their salaries will be used to hire new teachers and provide better education in every school in our Nation.

Just on Sunday, Madam President, the Columbus Dispatch, in an editorial, summarized the dispute in this fashion:

> It's hard to see what the U.S. Department of Education has accomplished in its 20 years of existence to improve this country's system of schooling. The Senate's block grant approach is worth a try.

The will to change and improve our public school system and restore parents' faith in the quality of education it can provide to our kids is there. It is at home in our cities and towns and communities. Will we untie parents' and teachers' hands and let them do their jobs? The biggest point I believe today's Washington Post article makes clear is that parents are not turning to the Federal Government to improve their kids' education—parents and teachers are coming up with alternative solutions because they want the best possible education for their kids.

We must return and restore more freedom, not less, to our local schools, so that we can restore the public's faith in public education.

Mr. GLENN addressed the Chair.

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

CAMPAIGN FINANCE REFORM

Mr. GLENN. Mr. President, I want to address the campaign finance matter that we have been involved with this year. I would like to start off by saying that I think sometimes we give the impression, with all of our horror stories about some of the things that have happened in campaign finance over the past few years, both on Capitol Hill and in the Presidential elections in both parties—that we sometimes emphasize to the point where we might add to the cynicism of the people of this country instead of helping placate or correct some of the reasons for that kind of cynicism.

I want to add that I think the majority of elected officials here in Washington, the majority of the people that run for office, whether high political office here in Washington, in the Congress, or even running for the Presidency or Vice Presidency, or the people

back home running for State offices, are by and large some of the finest, most dedicated people we have, and they are dedicated to doing just as fine a job as they possibly can. So I think that sometimes we tend to overdo the criticism to the point where it adds to the problem we are trying to cure.

Having said that, there are problems, and there is no doubt about that. We have to look at the big picture sometimes. I think we get so bogged down into nits and gnats of what a particular advantage is this way to one party or that way to another party, that we sometimes need to stand back and look at the big picture of why some of us feel campaign finance reform is very, very important.

Let's drop back to the point where we see how our political system developed, why it developed the way it did. You know, we have the finest constitutional system of government in the world. We are the envy of much of the rest of the world for our political system. It represents all the people more perfectly than any system of government that has been devised. Winston Churchill put it well once when he said we have ''the worst system of government, except for every other system of government ever tried.''

We do more towards representing the individual and more towards making sure that every single person has a fair shake in our society than any other government that ever has been, even with the problems that we have. And we have to admit we do have a lot of problems. I see these problems as being mainly ones of danger signs up there to cure these little specks of rot that have crept into our system that could do major harm to our body politic in the future if we do not correct them now.

If we have such a great system of constitutional government, how about the people running that Government? The Constitution does not provide for how we are going to staff the Government. And mere words written on paper—be they the Constitution of the United States, and sacred though that it is—that does not guarantee that we will have a good running Government under that constitutional system unless we have good people in there to make that system work. That is the key, and that is fundamental, because that is what our political systems in this country are. Our political systems are basically the personnel departments to run that constitutional Government.

Those political parties that we have right now that wind up after an election staffing and giving direction to that constitutional system of government—those political parties are not provided for in the Constitution. We don't find anything in the Constitution that says there will be so many people in the Democratic Party, so many people in the Republican Party, and so on. No. In fact, our political parties have just sort of developed over a period of time under our constitutional system. That is as it should be, I guess. They have evolved. They have changed through the years to better reflect the interests of the people of this country.

But there is one thing you have to have to make that constitutional system of Government work. And that is in any democracy to long endure we have to have in Government the confidence of the people—the confidence of the people. Unless you have that, a democracy may not long endure because people will want to experiment with trying the other systems of government, or they will want to go up and join splinter groups that reflect more their own little, narrow interests of what their parochial views are in their local community and where they think the country should go in the future to benefit them personally. We will see more and more of that, if the confidence of our people in Government goes down.

Look across the seas. We see Italy. I don't know how many it is now—50-some different Governments since World War II. I think they have averaged about one per year, or something like that. They only have a government by a coalition of different groups—disparate groups of people getting together and not making a permanent government for a lengthy period of time, and making temporary alliances for short-term advantage. That is not the hallmark of America. And to see us setting up any possibility of that kind of a situation would play a game of roulette for the future of this country.

Our country was founded on the basis not that we take this group, set it aside, and give it certain advantages. Not that there is a ruling class up here someplace, and they have certain advantages, and we set one class off against another. Our Government was set up on the basis of the importance of each individual—not groups, not special groups, but each single individual; and each individual was a king in this country, each individual was royalty in this country, if you will. Our Government was set up not to have a royalty that dictated their ideas, and everyone else had to live under that kind of rule. We have our constitutional system here where authority wells up from the people through their elected officials. It was that confidence in those elected officials that let us move ahead and become the kind of Nation we have become. We are a representative form of government. We are not a perfect town meeting government as we have seen in New England—the most pure form of democratic expression I guess that we have in our country. We cannot take a referendum on every single vote, in a national referendum—on every single issue—as they can at a town meeting. No. We say we will send people to work full time representing us, and we will trust those people. We will trust those people—that is the important word—to make those decisions on our behalf.

If we start having trust in those people eroded, and we see that trust going downhill, then I see a big danger for our country. Our Nation was founded on this representative form of government that represents all the people all the time. And any time we depart from that kind of a feeling in this country of our Government representing all the people all the time, we engender less faith in our system, and we set up a potential of a slide downhill in our ability to cope with the future.

I don't think the United States of America is ever going to get taken over by the likes of Russia, China, and North Korea and Iraq, or anybody, or put together by any combination. Our country is going to be militarily secure, I believe, into the indefinite future as far as we can see because we are cognizant of the fact that we live in an uncertain world. We will have to protect ourselves. And we are so far ahead of anybody else in military technology and power that I don't see that as a hazard for the future of this country at all. But I do see a danger for our country if we have this increasing cynicism, this cynicism of our people that seems to be growing, and particularly among our young people. If that cynicism grows to the point where our young people in particular feel that politics is just too dirty, ''I do not want to touch it, wash my hands if I shook hands with a politician, I just do not want to have anything to do with politics''—if they have that kind of view, then what happens? We will have less support for our political system; that is, the department of personnel for this constitutional system of Government; less support for those parties. We will have less trust of elected Government officials and our representative form of Government. We will have people tending more to split off into special interest groups instead of supporting mainstream parties that have served us well for all of the history of this country—when we get away from representing all the people all the time, we start down a slope that I think is a danger to the future of this country.

One person, one vote, one person, one influence—let's say. We are divided up into so many million little bits of influence in this country in our system of government, one person, one vote, one influence—that is what people think about. We tell our kids. ''When they are growing up, when you get to be old enough, you register to vote because your vote is every bit as important as the vote of the President of the United States.'' And we mean it. And it is. That vote counts every bit as much when the tallies come out on election night—no matter what the rank of the person, be it some gutter bum who got registered and decided to vote, or be it the wealthiest person in this country, or be it the President of the United States. All the votes are equal in that tally. And it is a vote. It is representing those people who are elected to represent all the people and represent them all the time. And that is the basis on which they are elected.

That one influence from each person is supposed to be that person's influence, and influence is the future of this country. That, throughout our history, has given us the confidence to work together.

So, when I see a cynical attitude developing toward Government and politics and those in Government instead of confidence in elected officials, we see question marks all the time about whatever is going on in Government—automatic suspicions, automatic paranoia: ''You better watch those people in Washington. They are out to get us,'' in a certain way or whatever. That to me is the beginning of a danger signal. It is the beginning of the potential of a slide downhill and confidence in Government that to me can lead to many other problems and leave us less able to take care of ourselves as a nation in the future than we have been in the past.

This is erosion of trust to the point where people want no part of politics. They just didn't want any part of it at all because of what they see. It is something that we don't want to see happen.

It is rather peculiar because we see some of this cynicism developing and expressing itself in polls. When people are polled, they let their cynicism all hang out. It is right there in the polling—repeated polling that shows that cynicism has been growing with regard to how people view their Government. And the confidence they have. That is really amazing because we have had rare times in our history when economic times and the general social pattern across the country has been any better. There the lowest unemployment rate, the lowest inflation rate, and Federal employment is coming down. We have a chance of balancing our budget. The times are good, and unemployment is low. We have no big foreign threat out there to us physically. You think people would be very, very happy about this whole thing. But instead of that there has been this gnawing, growing, rotten little specks of cynicism growing on our body politic that I see as a real danger for the long term.

I think we can come back to what I mentioned a little while ago. People no longer feel confident that their primary interests are our primary concern here in Washington. They feel, ''Why vote? Why get out there and vote? Why participate in a political party?'' Why try an exercise that one little bit of influence they have to put together with millions of other little bits of influence which will direct the future of this country? Why should they try to exercise that little bit of influence when they see that the real influence in Washington, the real influence in our political parties, the real influence in Presidential elections, in congressional elections, in Senate elections, is too often money? It buys access.

Why do we think of Roger Tamraz on the Democratic side who is willing to put $300,000 into a Presidential race because he wanted to get in and try to influence somebody. If he could get to the President, or to the Vice President, or get to somebody, and if he could get them to say, ''I will approve your oil pipeline'' in Southwest Asia, he was going to make billions out of it. He made no bones about it. He put in $300,000, and he said the next time he would put $600,000 in. Fortunately, it didn't work, to the credit of the people that were in charge—the President, and the other people around there.

But I will tell you. It raises a warning signal to us about what can happen.

I used that example on the Democratic side. How about on the Republican side? How about when you put out invitations to a group called ''The Season Ticket Holders'' for $250,000 each. One hundred people can join this thing, and for that you are going to get a guaranteed dinner with the chairman of your choice in the Congress. It says it right in there. No problem. You are invited to all the policy matters. You are invited. If you are a businessman and you want to contribute $250,000, or have your corporation give that kind of soft money—and soft money can be given in any amount—then you are guaranteed that you will be able to come in and represent your business interests with the committee chairman of your choice.

It is not in the executive branch. It is here where the laws are formed—right here in Congress. At the bottom of the invitation, it says ''Benefits Upon Receipt.''

We wonder why the people are a little bit suspicious out there about what is going on.

That was out of the hearings we had in the Governmental Affairs Committee. I could go on and on with a number of other examples. I just used those two to make sure that we all understand that this isn't something that is just one or two or very few people.

It is something that has become endemic in Government. It is something that is pervasive. It is something that is a rot on the body politic. It hasn't ruined it yet. Most of that apple, most of that body politic, most of whatever it is still is in good shape and the people are just as dedicated as they have ever been and the public servants are just as dedicated as they have ever been. But if we let this practice on either side of the aisle grow into the long-term future, we are creating a problem for the future of this country. And that we do not need and we do not want and we cannot afford.

Trust is down. Suspicions are up. People cynically question those of us in office, and we cannot blame them.

Now, some other things have caused some problems in this area, too. One is that campaign spending has gone up and up and up and up. A report from the Federal Election Commission—let's go back about 10 years. Let's go back to 1985 and 1986. That is just over 10 years. At that time, the total, all congressional campaigns—just congressional not including the Presidential campaigns—in the 1985–86 cycle, the total spending for everything to do with Congress, Senate and the House of Representatives, was $472 million. Ten years later it is $790 million—$790 million just for congressional races, House and Senate.

This is interesting. The number of candidates has gone up in that period. I guess more people are running in primaries and so on that are subject to Federal elections. Back in 1985–86, there were 1,873 people who ran for national office, congressional campaigns. That has gone up to 2,605. I guess that should be encouraging to us in that maybe more people are running for office. I wish I knew the quality of those people who are running for public office and whether we are getting the best and brightest out there in the system instead of more people deciding to take a whack at running for Congress. Why not? I do not know how you could judge that. Someone could do a polisci, political science doctoral thesis trying to analyze that, as to what is happening to the quality of people running for office.

When you go from $472 million in 10 years to $790 million, the money chase is on. The money chase is on, and 70 percent of it goes to TV. If you are not coming into people's homes via TV, you are not, in effect, knocking at the door, as we used to do and greet the people and have a handshake. TV has replaced all that. If you do not come into that person's living room and say hello to them via TV, you are not in the campaign anymore. That requires about 70 percent. So the importance of TV has gone up, and that has raised the cost of campaigning tremendously.

I point these out as a danger to the future as I see it. We had one cataclysmic event back a few years ago, and that is what we all know of by the general term ''Watergate.'' The revelations of Watergate resulted in our saying enough is enough. Congress got to work. It passed some legislation, put some limits on, deciding we were going to regulate some of these things in the future, not let them run rampant like they were because the whole public psyche in this country had been jerked up short at that time. I tell you, everybody was disturbed about this, and we couldn't wait every day to hear what the new revelations were.

Watergate, for the first time, resulted in the resignation of a President of the United States, something that, growing up, we thought would have been absolutely impossible.

But out of those national concerns came reforms, and the reforms served us well, I believe. They worked. We had testimony yesterday from our former colleagues here, Senator Nancy Kassebaum Baker, and a former colleague here also and later Vice President, Walter Mondale, before our Governmental Affairs Committee. They talked about how the reforms put in

place following Watergate, they felt, really worked very well. There were some regulations put on. People had some questions about first amendment rights and all these different things that are brought up and discussed in the Chamber now also, but the reforms after Watergate seemed to have worked pretty well.

But then came a series of court and FEC decisions that undermined it and created some loopholes for those Watergate reforms. We started seeing the rise of soft money, and it rose and it rose, and then it really went out through the ceiling in the last election. And that was by far the biggest change that had occurred.

So we are now on a money chase, be it Presidential or be it here in the Congress. I have heard criticism on the floor, as well as in some of the press conferences of some of the Members here, being caustically critical of—and some of the press being caustically critical of—the President going out and fundraising when he says at the same time we need campaign finance reform. Isn't this being hypocritical? I say, no, I do not think so at all because we have not really changed the rules. As the President said, he is not interested in unilateral disarmament at this point.

As I said at our hearing yesterday, if both sides agree that this money chase should not go on the way it is and we agree to limit both sides, then certainly the President should not be out fundraising. If we agree to that, the other side could agree to it also. It would be a little bit like if I was over in England and I got used to driving on the left side of the road and I liked that, and I came back to this country and I put in legislation to say, let's have driving on the left-hand side of the highway become the norm in this country and we are going to pass a law that permits that to happen, but I say I believe in this so fervently I am going to go drive on the left-hand side of the road even before the law is changed, you know what the result would be. I guess we can say the same thing here. I think the President is right in going ahead with fundraising as long as the law is the way it is and the Republicans are doing exactly the same thing.

So I think some of our campaign practices need to be revised, and that is what we are talking about with campaign finance reform.

You know what all the current practices are. We see them every day right here on Capitol Hill. Some people can't go through more than, let's say, a two-pay period here without receiving an invitation here in Washington or someplace to a barbecue, to a coffee, to a reception, to a dinner. Are these all situations where you go and you say, I have to pay $500 or I have to pay $100 or I have to give $1,000 or I can't go to this thing? No. A number of these things, quite a lot of them, as a matter of fact, mean just getting acquainted with people and doing the first stroking, if you will, and setting up a situation where you can go back later and ask for some money, and, hopefully, they will see fit, once you become acquainted with them, to contribute to your campaign. That is the nature of politics. That is the way it is.

But then later on there are some people who creep into this whole process—even though I think the major part of the process is still legitimate and aboveboard—who do want special access. They are not looking to just support someone whose beliefs they believe in, whose statements of purpose, whose ideas of public office are something that they personally believe in—which would be the best of democracy, if we could guarantee that was the type of support being given to individuals.

No; they are people who come in and then want to do what I talked about a little while ago. They want either to buy a ticket to become a season ticket holder and have that guaranteed dinner with the committee chairman of their choice or they are a Tamraz who makes no bones about it; he wants to get his pipeline approved, and he is willing to give $300,000 to get a shot at a few words with the President in hopes he can influence that person to come around to his way of thinking—which did not occur, I repeat.

Is that influence imaginary? Buying access; is that imaginary? No, it is not. When we had insurance legislation here a couple years ago, it came out in the paper that some of the big contributors and big lobbyists were called in—I believe it was on an insurance bill—and actually wrote part of that bill on the Hill here. They called in the lobbyists who made the huge contributions and let them write their own portion of the bill. That was even defended by one of the Members by saying, well, they knew more about it than anybody else. They certainly did, but that did not mean they were going to write it in a way that was for the benefit of all the people all the time. They had bought their way in with influence, and they were writing it for the benefit of some of the people and the benefit of their special interest, you can bet on that, or they would not have been in here doing that.

We saw recently the results of $50 billion being inserted into a bill to benefit the tobacco companies, the biggest contributors. Their chief representative, who reportedly in a magazine makes about $50,000 a month, former Republican National Committee chairman, was the one who apparently worked his way and got that in. That is what people are unhappy about.

I have given both Democratic and Republican examples here because I want to point out that this is not something which is just all on one side of the aisle.

Sometimes the States get out ahead of the Federal Government in these United States of ours. They get out ahead of us in that they can operate, they can act more swiftly to take on a problem as they see it developing. Some of the States have seen their political systems be corrupted, or the danger of being corrupted, by political influence at the local level, and they have taken some action.

The State of Maine has recently passed legislation, the basic theme of which is they are going to try State funding for State races. They are saying, we are going to cure this thing; and rather than try to write more complex laws on top of already complex laws, we are going to say, no, we are not going to do that anymore. We are just going to say, in the best interests of the people in getting the government, getting our elected officials, to make sure they address the concerns of all the people all the time, once they get through the primary, then let's get them some financing here so they do not have to go out on this money chase and promise everything under the sun to get enough money to have a chance of winning an election.

There are 12 other States, as I understand it, that are looking at a similar program right now. Maybe that is the answer for the future. We have seen court rulings and FEC regulations and rulings create loopholes that let people have access to getting around our election laws. Perhaps Federal financing is a way to correct that. I personally think that is something we will come to eventually, whether we like it or not. We will be forced into it because it looks as if, unless something drastic changes in the Chamber here—we may get a bill through, but it appears that it is going to be watered down enough that it may not be the overall comprehensive campaign finance reform that some of us believe, sincerely believe, is necessary if we are going to correct this problem into the future.

I do not rule out the possibility that at some time in the future we are going to have Federal financing of Federal campaigns because I think the people of this country may demand that. I am one of the original cosponsors of a bill here in the Senate, the Kerry-Wellstone bill, to take a look at this, to see if we could not work out something that is satisfactory in that particular area.

So I think we need to watch this experience of the States as they try to take back their State governments and make their State governments representative of all the people all the time, not all the people part of the time and special interests the rest of the time. We need to watch this very, very closely.

Let me address one other area. We haven't had much discussion recently in the Governmental Affairs Committee hearings that we have been having, we have not had much emphasis on enforcement. There have been those who said we have all these laws on the books now. They are not working, so why add more laws on top of them and make more laws that won't work either? That is a pretty good argument,

as a matter of fact. But I don't believe that is the way we ought to go. What we should do, we should make a FEC that can enforce the legislation, enforce the laws of the land, enforce the regulations they have put out, and make sure that anyone who violates those regulations is brought up short and is penalized and do it immediately, not years and years later.

Instead of that, what have we seen? We have seen, through the years, the budget for the Federal Election Commission either remain about the same or actually be cut, from year to year. Instead of giving better enforcement, they are only able to give less enforcement. Maybe the people who have perpetrated those cuts on our system here had that in mind. Maybe they did not want to see the FEC be anything more than, what has been termed in the past, a toothless tiger. I think if we have laws they should be enforced. I think whatever is required to help the FEC do that, we should provide the money to do exactly that.

This year we have reached even a ridiculous example. They asked for an additional $4.6 million over there in addition to their, I think it is, $28-point-something million. They asked for an additional $4.6 million to give them special investigative authority, investigative capability to go out and see what happened in the 1996 election. And the committees up here have not only not approved the additional money for them, they have sent word over there specifying they are not to hire more people. They are not to hire more people. That is the word that FEC is operating under from the committees on the Hill right now this very day. They are not to hire more people to look into these alleged violations of law that happened in the last election.

In other words, we are creating a Nation of political scofflaws out there, if you will. Because they know you are not likely to get caught if you do something wrong, because that is just the way the system is. It does not have the capability of picking up all the wrongs in the system. So you have a chance of getting away with all sorts of misdeeds if you want to try it.

So, we need a strong FEC. We had one estimate given to us the other day by one person who studies these things a lot of the time, that they thought the FEC budget should probably be doubled. It should be somewhere around the $50 million mark, instead of hovering around the $30 million or under mark. I would vote for that.

I think we also need to make some changes in the Federal Election Commission, in that I don't believe they are organized on the proper basis. When we say you have six commissioners over there, three will be Republican and three will be Democrat, that sets it up for political bickering right off the bat. It is organized for political disunity going in. It is not organized to get to election fraud and violations without fear or favor, no matter what the politics of it are, Republican, Democrat, or independent. It is set up with three and three, which just breeds political gridlock. And that is exactly what they have had through the years, in many cases. Much of the time.

One of the suggestions that had been made in the past is that we, instead of having the commissioners appointed on a political basis the way they are now, we should have the commissioners appointed from former Federal judges: People who would be stable; they have been used to giving fair consideration of the law and cases, that has been their training, that has been their background; and to be appointed for their nonpolitics, for their apolitical views, if you will, because they would best be able to judge, then, when a Democratic or Republican transgression occurs, they would best be able to give it the proper attention and proper consideration. Rather than just saying I am a Democrat so I better protect my Democratic interests over here no matter what, or I am a Republican so I'll see that we forgive that violation or whatever it is on the Republican side—no. That is not in the best interests of the people of the United States. The best interests of the people of the United States is in having a Federal Election Commission that enforces the law without fear or favor, wherever the violation occurs. And that means, I think, that we have to reorganize at the top level over there.

Going into our committee investigations this year, we were faced with a tough choice.

Before I leave that, for just a moment let me give a few figures here on the FEC, what their budget problems have been. For fiscal 1995 they had over 10 percent of their budget rescinded halfway through the fiscal year, the largest percentage agency rescission of any Government agency. In fiscal 1996 they sought $32 million but they received only $26 million, with some of those funds fenced for other particular purposes. For fiscal 1997 they had their travel budget limited and fenced such that it was difficult to conduct depositions and court appearances, including those undertaken in connection with the Christian Coalition litigation. In fiscal 1998, being considered right now, they asked both the House and Senate for $29 million, plus an additional $4.9 million—I correct my figure I gave a moment ago at $4.8 and $28 million, I guess I said—but they asked both the House and Senate for $29 million plus an additional $4.9 million just to deal with cases arising from the 1996 Federal election. The actual budget is still in conference, but they have been told specifically not to hire more staff to look into those problems of the 1996 election.

Let me tell you one other thing, and this I think is rather amazing. I didn't know this until a few days ago myself. Their total enforcement cadre over there is 30 lawyers to oversee all these hundreds and hundreds and hundreds of cases filed with the FEC. There are 30 lawyers. How many investigators would you think the FEC would have to go out in the field and investigate wrongdoing out there, get the information, go to boards of elections, bring that information back, really create these cases—how many investigators do we figure the FEC has? Do you know what the answer is right now, as of this day, the 1st of October, 1997? They have two, two investigators. And that is up from only one just a short time ago. I guess that is heartening. That is a 100 percent increase, isn't it? We have gone from one up to two.

Two investigators for the FEC. Their lawyers in the enforcement division go out but they don't do investigations. They will go out and do depositions. They will go out and do a court case someplace that has been developed here, but their work is basically paperwork handled at the Washington level. So the investigative capacity at the FEC is not much, two people for the whole agency.

I propose we somehow get some little cadre of FBI people who really know something about investigation and assign them, at least for a period here of a few years, to help out over there, doing real investigative work trying to clean up the problems of campaign finance where the laws have been broken. And there have been laws broken in a number of areas.

Where do they need to look? Starting out our hearings this year I suggested we, instead of just going with Republican investigations or Democratic investigations, I proposed that we pick some areas where we know there are difficulties with campaign finance and then we bring those up, one after the other, and have a series of hearings on each one of these subjects. Let the chips fall where they may, Democrat or Republican, and find out what is wrong with the system, get it out there, get it out in the open. If we need additional law, let's have additional law. If we just need to enforce existing law better, then let's do that, too. But let's find out what the problems are first and then enforce them and make a system that really is run on a tight basis.

What are some of these areas I want to look at? One is foreign money. There are all sorts of allegations about money coming in from wherever, whether it was the Chinese or Chinese Government, where it was being channeled, where it was coming through and who it was going to, and did it affect elections or did it not affect elections—we had all sorts of problems with foreign money potentially coming into the American system. We had one on one side looking at whether it is the Democrats are where the money is coming and John Huang and Charlie Trie, and did that money come from the Government of China? On the other hand, we had the spectacle of Haley Barbour and the Republican National Committee getting loans of money, $2.1 million out of Hong Kong, funding it

through the National Policy Forum in this country and into the Republican coffers. So we had bipartisan foreign money problems, there isn't any doubt about it.

So we should be looking at that? That is one area. There are other areas, though, that we have only touched on briefly in the last few hearings that we have had, that I think we also have to look at if we are going to really do the right job, looking into campaign finance reform or campaign finance violations, No. 1; and things the FEC should be monitoring on a steady basis.

How about the second one, third-party transfer? If I have maxed out my contributions that I can give, I say, ''I am maxed out.'' But I turn to somebody else and I say, ''OK, look, I'll give you $1,000 and you go over there and you give that in your name and that clears it and I'll just give you the money.'' That is illegal. We have lots of information about that being done. That whole thing is an area we have really not even explored much yet, yet it was violated time after time after time.

So, foreign money, do we have to look into that? Of course we do. The third party transfer of funds? Of course we do.

Another area was the area of misuse of tax exempt organizations, so-called 501(c)(3) and (c)(4) organizations, where they have organizations given certain tax-exempt status and, for having that status, they are prohibited from political activity. But in this last election that whole thing ran amok. Organizations were being put together with that kind of charter and they were deliberately channeling money through. We have example after example of that, and we have not really had a chance to bring those things out yet, either. So that is another area we ought to be looking at.

Another area the FEC ought to be following, if we gave them adequate resources to do so, is tax-exempt organizations.

Then we had the biggest increase of all and that is in the area of soft money, where you can give any amount you want to give, any amount you want to give. If you are a billionaire you can walk in and put $1 billion down if you wanted to. Do you think that might buy some influence? I think it might buy some, yes. You can put down any amount you want. As I talked about a little while ago, we had the restricted membership of 100, if they would contribute $250,000 to that season ticket holder group that I mentioned just a moment ago when I was lining up one on the Democratic side and one on the Republican side to give some balance to this. The soft money can come in in any amounts now, but it is supposed to be just for party building. It is supposed to be used for things like get-out-the-vote drives and general advertising on general views of the Republican Party or the Democratic Party. Was that misused? There is no doubt whatsoever about the misuse of soft money and the pernicious influence that it had with this last election. The area of influence of soft money has just skyrocketed from election to election since the new FEC ruling just a few years ago.

Another area is the straight old quid pro quo. We could add that as a fifth. If I give you so much money as a public official, then I want you to pass a certain law for me; and you do it. There are examples of quid pro quo also. So, these are all areas that we cannot ignore from the past. There are many of those things, just in those areas that I mentioned, that are flat illegal. Soft money is not illegal. It is perfectly legal now, but we have to make it illegal with McCain-Feingold, which I support fully and I am a cosponsor of. This is probably the most runaway part of campaign financing that we have had in recent elections—certainly in this last election.

Now, along with soft money, that I make such a fuss about, there is one other part. If we are going to correct this, there is one other thing we have to do, too. We cannot just see the money that was formerly going to soft money, to the parties and being misused then, being put into State races or into congressional races. We can't just see that money then not go into soft money but go over into issue advocacy ads and independent expenditures for the so-called issue advocacy ads that can be put on in a particular campaign in the last few days and influence a campaign, quite apart from the person running in that campaign who doesn't even have control of who is coming in and putting on TV ads either for or against him or her.

So we can't just do away with soft money and hope that will solve the problem, because soft money is probably going to gravitate over to the area of issue advocacy or independent expenditures. If we are going to correct one, we have to correct the other; we have to deal with them together.

So the question is, how do we prevent soft money not only from going into issue advocacy ads or independent expenditures, but also we want to make sure that we don't create a loophole here where the soft money now will go by the many, many millions of dollars over to the States, which it would be legal to do right now, go to the States, and the State parties then would use it in particular campaigns within the State by putting on independent ads or issue advocacy ads in support of congressional candidates, even those that are not State races, but there is an interest in them. So you see how complex this whole thing becomes.

Mr. President, those are a few views on some of the things that I see with regard to campaign finance this year.

There are a couple of statements I would like to quote on the floor today. Will Rogers is looked at as one of our great political commentators, in a humorous way, from years past. He did it in a way that got the attention of the people. He was pretty caustic in his comments sometimes. He made a statement once that might be applicable today, though. He said:

> Wouldn't it be great if other countries started electing by the ballot instead of by bullet, and us electing by the ballot instead of by bullion?

I think he was right.

Another is a statement by Kin Hubbard, Frank McKinney Hubbard:

> When a fellow says, ''It ain't the money but the principle of the thing,'' it's the money.

And you can bet on that.

Jesse Unruh of California some years ago said:

> Money is the mother's milk of politics.

And that's sure true. It is as true today as it has ever been before.

Let me finish up where I started off today with this. I am afraid by our talk here about what is the potential for the future that we talk about this in such terms to make our point on the floor that sometimes we emphasize them to the point that we are about to increase what we are trying to prevent, and that is cynicism in this country.

By talking about the difficulties of campaign finance and the transgressions against campaign finance law—which should never have occurred in the last election on both sides of the aisle, and they have to be corrected. I am not trying to say they are not important, but they are. My whole statement today has been along the theme that this is a beginning of a rot we have to correct. So I am not trying to minimize these things.

I hope most of the people of the country realize that most of the people who run for high office do so with very good purpose in mind. Most of the people here, I would say, are very talented people. Most of them could probably be making more in business or in some corporate position or outside of public office than they do here. Not all of them, but certainly many people could. We have people running for office who are very fine people.

But this is a danger when we see things like what happened in this last election—the potential with foreign money, although all the sums talked about or rumored, whatever came from foreign money is a tiny little pittance, just a tiny little nothing almost compared to what was spent. That $790 million I indicated was spent in the last election just in congressional elections. Not even the Presidential election is included in that.

So a few million dollars that may have come from some foreign source is a fairly small amount, but it is a danger sign. We have to regulate that. We have to cut it off. We have to make our restrictions enforceable if we are not to see that grow into the future, and that is the danger; that is the danger. We have to make sure that with third-party transfer of money, we don't just find rampant disregard of our laws, and then people just saying, ''I know my

limit is'' so and so ''under the law, I will give you'' this, this, ''and somebody else, and I will contribute a lot more than my Federal limit was ever supposed to be and I won't get caught anyway.''

We have to make sure that doesn't occur. We have to make sure the misuse of tax exempts, which ran rampant this last time, as conduits from people who had special interest money to put in —and they put it in by the millions. We have evidence of where that went and how it went. I hope we are able to put that on in the hearings before our campaign finance investigation ends on the Governmental Affairs Committee.

All these areas—whether it is foreign money or third-party money or tax-exempt money or soft money or quid pro quo—all these areas must be enforced with existing law. Then we can go ahead with bringing soft money under better regulation than we have ever done in the past. In fact, there isn't any regulation on it to speak of now. Then we are making real progress.

I believe the McCain-Feingold bill, which I fully support, is a start. I don't view it as anything more than a start. I don't think Senator MCCAIN or Senator FEINGOLD feels it is anything but a start right now, but it is a start. It is a start in showing people that, yes, we can act here in Washington; yes, when we do see a danger for the future, when we see some rot beginning on this body politic, we can cut that out, we can correct it, we have the capability to do it and we can restore confidence.

Where we see cynicism and we see disregard for law, we see cynicism about what may be going on with our Government, we can replace that, once again, with real confidence, real faith in letting the people of this country know that we are concerned and are willing to do something about it.

That is the reason why I support the McCain-Feingold proposal so wholeheartedly. They are important, and I am hoping that we can really have a vote up or down eventually. I know the so-called legislative tree has been filled that will try to thwart the passage of this legislation, but I am hoping we will really see a vote possible on this legislation before we finish with it. I guess the schedule is we will finish with it sometime next week.

Mr. President, this was a rather lengthy statement. I will undoubtedly have more to say about this next week.

I ask unanimous consent that the full text of my prepared remarks be printed in the RECORD, and I yield the floor.

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

CAMPAIGN FINANCE REFORM

(By Senator John Glenn)

''Wouldn't it be great if [other countries] started electing by the ballot instead of by bullet, and us electing by the ballot instead of by bullion?''—Will Rogers.

''When a fellow says, 'It ain't the money but the principle of the thing,' it's the money,''—Frank McKinney Hubbard (''Kin Hubbard'').

''Money is mother's milk of politics.''—Jesse Unruh.

Well, Mr. President, I have often wondered if and when this day would come. I recognize that both the distinguished Majority Leader and the equally distinguished Minority Leader have worked long and hard to get this bill to the floor and I congratulate them on their efforts. I also want to express my appreciation of Senators McCain and Feingold as the authors of this legislation and for their leadership on an issue that truly goes to the heart of American values. Their bipartisan cooperation has pointed us in the right direction and I hope that we can follow their example. We now have an opportunity to restore faith in our American system and renew our commitment to government for all the people, all the time and not some of the people some of the time, special interests buying access too much of the time.

One thing is clear to me. Our current system is sick and must be healed. We must work together to find a way to bring that needed reform. Our nation is confronted by many concerns and we have spent much of this year addressing some of those problems through the budget, reconciliation, defense authorization, appropriations bills, and the Chemical and Biological Weapons Treaty. With this debate we turn our attention to a more fundamental question: the role of money in our electoral system. I believe that a simple principle should apply in our democracy. We should encourage the active participation of the greatest possible number of citizens and restrain the undue influence of narrow factions and special interests. Only by insuring that our electoral system is open and fair can the notion of ''consent of the governed'' have true meaning.

How we finance our election campaigns is a central feature of how American citizens judge the integrity of our democracy. Many Americans see our current campaign fund raising practices as a form of corruption and because they believe that some interests have an unfair advantage when it comes to governmental decision making. I believe that this contributes to a corrosive cynicism that undermines America. When voters continually witness the political money chase they conclude that our system is for sale, that politicians are bought, and that policy decisions are made to favor the highest bidder.

We have all noted the increasing numbers of people who lack confidence in government and do not trust the government to do the right thing. We have witnessed declining voting participation.

Some would have us believe that campaign finance reform isn't of any interest to the American public. Some say the public doesn't care, why should we care? I think that's flat wrong. I think the public does care.

Let's face it, the public continues to lose faith in their federal government. Recent polls have shown that 70% of Americans want campaign finance reform, but only 30% believe it will happen. And perhaps most disturbing of all, three out of four interviewed do not trust us in Washington to do what is right.

Let me read a quote about government leaders from one of those people interviewed: ''I don't expect too much . . . They're all crooked. It's just a degree of crookedness.''

That's chilling. And I'm afraid it's a sentiment that is all too common.

Campaign finance reform is a perfect example of why the public doesn't trust us.

Another recent poll (Center For Responsive Politics, conducted in early April) found that 60 percent of the people polled thought campaign finance reform should be a high priority this year. And, late last year, (Mellman Group, October, 1996) showed that 59 percent supported the concept of public financing of elections to clean up this mess.

Yet, despite its desire to see solutions, the public simply hears out of Washington that no one cares about campaign finance reform. The public sees both Democrats and Republicans sling mud at each other over each party's excesses, but they don't hear a real desire to clean up the mud. They hear about attempts to block reform, that reform isn't the ''American way.''

Poll after poll shows the public wants campaign finance reform. I think we should listen.

At the same time we have seen spending in campaigns rise through the roof. According to the Federal Election Commission (FEC) the cost of all Congressional campaigns more than doubled from $354.7 million in 1981–2 to $765.3 million in 1995–96. Major political party efforts at the local, state and national level increased from $254.1 million in 1981–2 to $881 million in 1995–96.

Of course most of this money has been used to purchase more and more broadcast time at ever increasing costs to reach more and more voters over an ever longer campaign. One could conclude that the amount of money raised and spent has had a negative effect on voter attitudes and participation.

WATERGATE AND REFORM

We all remember the Watergate era that led to the campaign finance rules under which we currently operate. Reform at that time was long overdue. Important improvements were made at that time. Prior to the enactment of the Federal Election Campaign Act and its amendments, some campaigns conducted business through slush funds and hush money. Major reforms included the establishment of the Federal Election Commission, requiring reporting of contributions and expenditures by federal candidates, limits on individual contributions, and spending limits and partial public financing of presidential campaigns.

Unfortunately, those reforms have been eroded over the years by FEC rulings and Supreme Court decisions such as Buckley v. Valeo—overruling spending limits for Congressional candidates and equating money with free speech—and Colorado Campaign Republican Committee v. FEC—allowing political parties to make independent expenditures.

THE ROAD TO REFORM

With this debate we continue the long battle to reform our campaign finance system. The former Senator from Oklahoma, Senator Boren first brought the need for reform to the attention of the Senate in 1985. The battle having been joined, it was difficult to get it considered in the 99th Congress. Former Senator Goldwater of Arizona played an important role.

In the 100th Congress, the Senate conducted a historical record number of cloture votes. In 1988, we saw a scene right out of Frank Capra's ''Mr. Smith Goes to Washington'' with an all night filibuster and the Sgt. At Arms arresting absent Senators and bringing them to the Senate chamber. I believe that our inability to bring about reform has made things worse.

CURRENT PRACTICES

Let me be clear. I do not believe that raising money for campaigns is corrupt. I do not believe that our government is corrupt because public officials raise money for campaigns. I believe that fund raising and public policy decision making can be kept separate. I believe that those who choose public service have a high calling. This is an honorable

profession and I have always been proud to serve.

However, with the explosion of fund raising and the erosion of our laws, many citizens believe that the credibility of our electoral process has been impugned by the view that special interests have special access and therefore have undue influence.

We must reform our system to restore faith in our democracy.

We all are witnesses to the perception that money has a growing influence. Political parties and candidates are engaged in an endless pursuit of campaign funds made up of both hard and soft money. Not a day passes without a full schedule of events, receptions, coffees, meetings, dinners, lunches, discussions, and, forums—many ultimately intended to establish the climate to eventually raise money.

Soft money, campaign contributions not directly used in behalf of federal candidates and not required to be reported has become the crack cocaine of politics and parties and candidates are addicted.

As the ranking member of the Senate Governmental Affairs Committee I have spent all year looking into campaign fund raising. It is clear to me that many contributors believe that they get what they are seeking. They pay for access in the legislative and executive branches, and they get it.

We have been examples of contributors who want to appear to have influence by being seen with important officials and to have their pictures taken as a way to impress others. We have also seen contributors who have a special interest or particular project that they want considered. Through their contributions they obtain access.

Many contributors do have interests that can be affected by government decisions. No one can underestimate the impact on the American people when headline after headline links governmental action and campaign contributions. The $50 billion tax benefit for tobacco companies in this year's tax bill, inserted in secret and with no debate, only serves to make many citizens believe that the integrity of our electoral process has been compromised by special interests.

NEEDED REFORM

Eventually, Mr. President, I believe that the answer to our concern is to eliminate the role of private money in campaigns. We should allow campaigns to be fairly and equally underwritten by all Americans through a some form of publicly supported financing.

That is why I joined with my colleagues Senator Kerry of Massachusetts and Senator Wellstone of Minnesota in cosponsoring a bill, the Clean Money Clean Campaign Act, based upon the Maine plan to limit campaign spending, prohibit special interest contributions, eliminate fund raising efforts, provide equal funding and a level playing field for all candidates and end the loopholes that have wrecked our current system. Through a publicly funded system we can end the current abuse and establish a system that takes us back to our major responsibility, representing the interests of ''all the people, all the time''.

I recognize that the time has probably not yet come to move to federal financing, but I believe that the more the American people focus on the current system and its exploding abuses, the more likely it will be that the support will grow for such a change.

MCCAIN-FEINGOLD

The bill before us originally contained spending limits for Congressional candidates. In an effort to reach out for a consensus on this issue, those provisions have been eliminated. Nevertheless, we now consider a bill which I believe addresses many important concerns.

We must address the question of soft money contributions. We must find a way to require the disclosure of funds used for express advocacy and issue advocacy.

I believe we have to take a hard look at the FEC. We must have enforcement of election law—present or future—or we encourage scofflaw parties and candidates. The FEC cannot do an adequate job. Currently the FEC has 30 enforcement attorneys. Mr. President, that is fewer than the number of lawyers currently working on the Governmental Affairs investigation. The FEC has two—count them—two full time investigators. In order to insure better enforcement we must consider that the $28 million FEC budget should be increased and if expected to do an adequate job it should be nearly doubled. Furthermore, while the FEC is being expanded I believe that investigative assistance should be provided by at least a small group of FBI agents.

SUMMARY OF FEC BUDGET WOES

Fiscal 1995: Had over 10% of budget rescinded half way through the fiscal year, the largest percentage agency rescission of any government agency

Fiscal 1996: Sought $32 million but received only $26 million with some funds ''fenced'' for particular purposes.

Fiscal 1997: Had travel budget limited and fenced such that it was difficult to conduct depositions and court appearances including those undertaken in connection with the Christian Coalition litigation

Fiscal 1998: Asked both the House and Senate for $29 million plus an additional $4.9 million just to deal with cases arising from the 1996 federal election. Actual budget is still in conference but have been told specifically not to hire more staff. Summary of FEC Provisions in Clean Money Clean Campaign Bill

Adds ''independent'' Commissioner selected by independent commission to the FEC

Limits Commissioners to one six year term

Prohibits contributions from individuals not qualified to vote (juveniles, felons and foreign nationals)

Permits the Commission to conduct random audits of PACs, candidate and party committees

Grants the Commission the authority to seek an injunction to halt illegal act PRIOR to the election

Lowers the threshold for opening an investigation from reason to believe a violation has occurred to reason to open an investigation

Mandatory requirement to file disclosure reports either electronically or by fax.

Through this debate I hope that we can work together and make needed improvements to our system of campaign finance. We must clean up campaigns and restore faith in our government.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

HEALTH CONCERNS CAUSED BY INCREASING AMOUNT OF IMPORTED FOOD AND VEGETABLES

Ms. COLLINS. Mr. President, Americans have long been urged by our doctors, our teachers, and our parents to eat at least five servings every day of fruits and vegetables. When we follow this good advice, we assume that the fruits and vegetables that we are consuming are wholesome. Recent reports, however, have raised questions about the safety of imported food products. Our markets are increasingly filled with imported food that may not meet U.S. food safety standards. Thus, American consumers seeking a healthy diet face the unappetizing risk of unknowingly subjecting themselves to tainted imported food.

As the chairman of the Permanent Subcommittee on Investigations, I am conducting an investigation into the safety of food imports. I have asked the General Accounting Office to examine whether or not the Federal Government adequately protects the American people from tainted imported food. We need to know how imports are currently being inspected, what resources are being devoted to food safety and whether the highest risks are being given the highest priority in the inspection process. We should make certain, Mr. President, that our food safety programs are effectively and efficiently managed to safeguard the public's health.

Recent news reports have shown several instances where tainted imported food has caused serious illnesses. Food safety programs and food safety problems are not limited to beef and poultry, and it is not just food coming from domestic facilities that can cause health problems.

Imported fruits and vegetables in increasing numbers are causing serious illnesses. In March, over 260 children and teachers from Michigan developed hepatitis after eating frozen strawberries that were imported from Mexico. Those berries were illegally provided to the School Lunch Program, which requires food used to be produced in the United States. Instead, the tainted Mexican berries had been shipped to over 1,500 locations across the country, including my home State of Maine. In another example, over 2,000 people were infected with cyclospora in the last 2 years from eating tainted raspberries from Guatemala, making it the largest outbreak of food-borne disease in recent years.

Mr. President, I believe Congress must thoroughly examine the safety of imported food products. Currently, the Food and Drug Administration and the Department of Agriculture's Food Safety and Inspection Service have shared responsibility for the regulation and inspection of imported food. Agriculture officials are responsible primarily for meat and poultry, while the Food and Drug Administration regulates and inspects other food products. Standards in enforcement are thus different, depending on the type of food. In addition, the significant increase in food imports has resulted in a system where consumers cannot be assured of the safety of the food they eat. A New York Times article on September 29 of this year, just this past week, indicates that food imports have doubled since the 1980s, straining the limits of our current inspection system.

Later this week, President Clinton is expected to announce several initiatives to increase and improve Federal

attention to food safety. I welcome the President's increased interest in the safety of imported food products, and when his proposal is transmitted to the Congress, I will closely examine it to determine if it is, in fact, an effective and adequate response to this problem.

As chairman of the Permanent Subcommittee on Investigations, I want to make sure that our current programs are being effectively managed and that both existing and new resources are efficiently administered to promote safe food, especially imported food.

Mr. President, the safety of food product imports is literally a life-and-death issue for many Americans, especially our elderly and our children. Food safety deserves close attention of the administration and the Congress, and I look forward to working with my colleagues in the months ahead as my subcommittee continues its investigation and conducts hearings on this important matter.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 30, 1997, the Federal debt stood at $5,413,146,011,397.34. (Five trillion, four hundred thirteen billion, one hundred forty-six million, eleven thousand, three hundred ninety-seven dollars and thirty-four cents)

One year ago, September 30, 1996, the Federal debt stood at $5,224,811,000,000. (Five trillion, two hundred twenty-four billion, eight hundred eleven million)

Five years ago, September 30, 1992, the Federal debt stood at $4,064,621,000,000. (Four trillion, sixty-four billion, six hundred twenty-one million)

Ten years ago, September 30, 1987, the Federal debt stood at $2,350,277,000,000 (Two trillion, three hundred fifty billion, two hundred seventy-seven million) which reflects a debt increase of more than $3 trillion—$3,062,869,011,397.34 (Three trillion, sixty-two billion, eight hundred sixty-nine million, eleven thousand, three hundred ninety-seven dollars and thirty-four cents) during the past 10 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 26TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 26, the U.S. imported 8,262,000 barrels of oil each day, 1,726,000 barrels more than the 6,536,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 56.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America s oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,262,000 barrels a day.

BAILEY HOWELL

Mr. COCHRAN. Mr. President, the State of Mississippi is very proud of the induction of Bailey Howell into the Basketball Hall of Fame.

His college career at Mississippi State University still stands as the most impressive in the school's history.

He was second only to Wilt Chamberlain in the 1959 NBA draft, and he became one of the best professional players ever.

Today, he is living in Starkville, MS, where he spends much of his time engaged in church-related activities. He is a wonderful role model for today's star athletes.

I ask unanimous consent that two articles from the Clarion-Ledger describing his great career be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Clarion-Ledger, Sept. 29, 1997]

HOWELL TO ENTER HALL OF FAME

(By Mike Knobler)

Mary Lou Howell will never forget what she said to the 6-foot-7 stranger in 1958 at a Baton Rouge church.

''I asked the dumbest question of all, 'Do you play basketball?''' Howell recalls. ''I know he thought, 'Oh, this girl is really dumb.'''

''When I told my father, he said 'He won't be interested in you. He's really big-time.'''

Dad, it turns out, was only half right about Bailey Howell, who has been married to Mary Lou for 38 years and tonight becomes the first Mississippi man inducted into the Basketball Hall of Fame.

Bailry Howell's brilliant career, at Mississippi State University and with four NBA teams, included enough honors and statistical superlatives to fill most of this newspaper.

Thirty-eight years after his final MSU season, Howell still holds numerous school records, including highest career scoring average, most points in a game and most rebounds in a game, season or career.

No wonder he was the second player picked in the 1959 NBA draft, behind only Wilt Chamberlain.

But talk to Howell and the people who know him and you hear less about the numbers and more about the man behind them, a man dedicated to his family, to his God and to never-ending competition.

Former Boston Celtics teammate Satch Sanders tells of Howell's approach to pregame layup drills. Most players jogged through them casually; Howell sprinted fullspeed.

''You had to get out of the way,'' Sanders says. ''We'd say, 'Bailey, save something for the game.' His philosophy was: If you ever take it easy going to the basket, there's a strong possibility you'd do that in a game.''

Son-in-law Scott Stricklin tells of a two-on-two game he played during his first vacation with the Howell family. It was Stricklin and Howell against the two other sons-in-law.

''The other guys wound up with bruises and knots on their heads,'' Stricklin says. ''He was almost 60 and playing with guys in their 20s, but he was so competitive it was like an NBA championship game.''

Howell competes even when he's mowing his lawn. He times himself, always pushing to work faster and more efficiently. ''I'm one-third through,'' he'll shout.

That kind of relentless intensity helped make him a dominating center in college and a six-time all-star forward in the NBA.

Howell won NBA championships with the Celtics in 1968 and 1969 after winning State's first Southeastern Conference championship in 1958. One of Howell's few regrets is that that 24–1 team in 1958 wasn't allowed to try for an NCAA championship. The Bulldogs were chosen for the NCAA Tournament, but Mississippi government leaders barred State from participating because it would have played against racially integrated teams.

Decades later, coach Richard Williams paid his respect to Howell by including him in the official traveling party for State's 1995 trip to the NCAA regionals and its 1996 trip to the Final Four.

VERY SPECIAL HONOR

Delta State University coach Margaret Wade and player Lusia Harris are the only Mississippians in the Basketball Hall of Fame. Howell joins them tonight. He'll be escorted by friend, teammate and Hall of Famer John Havlicek.

''It's just a very special honor and a thrill,'' Howell says. ''To be recognized alongside those individuals that are in there, it's just really, I really struggle with words to express just how special it is.''

Bailey and Mary Lou Howell will be accompanied at tonight's induction ceremony in Springfield, Mass., by their three daughters. One of those daughters, Beth Hansen of Jackson, named one of her sons after her dad. Bailey Hansen will be there tonight, too.

Children and family have always been important to Bailey Howell. One time, it carried over onto the basketball court.

As most parents do, Bailey and Mary Lou used to spell out things around the house that they didn't want their young daughters to understand. One night as an opponent lined up for a free throw, Bailey turned to a teammate and said, ''If you get this rebound, hit me. I'll be going b-a-c-k-d-double o-r.''

During the season, the Howells used to live wherever Bailey played—first Detroit, then Baltimore, then Boston and finally Philadelphia. In the offseason, though, they always returned to Starkville, where Bailey and Mary Lou still live.

When Bailey Howell retired in 1971, he thought about going into coaching.

''At 35, at the age where moving my children was really bothering them, I decided that wasn't something I could do,'' he says.

But he stayed involved in basketball by working for shoemaker Converse for almost 23 years. And for six of the last seven years, he has served as a role model at the NBA's mandatory rookie orientation camp run by his former teammate Sanders, an NBA vice president.

''He'd talk about staying grounded, thinking in terms of family, religion,'' Sanders says. ''Just homespun good sense. Bailey has always been a highly respected player, but more than that he has always been very grounded. The Hall of Fame as far as I'm concerned will be a better place with Bailey in it.''

WORKING FOR CHURCH

Nowadays, Bailey Howell, 60, puts his dedication to work for the Church of Christ in Starkville. Bailey and Mary Lou spent a month this summer with a church group teaching conversational English in Sopot, Poland, near Gdansk.

''His mind is very God-centered,'' Mary Lou Howell says. ''We go to church and to Mississippi State sporting events.''

The Bulldogs have had many talented players since Howell, but those who remember Howell's playing days say his ability, charisma and class set him apart.

Lee Baker, then sports editor of the defunct Jackson Daily News, won't forget the night he covered the final game of Howell's junior season at Mississippi State. When Baker arrived home, his wife was in the hospital delivering their son.

He went to the hospital, then headed to the newspaper to write.

''We were going to name him John Berrian, after my grandfather,'' Baker says. ''At the end of my column, I announced the arrival of John Bailey Baker. My wife didn't know her son's name until she read it in the paper.''

BAILY HOWELL HIGHLIGHTS

Born Jan. 20, 1937, at Middleton, Tenn.

Elected Mr. Mississippi State by the student body.

Member, Phi Kappa Phi scholastic honorary society.

No. 2 scorer in MSU history with 2,030 points.

Led NCAA in shooting percentage (56.8) in 1957.

Made 10 NBA playoff appearances in 12 seasons.

Averaged 18.7 points and 9.9 rebounds for NBA career.

Upon retirement, ranked among NBA's top 10 in nine categories, including points, rebounds and games played.

BAILY HOWELL'S MSU RECORDS

Scoring average, career: 27.1 points per game.

Point, game: 47 vs. Union, Dec. 4. 1958.

Free throws made, career: 682.

Free throw attempts, career: 892.

Free throws made, season:

243 in 1957–58.

Free-throw attempts, season: 315 in 1957–58.

Rebounds, career: 1,277.

Rebound average, career: 17.0 per game.

Rebounds, season: 492 in 1958.

Rebound average, season: 19.7 per game in 1956–57.

Rebounds, game: 34 vs. LSU, Feb. 1, 1957.

[From the Clarion-Ledger, Sept. 30, 1997]

WITH HOWELL IN SHRINE, CELTICS KEEP WINNING

(By Jeff Donn)

SPRINGFIELD, MASS.—Baily Howell still shudders at the memory of his first season with the Boston Celtics.

Bob Cousy was retired. Bill Russell was no longer the future of basketball. And the Celtics' march of eight straight NBA championships ended in 1967 when Philadelphia finally broke through.

''My first year there we lost, so here comes the kiss of death!'' said Howell, a star at Mississippi State. ''Before I even got to the Celtics, the team was getting old together.''

Winning, though, had not gotten old to them. With Howell, player-coach Russell, John Havlicek and Sam Jones, they went on to claim the last two of 10 titles within 11 seasons—something no other team has approached. And they have been reaping honors since, their latest on Monday with the entry of Howell into the Basketball Hall of Fame.

Others inducted Monday night were three coaches—Pete Carril of Princeton, Don Haskins of Texas-El Paso and Antonio Diaz-Miguel of Spain—as well as 1980s NBA scoring leader Alex English and women's stars Denise Curry and Joan Crawford.

Howell, a 6-foot-7, 220-pounder and the forerunner of today's power forward, is the 185th Celtics player and 23rd team entry, including coach Red Auerbach, in the Hall of Fame. No other team approaches those numbers.

Howell averaged 18.7 points and 10 rebounds game.

''Today, everything is such big business,'' said Howell, 60, who now manages commercial real estate. ''The game is a game people love to watch and love to play at all levels. It's not just how much money somebody makes and how much profit.''

Carril's Princeton teams made their name by upending more athletic opponents. On the sidelines was Carril, a rumpled elf with mussed hair who gesticulated like a New York City cabby.

Yet Carril, 67, now an assistant coach for the NBA's Sacramento Kings, is the only Division I college coach to win more than 500 games without the help of sports scholarships.

Did Princeton's half-court game and low scores ever get tedious?

''The only time I ever heard the word 'boring' was from the other side,'' Carril said.

Haskins also made a reputation by outplaying better known opponents. His team—then called Texas Western—fielded five black starters to defeat Adolph Rupp's all-white Kentucky stars in the 1966 NCAA championship.

With his unorthodox high-release jumper, English was the consummate scorer, hitting for 19,682 points in the 1980s, but unable to make it to the NBA Finals.

''He scored so easy and so often that it looked like he was bored out there,'' Howell said.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to regulations previously adopted by the Board implementing various labor and employment and public access laws to covered employees within the legislative branch.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is proposing to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office (''GAO'') and the Library of Congress (''Library'') and their employees. The Congressional Accountability Act of 1995 (''CAA''), 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Five sections of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''), the Worker Adjustment and Retraining Notification Act (''WARN Act''), the Uniformed Services Employment and Reemployment Act of 1994 (''USERRA''), and the Occupational Safety and Health Act of 1970 (''OSHAct''), and which prohibit intimidation or reprisal for the exercise of rights under the CAA, become effective with respect to GAO and the Library on December 30, 1997. This Notice of Proposed Rulemaking (''NPRM'') proposes to extend the coverage of the Procedural Rules to include GAO and the Library and their employees for purposes of proceedings relating to these five sections of the CAA and the general provisions of the rules relating to ex parte communications. These proposed amendments to the Procedural Rules have been approved by the Board of Directors of the Office of Compliance.

Dates: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk, upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The Congressional Accountability Act of 1995 (''CAA'' or the ''Act''), Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§ 1301–1438, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. With respect to GAO and the Library, five sections of the CAA will become effective as of December 30, 1997: (a) section 204, applying rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''), restricts the use of lie detector tests by employing offices; (b) section 205, applying rights and protections of the Worker Adjustment and Retraining Notification Act (''WARN Act''), assures covered employees of notice before office closings and mass layoffs; (c) section 206, applying rights and protections of the Uniformed Services Employment and Reemployment Act of 1994 (''USERRA''), protects job rights of covered employees who serve in the military and other uniformed services; (d) section 215, applying rights and protections of the Occupational Safety and Health Act of 1970 (''OSHAct''), protects the safety and health of covered employees from hazards in their places of employment; and (e) section 207 forbids intimidation or reprisal against covered employees for exercising rights under other sections of the CAA.

The Procedural Rules of the Office of Compliance establish procedures for considering

matters that involve employing offices and covered employees other than GAO and the Library and their employees. The purpose of this rulemaking is to extend the rules to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved as employing offices or covered employees.

The Board of Directors has also proposed to extend its substantive regulations implementing sections 204, 205, and 215 of the CAA to cover GAO and the Library and their employees. The NPRM was published in the September 9, 1997 issue of the Congressional Record, at 143 Cong. Rec. S9014.

2. Record of Earlier Rulemakings

To avoid duplication of effort, the Executive Director plans to rely generally on the record of earlier rulemakings. The current Procedural Rules of the Office of Compliance were proposed, adopted, and amended in three phases during the past two years. See 141 Cong. Rec. S17012 (daily ed. Nov. 14, 1995) (NPRM); 141 Cong. Rec. S19239 (daily ed. Dec. 22, 1995) (final rules); 142 Cong. Rec. H7450 (daily ed. July 11, 1996) (NPRM); 142 Cong. Rec. S10980 (daily ed. Sept. 19, 1996) (final rules); 143 Cong. Rec. S25 (daily ed. Jan. 7, 1997) (NPRM); 143 Cong. Rec. H1879 (daily ed. Apr. 24, 1997) (final rules). A copy of the Procedural Rules of the Office of Compliance is available for inspection at the Law Library Reading Room, at the address and times stated at the beginning of this Notice, and may also be viewed or downloaded from the Office of Compliance's internet Website at http://www.compliance.gov/proful3.html, or http://www.access.gpo.gov/compliance/proful3.html.

3. Proposed Amendments

The Executive Director is presently aware of no reason why the procedural rules to cover GAO and the Library and their employees should be separate or substantively different from the rules already adopted for other employing offices and their employees. The Executive Director therefore proposes in this NPRM to extend the coverage of the rules already adopted to include GAO and the Library and their employees, and to make no other substantive change to the rules. Specifically, the NPRM proposes to amend the definitions established in section 1.02 of the Procedural Rules of the Office of Compliance: (a) by including the employees of GAO and the Library in the definition of ''covered employee,'' (b) by including GAO and the Library in the definition of ''employing office,'' and (c) by adding a new paragraph (q) to section 1.02 specifying that GAO and the Library and their employees are included in these definitions only for the purposes of proceedings involving sections 204, 205, 206, 207, or 215 of the CAA or for purposes of the rules regarding ex parte communications. A technical correction is also necessary in the language being amended.[1]

4. Request for Comment

The Executive Director invites comment on these proposed amendments generally and invites comment specifically on whether there is any reason why the rules for GAO and the Library and their employees should be separate or different from the rules already adopted for other employing offices and their employees.

Signed at Washington, DC., on this 30th day of September, 1997.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

[1] In section 1.02(b) of the Procedural Rates of the Office of Compliance, reference to the Office of Technology Assessment is being removed, as that office no longer exists.

Accordingly, the Executive Director of the Office of Compliance hereby proposes the following amendments to the Procedural Rules of the Office of Compliance:

It is proposed that section 1.02 of the Procedural Rules of the Office of Compliance be amended by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

§ 1.02 Definitions.

''Except as otherwise specifically provided in these rules, for purposes of this Part:

* * * * * *

''*(b) Covered employee.* The term ''covered employee'' means any employee of

''(1) the House of Representatives;

''(2) the Senate;

''(3) the Capitol Guide Service;

''(4) the Capitol Police;

''(5) the Congressional Budget Office;

''(6) the Office of the Architect of the Capitol;

''(7) the Office of the Attending Physician;

''(8) the Office of Compliance; or

''(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

''(h) *Employing Office.* The term ''employing office'' means:

''(1) the personal office of a Member of the House of Representatives or a Senator;

''(2) a committee of the House of Representatives or the Senate or a joint committee;

''(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

''(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

''(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

''(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term ''employing office'' shall include the General Accounting Office and the Library of Congress, and the term ''covered employee'' shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1), (2), and (3):

''(1) The processing of any allegation that section 204, 205, or 206 of the Act has been violated, and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 204, 205, and 206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

''(i) the Employee Polygraph Protection Act of 1988,

''(ii) the Worker Adjustment and Retraining Notification Act, and

''(iii) the Chapter 43 (relating to veterans' employment and reemployment) of title 38, United States Code.

''(2) The enforcement of the inspection and citation provisions of section 215(c)(1), (2), (3) of the Act, and proceedings to grant variances under section 215(c)(4) of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

''(3) Any proceeding or rulemaking, for purposes of section 9.04 of these rules.''

TREASURY/POSTAL APPROPRIATIONS CONFERENCE REPORT

Mr. GRAHAM. Mr. President, I appreciate the chance to record my comments regarding the conference report on the Treasury-Postal appropriations bill.

This legislation will help fund national functions, such as law enforcement and delivery of the mail. The law-enforcement provisions include an important anticrime initiative for Florida, which is strongly supported by public-safety officials. The anticrime provision would fund the establishment of a high intensity drug trafficking area in central Florida.

I have worked closely with colleagues Senator CONNIE MACK and Congressman JOHN MICA of Florida to include this measure in the conference report.

In an effort to fight crime and to support law enforcement, I voted for the conference report for the appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1998.

This conference report also contains a provision to adjust congressional pay for cost of living. When the Senate considered its version of this appropriations bill, the legislation did not include a pay adjustment for Members of Congress. The record reflects that I support the Senate version of this legislation that was submitted to a House-Senate conference.

If I had the opportunity to vote on the proposed adjustment as a separate, stand-alone measure, I would have voted ''no.''

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 1, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2203. An act making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed on October 1,

1997, by the President pro tempore [Mr. THURMOND].

MESSAGES FROM THE HOUSE

At 3:59 p.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2516. An act to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1198. An act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar;

H.R. 2516. An act to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1173. A bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes (Rept. No. 105–95).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERREY:

S. 1242. A bill to amend the Internal Revenue Code of 1986 to allow the nonrefundable personal credits, the standard deduction, and the deduction for personal exemptions in determining alternative minimum tax liability; to the Committee on Finance.

S. 1243. A bill to amend title 23, United States Code, to enhance safety on 2-lane rural highways; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. SESSIONS):

S. 1244. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 1245. A bill to establish procedures to ensure a balanced Federal budget by fiscal year 2002 and to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SANTORUM:

S. 1246. A bill to reform the financing of Federal elections; to the Committee on Rules and Administration.

By Mr. JEFFORDS (for himself, Mr. CONRAD, Ms. COLLINS, Mr. MURKOWSKI, Mr. REID, and Mr. AKAKA):

S. 1247. A bill to amend title 38, United States Code, to limit the amount of recoupment from veterans' disability compensation that is required in the case of veterans who have received special separation benefits from the Department of Defense; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. Res. 129. A resolution referring S. 1168 entitled ''A bill for the relief of Retired Sergeant First Class James D. Beniot, Wan Sook Beniot, and the estate of David Beniot, and for other purposes,'' to the chief judge of the United States Court of Federal Claims for a report on bill; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 1242. A bill to amend the Internal Revenue Code of 1986 to allow the nonrefundable personal credits, the standard deduction, and the deduction for personal exemptions in determining alternative minimum tax liability; to the Committee on Finance.

ALTERNATIVE MINIMUM TAX LIABILITY LEGISLATION

Mr. KERREY. Mr. President, I am introducing legislation today to ensure that families are not denied the tax relief we promised them under the Taxpayer Relief Act of 1997.

What we promised under the Taxpayer Relief Act was a child credit to help families raise their kids and an education credit to help make higher education more affordable. As it turns out, the reality may be far different. What we may be doing is throwing middle-class families into the alternative minimum tax [AMT] simply because they take advantage of the new child and education credits. This will happen because under current law, individuals pay the greater of their regular tax owed minus nonrefundable tax credits or the AMT which cannot be reduced by these nonrefundable credits.

Under current law, the child credit and the education credit won't be allowed under the AMT. As a result, average-sized families with children are more likely to be thrown into the AMT simply by using these credits. Believe me, this is not the place we want to be sending them.

The bill I am introducing today is identical to one that was introduced last week by Congresswoman KENNELLY of Connecticut. By her calculations, in 2002, a full 2 million families will be in the AMT because of the family credit alone. For illustrative purposes, I will give you just one example of the kinds of people who will get hurt: A two-parent family with a gross income of $67,700 and three children, including one in college, would fall into the AMT and lose nearly $1,500 of the $2,500 in combined child and education credits that we promised them.

The legislation I am introducing today is simple. It would allow taxpayers to take the nonrefundable personal credits—the dependent care credit, the child credit, and the education credit under the AMT. It would also make the standard deduction and the personal exemptions deductible under the AMT.

As Congresswoman KENNELLY has noted, ''The AMT was meant to ensure that sophisticated taxpayers couldn't zero out their taxes. It was never intended that your children would throw you into the AMT.'' We need to deliver on the family tax relief promises we made in the Taxpayer Relief Act. I urge my colleagues to join me in support of this legislation.

By Mr. KERREY:

S. 1243, A bill to amend title 23, United States Code, to enhance safety on two-lane rural highways; to the Committee on Environment and Public Works.

THE RURAL HIGHWAY SAFETY ACT

Mr. KERREY. Mr. President, I recently introduced the Highway Safety Priority Act which proposed to make safety a primary consideration in highway investments.

Traffic accidents are part of a national health epidemic responsible for the loss of 1.2 million preretirement years of life a year; more than is lost to cancer or heart disease. It is the leading cause of death for Americans between the ages of 15 and 24. Last year, more than 41,900 Americans died from this epidemic and more than 3 million suffered serious injury. In Nebraska traffic accidents claimed 293 lives in 1996 up from 254 the year before. Most tragic, is the fact that this epidemic is almost 100 percent preventable.

To address this problem, the Congress must focus resources where they will do the most good. Throughout America there are two lane, two way roads which expose drivers to an unacceptably high level of risk. These high risk ''killer roads'' suffer from poor engineering, poor pavement, narrow shoulders and increasing levels of traffic. Because these roads are often in rural areas, feeding into the larger arteries, they are frequently overlooked by State and local roads departments in favor of the larger more modern and inherently safe portions of the National Highway System.

If we are to be serious about reducing death and accidents on America's roads, we need to pay greater attention to the roads which feed into the National Highway System. The Lincoln Journal Star reported in May that 70 percent of all Nebraska accidents occur on rural roads.

Today, I introduce legislation which proposes an aggressive efforts to make

killer roads safer. This legislation, like the Highway Safety Priority Act was prepared with significant assistance of Dr. Jerry Donaldson, of Advocates for Highway Safety. Dr. Donaldson is one of the Nation's pre-eminent highway safety experts.

As the Senate prepares to consider the new highway bill, I urge my colleagues to consider and support the Rural Road Safety Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1243

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 ''Rural Highway Safety Act''.

SEC. 2. RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 162. Rural 2-lane highway safety program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the 'program') to ensure the systematic reconstruction of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

''(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with state-of-the-art principles of—

''(A) safe alignment and cross-section design;

''(B) safe roadside conditions;

''(C) safety appurtenances;

''(D) durable and safe pavement design (especially long-term skid resistance);

''(E) grade crossing safety; and

''(F) traffic engineering.

''(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State highway departments and private sector experts in highway safety design, including experts in highway safety policy.

''(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

''(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

''(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

''(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

''(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

''(A) the percentage of the population of the State that resides in rural areas; bears to

''(B) the percentage of the population of all States that resides in rural areas.

''(c) SELECTION OF PROJECTS.—

''(1) IN GENERAL.—The States shall select projects to receive funding under the program based on—

''(A) criteria established in cooperation with the Secretary and other persons that give priority to highways associated with persistently high rates of fatal and non-fatal injuries due to accidents; and

''(B) to the maximum extent practicable, value engineering and life-cycle cost analysis.

''(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

''(3) STATEWIDE TRANSPORTATION PLANNING.—The selection of projects by a State under the program shall be carried out in a manner consistent with the statewide transportation planning of the State under section 135.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than December 31, 2003, the Secretary shall submit a report to Congress on the results of the program.

''(2) CONTENTS.—The report shall include—

''(A) detailed travel and accident data by class of vehicle and roadway; and

''(B) an evaluation of the extent to which specific safety design features and accident countermeasures have resulted in lower accident rates, including reduced severity of injuries.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $100,000,000 for fiscal year 2003.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''162. Rural 2-lane highway safety program.''.

By Mr. GRASSLEY (for himself and Mr. SESSIONS): S. 1244. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes; to the Committee on the Judiciary.

THE RELIGIOUS LIBERTY AND CHARITABLE DONATIONS PROTECTION ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce the Religious Liberty and Charitable Donations Protection Acts. This bill represents a giant step forward in protecting the religious freedom of many Americans who tithe. In the House of Representatives, Congressman RON PACKARD will today introduce a companion measure. I ask consent that the bill be printed in the RECORD following my remarks.

As my colleagues may know, bankruptcy judges across the country have been ordering churches to refund large sums of money when a parishioner declares bankruptcy. This causes serious hardship to churches and is a frontal assault on religious freedom of worship. After the Supreme Court's recent decision striking the Religious Freedom Restoration Act [RFRA] down as unconstitutional, I believe that Congress has a responsibility to act now to protect religious freedom. Because I chair the Subcommittee on Administrative Oversight and the Courts—which has primary jurisdiction over bankruptcy—I have an obligation to respond to this renewed threat to religious liberty.

Of course, there are other areas where Congress needs to protect religious freedom, and I look forward to assisting Chairman HATCH—who is a strong leader in protecting religious liberty—in these efforts.

But in the context of tithing and bankruptcy, I feel the time to act is now. The Supreme Court just vacated and remanded a case from the Eighth Circuit Court of Appeals which had ruled that RFRA protected churches from bankruptcy lawsuits seeking the return of money given as a tithe. This is a particular concern to me, since my home State of Iowa is in the eighth circuit and will be affected by this court case. The pastor of the church involved in this case, Pastor Steven Goold of the Crystal Free Evangelical Church, testified before my subcommittee as to the difficulties his church has faced in trying to protect itself from bankruptcy judges, including the huge legal costs associated with fighting the bankruptcy judge's ruling. Pastor Goold supports this legislation, as does Americans United for Separation of Church and State. So, the bill has broad support from many diverse sectors of our society.

In addition to preventing Federal judges from ordering churches to pay refunds of previous tithes, the legislation I'm introducing today will protect postbankruptcy tithing in chapter 13 cases. As currently interpreted, chapter 13, which permits debtors to repay their creditors at a discounted rate, also allows debtors to budget a moderate amount of money for entertainment expenses. But, several courts have said that debtors can't budget money to tithe to their church. In other words, if you're in chapter 13 bankruptcy, you can budget money for a hamburger and a movie, but you can't take that same money and give it to your church—even if you believe your faith requires that.

This is an obvious assault on the freedom of religion. Would our founding fathers have wanted a Federal judge to tell a citizen that he's not allowed to tithe to his church? Obviously not. Such a situation is antithetical to the American tradition of liberty and separation of church from State.

As a result of my hearing, I have made several minor changes to accommodate various concerns that have been raised about possible unintended consequences. I hope that the legislation as now drafted will receive the support of every Member of Congress who is concerned about protecting freedom generally and restoring freedom of religion—our first freedom—to its rightful place in American society.

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. 1244

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 ''Religious Liberty and Charitable Donation Protection Act of 1997''.

SEC. 2. DEFINITIONS.

Section 548(d) of title 11, United States Code, is amended by adding at the end the following:

''(3) In this section, the term 'charitable contribution' means a charitable contribution, as that term is defined in section 170(c) of the Internal Revenue Code of 1986, if that contribution—

''(A) is made by a natural person; and

''(B) consists of—

''(i) a financial instrument (as that term is defined in section 731(c)(2)(C) of the Internal Revenue Code of 1986); or

''(ii) cash.

''(4) In this section, the term 'qualified religious or charitable entity or organization' means—

''(A) an entity described in section 170(c)(1) of the Internal Revenue Code of 1986; or

''(B) an entity or organization described in section 170(c)(2) of the Internal Revenue Code of 1986.''.

SEC. 3. TREATMENT OF PRE-PETITION QUALIFIED CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Section 548(a) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''(1) made'' and inserting ''(A) made'';

(3) by striking ''(2)(A)'' and inserting ''(B)(i);

(4) by striking ''(B)(i)'' and inserting ''(ii)(I)'';

(5) by striking ''(ii) was'' and inserting ''(II) was'';

(6) by striking ''(iii)'' and inserting ''(III)''; and

(7) by adding at the end the following:

''(2) A transfer of a charitable contribution to a qualified religious or charitable entity or organization shall not be considered to be a transfer covered under paragraph (1)(B) in any case in which—

''(A) the amount of that contribution does not exceed 15 percent of the gross annual income of the debtor for the year in which the transfer of the contribution is made; or

''(B) the contribution made by a debtor exceeded the percentage amount of gross annual income specified in subparagraph (A), if the transfer was consistent with the practices of the debtor in making charitable contributions.''.

(b) TRUSTEE AS LIEN CREDITOR AND AS SUCCESSOR TO CERTAIN CREDITORS AND PURCHASERS.—Section 544(b) of title 11, United States Code, is amended—

(1) by striking ''(b) The trustee'' and inserting ''(b)(1) Except as provided in paragraph (2), the trustee''; and

(2) by adding at the end the following:

''(2) Paragraph (1) shall not apply to a transfer of a charitable contribution (as that term is defined in section 548(d)(3)) that is not covered under section 548(a)(1)(B), by reason of section 548(a)(2).''.

(c) CONFORMING AMENDMENTS.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''; and

(B) by striking ''548(a)(1)'' and inserting ''548(a)(1)(A)'';

(2) in subsection (f)—

(A) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''; and

(B) by striking ''548(a)(1)'' and inserting ''548(a)(1)(A)''; and

(3) in subsection (g)—

(A) by striking ''section 548(a)(1)'' each place it appears and inserting ''section 548(a)(1)(A)''; and

(b) by striking ''548(a)(2)'' and inserting ''548(a)(1)(B)''.

SEC. 4. TREATMENT OF POST-PETITION CHARITABLE CONTRIBUTIONS.

(a) CONFIRMATION OF PLAN.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting before the semicolon the following: '', including charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of the gross income of the debtor for the year in which the contributions are made''.

(b) DISMISSAL.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following: ''In making a determination whether to dismiss a case under this section, the court may not take into consideration whether a debtor has made, or continues to make, charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3)) to any qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)).''.

SEC. 5. APPLICABILITY.

This Act and the amendments made by this Act shall apply to any case brought under an applicable provision of title 11, United States Code, that is pending or commenced on or after the date of enactment of this Act.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in the amendments made by this Act is intended to limit the applicability of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2002bb et seq.).

By Mr. JEFFORDS (for himself, Mr. CONRAD, Ms. COLLINS, Mr. MURKOWSKI, Mr. REID and Mr. AKAKA):

S. 1247. A bill to amend title 38, United States Code, to limit the amount of recoupment from veterans' disability compensation that is required in the case of veterans who have received special separation benefits from the Department of Defense; to the Committee on Veterans' Affairs.

THE SPECIAL SEPARATION BENEFITS IMPROVEMENT ACT OF 1997

Mr. JEFFORDS. Mr. President, today I rise to introduce the Special Separation Benefits [SSB] Improvement Act of 1997. This legislation would address the unfair provision that double-taxes veterans who participate in the special separation benefits downsizing program run by the Department of Defense [DOD].

Since 1991, in an effort by the DOD to downsize the armed services, certain military personnel have been eligible for a special separation benefit [SSB]. However, since the inception of this program recipients who are subsequently determined to have a service-connected disability must offset the full SSB amount paid to that individual through the withholding of disability compensation by the Department of Veterans Affairs [VA]. Because of these cost cutting provisions, veterans who participate in the DOD's downsizing by selecting an SSB lump sum payment are forced to pay back the full, pre-tax amount in disability compensation—offsetting money that the disabled veteran would never see. This is a gross injustice to veterans by double taxing their hard earned benefits.

My bill would ease this double taxation for all members who accept an SSB package, and make these alterations retroactive to December 5, 1991. Thus, service members not able to receive payment concurrently since 1991 will be reimbursed for their lost compensation portion that was taxed. The near-term costs of this bill were estimated by the Congressional Budget Office to be less than $500,000 through the year 2000 and about $2 million in 2002—barely a fraction of a percentage of our annual spending on compensation and benefits for former military personnel.

Mr. President, I urge my colleagues to join me in correcting the double-taxing of veterans' benefits by the Government.

Mr. MURKOWSKI. Mr. President, I rise today as an original cosponsor to the Special Separation Benefits [SSB] Improvement Act of 1997. Offered by my colleague on the Senate Committee on Veterans' Affairs—Senator JEFFORDS, this legislation will correct a current injustice where service connected disabled veterans, who participate in the special separation benefits program [SSB], are wrongly doubled taxed on their benefits.

In 1991, the Department of Defense [DOD], in an effort to downsize the armed services, established the SSB, which gives military personnel a lump sum payment to retire. However, for those veterans who are subsequently determined to have a service-connected disability, their SSB benefit amount is offset by withholding the veteran's disability compensation from the VA. A veteran only receives the SSB benefits after taxes are withheld. At the same time, disability compensation is not taxed. The injustice is that the veteran must repay with his or her disability compensation the pre-tax amount of the SSB payment—in effect double taxing the veteran's benefits.

The Special Separation Benefits [SSB] Improvement Act of 1997 eases the double taxation for all members who participated in the SSB program retroactively to December 5, 1991. These servicemembers will receive payment for their lost compensation portion that was taxed. According to the Congress Budget Office [CBO], the near term costs are estimated to be less than $500,000 through the year 2000. For this small amount, Congress has the opportunity to correct an injustice against our veterans who have given so much.

I hope that my colleagues can join me in cosponsoring this legislation.

ADDITIONAL COSPONSORS

S. 219

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 951

At the request of Mr. TORRICELLI, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 1062

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database Program operated by the Secretary of Agriculture.

S. 1173

At the request of Mr. WARNER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program.

S. 1234

At the request of Mr. HOLLINGS, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1234, a bill to improve transportation safety, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

AMENDMENT NO. 1253

At the request of Mr. MACK, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of amendment No. 1253 proposed to S. 1156, an original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of amendment No. 1253 proposed to S. 1156, supra.

SENATE RESOLUTION 129—RELATIVE TO PRIVATE RELIEF LEGISLATION

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

SENATE RESOLUTION 129

Resolved, That the bill S. 1168 entitled ''A Bill for the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes,'' is referred, with all accompanying papers, to the chief judge of the United States Court of Federal Claims for a report in accordance with sections 1492 and 2509 of title 28, United States Code.

AMENDMENTS SUBMITTED

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

FAIRCLOTH (AND BOXER) AMENDMENTS NOS. 1271–1273

Mr. FAIRCLOTH (for himself and Mrs. BOXER) proposed three amendments to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

AMENDMENT NO. 1271

On page 3, line 9, after ''facilities,'' insert the following: ''and for the administrative operating costs of the Office of the Corrections Trustee.''.

AMENDMENT NO. 1272

On page 4, line 4 and 5, strike ''Administrative Office of the United States Courts'' and insert ''District of Columbia Financial Responsibility and Management Assistance Authority''.

On page 4, lines 15 and 16, strike ''Administraive Office of the United States Courts'' and insert ''District of Columbia Financial Responsibility and Management Assistance Authority''.

AMENDMENT NO. 1273

At the appropriate place, insert the following:

SEC. . It is the sense of the Senate that the management teams authorized in the District of Columbia Management Reform Act of 1997 should—

(1) take whatever steps are deemed necessary to identify the structural, operational, administrative, and other problems within the designated departments; and

(2) implement the management reform plans in accordance with the provisions of the District of Columbia Management Reform Act of 1997.

BROWNBACK AMENDMENT NO. 1274

Mr. FAIRCLOTH (for Mr. BROWNBACK) proposed an amendment to the bill, S. 1156, supra; as follows:

On page 9, line 17, strike ''$1,235,000'' and all that follows through ''134);'' on line 24 and insert ''$3,376,000 from local funds (not including funds already made available for District of Columbia public schools) for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further,* That $400,000 be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further,* That if the entirety of this allocation has not been provided as payment to 1 or more public charter schools by May 1, 1998, and remains unallocated, the funds shall be deposited into a special revolving loan fund to be used solely to assist existing or new public charter schools in meeting startup and operating costs: *Provided further,* That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than 120 days after the date of enactment of this Act on the capital needs of each public charter school and whether the current per pupil funding formula should reflect these needs: *Provided further,* That until the District of Columbia Education Emergency Board of Trustees reports to Congress as provided in the preceding proviso, the District of Columbia Education Emergency Board of Trustees shall take appropriate steps to provide public charter schools with assistance to meet all capital expenses in a manner that is equitable with respect assistance provided to other District of Columbia public schools: *Provided further,* That the District of Columbia Education Emergency Board of Trustees shall report to Congress not later than November 1, 1998, on the implementation of their policy to give preference to newly created District of Columbia public charter schools for surplus public school property;''.

MOYNIHAN AMENDMENT NO. 1275

Mrs. BOXER (for Mr. MOYNIHAN) proposed an amendment to the bill, S. 1156, supra; as follows:

At the appropriate place, insert the following:

SEC. . NATION'S CAPITAL BICENTENNIAL DESIGNATION ACT.

(a) SHORT TITLE; FINDINGS; PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the ''Nation's Capital Bicentennial Designation Act''.

(2) FINDINGS.—The Senate finds that—

(A) the year 2000 will mark the 200th anniversary of Washington, D.C. as the Nation's permanent capital, commencing when the Government moved from Philadelphia to the Federal City;

(B) the framers of the Constitution provided for the establishment of a special district to serve as ''the seat of Government of the United States'';

(C) the site for the city was selected under the direction of President George Washington, with construction initiated in 1791;

(D) in submitting his design to Congress, Major Pierre Charles L'Enfant included numerous parks, fountains, and sweeping avenues designed to reflect a vision as grand and as ambitious as the American experience itself;

(E) the capital city was named after President George Washington to commemorate and celebrate his triumph in building the Nation;

(F) as the seat of Government of the United States for almost 200 years, the Nation's capital has been a center of American culture and a world symbol of freedom and democracy;

(G) from Washington, D.C., President Abraham Lincoln labored to preserve the Union and the Reverend Martin Luther King, Jr. led an historic march that energized the civil rights movement, reminding America of its promise of liberty and justice for all; and

(H) the Government of the United States must continually work to ensure that the Nation's capital is and remains the shining city on the hill.

(3) PURPOSE.—The purposes of this section are to—

(A) designate the year 2000 as the ''Year of National Bicentennial Celebration of Washington, D.C.—the Nation's Capital''; and

(B) establish the Presidents' Day holiday in the year 2000 as a day of national celebration for the 200th anniversary of Washington, D.C.

(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—

(1) IN GENERAL.—The year 2000 is designated as the ''Year of the National Bicentennial Celebration for Washington, D.C.—the Nation's Capital'' and the Presidents' Day Federal holiday in the year 2000 is designated as a day of national celebration for the 200th anniversary of Washington, D.C.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that all Federal entities should coordinate with and assist the Nation's Capital Bicentennial Celebration, a nonprofit 501(c)(3) entity, organized and operating pursuant to the laws of the District of Columbia, to ensure the success of events and projects undertaken to renew and celebrate the bicentennial of the establishment of Washington, D.C. as the Nation's capital.

BYRD AMENDMENT NO. 1276

Mrs. BOXER (for Mr. BYRD) proposed an amendment to the bill, S. 1156, supra; as follows:

On page 49, between lines 13 and 14, insert the following:

SEC. 148. $4,000,000 from local funds shall be available for the establishment of a remedial education pilot program in the District of Columbia public school system to remain available through fiscal year 1999, of which $3,000,000 shall be used to create a one-year pilot program for the implementation of a remedial education program in reading and mathematics for the 3 lowest achieving elementary schools in the District of Columbia public school system (as to be determined by the District of Columbia public school system's Board of Education) and the training of teachers in remediation instruction at the targeted schools and $1,000,000 shall be used to establish a continuing education program for all teachers in the District of Columbia public school system. The General Accounting Office shall report to Congress on the effectiveness of the pilot program funded by this section at the end of fiscal year 1999.

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 full Committee on Energy and Natural Resources to consider the nomination of M. John Berry to be Assistant Secretary of the Interior for Policy, Management, and Budget.

The hearing will take place Thursday, October 9, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224–5070.

NOTICE OF HEARING POSTPONEMENT

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 the October 8, 1997, hearing to receive testimony on S. 1064, a bill to amend the Alaska National Interest Lands Conservation Act to more effectively manage visitor service and fishing activity in Glacier Bay National Park and for other purposes which is scheduled before the Committee on Energy and Natural Resources has been postponed until further notice.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, October 1, 1997, at 10 a.m. in open session, to consider the nomination of Dr. Jacques S. Gansler, to be Under Secretary of Defense for Acquisition and Technology.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 1, 1997, at 9 a.m. on the nomination of William Kennard to be FCC Chairman.

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

COMMITTEE ON FINANCE

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, October 1, 1997, beginning at 10 a.m. in room SH–215, to conduct a markup on several bills.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Wednesday, October 1, at 10 a.m., for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''Congress' Constitutional Role in Protecting Religious Liberty.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on health insurance coverage during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. until business is completed to hold a business meeting concerning the contested election for U.S. Senator from Louisiana.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 2 p.m. to hold an open confirmation hearing on the nomination of Lt. Gen. John A. Gordon, to be Deputy Director of Central Intelligence.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic

Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 940, a bill to provide a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway; and H.R. 765, a bill to ensure the maintenance of a herd of wild horses in Cape Lookout National Seashore.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 1, 1997, at 10 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

REMARKS OF SENATOR JON KYL AT THE FIRST INTERNATIONAL CONSERVATIVE CONGRESS

● Mr. KYL. Mr. President, I ask that the text of the my remarks before the First International Conservative Congress be printed in the RECORD.

The text of the remarks follows:

REMARKS BY SENATOR JON KYL AT THE FIRST INTERNATIONAL CONSERVATIVE CONGRESS—SEPTEMBER 28, 1997

DEFINING A CONSERVATIVE APPROACH TO DEFENDING THE WEST

Thank you for inviting me to address the conference.

A conservative and internationalist approach to foreign policy is consistent. For example, during the Cold War Ronald Reagan worked not just to contain communism but to expand democracy. NATO expansion is a contemporary example where conservatives believe the U.S. should remain involved internationally to promote democracy, free markets, and to hedge against a revival of communism. A successful internationalist policy requires that you have firm clear national goals and the means and will to achieve them strategically.

The Clinton Administration pursues a foreign policy without clear goals or the will to act decisively and is squandering the national security means left to it by a dozen years of Republican presidency. It emphasizes hope over reality and reliance on arms control agreements like the Comprehensive Test Ban Treaty (CTBT), the Anti-Ballistic Missile (ABM) Treaty, and the Chemical Weapons Convention (CWC) over a stronger defense. And political benefit over national security, as in its decisions to cave in to the concerns of some in industry in irresponsibly relaxing export controls on key items like encryption technology and supercomputers.

Today's debate is similar to that which took place during the Cold War between those who favored detente and arms treaties and those who believed in a rational, tough policy of peace through strength. During the Cold War, the proponents of detente argued that the U.S. should overlook violations of promises and arms control agreements because of our tense relations with the Soviet Union and China. Today, the supporters of ''engagement'' say we should overlook violations of such treaties because of our improved relations with Russia and China. The result is the same—a muddled, confused foreign policy. But it hasn't stopped the Administration from proposing even more treaties, even as existing treaties are continually violated by all but the U.S.

PROLIFERATION

I want to focus on how conservatives in the West believe we should deal with the threat posed by the proliferation of weapons of mass destruction and ballistic missiles, which is the key national security challenge facing us today.

As with so many other areas, the Clinton Administration's efforts to address this issue have been long on rhetoric and short on action. In 1994, President Clinton issued Executive Order 12938 declaring that the proliferation of weapons of mass destruction and the means of delivering them constitutes ''an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,'' and that he had, therefore, decided to ''declare a national emergency to deal with that threat.'' The President reaffirmed this Executive Order in 1995 and 1996. But since issuing this order, the Administration has primarily focused on concluding arms control agreements and sending diplomatic protest notes to combat this growing threat.

THE THREAT

Rogue nations that are hostile to the United States are the primary proliferation threat, though the Russian arsenal remains the largest potential threat. Iran is of particular concern. Tehran is aggressively pursuing the development of nuclear weapons. On January 19, 1995, the Washington Times reported that Western intelligence agencies believe Iran is using its civilian nuclear power program as a cover for acquiring the technology and expertise to build nuclear weapons. According to the Times, the CIA estimates Iran is about 5-7 years away from building nuclear weapons, but could shorten that timetable if it received foreign assistance.

Iran's chemical and biological weapons programs began in the early 1980's and are now capable of producing a variety of highly lethal agents. Iran currently has Scud-B and Scud-C missiles also working to develop the ability to domestically produce longer-range missiles. On September 10, 1997, the Washington Times disclosed that Russia is assisting Iran with the development of two ballistic missiles that could be fielded in as little as three years. One of the missiles will reportedly have sufficient range to allow Tehran to strike targets as far away as Germany. In addition, other rogue states like Iraq, Libya, Syria, and North Korea are also aggressively pursuing ballistic missile and nuclear, biological, and chemical weapons programs.

HOW SHOULD THE WEST RESPOND TO THE PROLIFERATION THREAT?

We need an integrated strategy combining three elements: (1) responsible export controls, (2) firm economic and diplomatic actions to create incentives and disincentives to prevent the spread of missiles and weapons of mass destruction, and, (3) ultimately, robust defenses to deter and respond to attacks.

The Clinton Administration has irresponsibly relaxed U.S. export controls on key technologies like encryption, machine tools, and supercomputers. For example, in 1994, the Administration approved the sale of machine tools to China that were intended to be used to produce McDonnell Douglas civilian airliners. Just sic months after the export licenses were approved, the company discovered the machine tools had been diverted to a facility where cruise missiles and fighter aircraft are produced for the Chinese military. In addition, China has purchased 47 supercomputers form the U.S. and one of Russia's premier nuclear weapons facilities has bought four supercomputers from a U.S. firm as well.

Multilateral control regimes like the Australia Group, restricting chemical trade, the Missile Technology Control Regime, and the Nuclear Supplier Group can limit the spread of sensitive technology. But as we learned through our experience with COCOM during the Cold War, even the best controls only slow the spread of the technology because determined nations find ways to circumvent the controls or eventually develop the technology themselves. We also must guard against a reliance on arms control agreements like the CWC and the CTBT that are not global or verifiable, and therefore not effective or useful.

We should make it unprofitable for countries to supply missiles and weapons of mass destruction technology to rogue regimes. For example, the annual foreign aid bill recently passed by the Senate conditions U.S. aid to Russia on a halt to nuclear and missile cooperation with Iran. Western nations can also impose economic sanctions on supplier countries and companies to provide disincentives for them to continue this dangerous trade. In addition, we should use convert action to raise the costs to countries that are suppliers of this sensitive technology.

Ultimately, we need to maintain strong defense capabilities to deter and respond to attacks involving weapons of mass destruction and ballistic missiles. By maintaining a robust, credible nuclear weapons capability, the U.S. can deter rogue nations from using weapons of mass destruction against U.S. forces or our allies. The U.S. should also improve our chemical and biological defenses. As we learned during the recent Senate debate over the Chemical Weapons Convention, the U.S. military's chemical and biological defense programs are underfunded and are inadequate to meet the current and projected threat.

BALLISTIC MISSILE DEFENSE

The West is nearly defenseless against the expanding missile threat we face. Space-based systems offer a promising long-term solution and should be pursued. Sea-based missile defenses based on the Navy's AEGIS class ships, however, have the potential to provide near-term, flexible, and affordable protection for U.S. forces and our allies abroad. Sea-based systems would allow for ascent phase intercept of missiles armed with chemical or biological warheads.

Sea-based systems are more affordable because the U.S. has already invested $50 billion in the AEGIS fleet. Development of a sea-based theater missile defense could be completed in five years and deployment of 650 interceptors on 22 ships could cost as little as $5 billion. This system could then evolve into a national missile defense system, whose development, production, and deployment could be completed in 6–10 years for $12–17 billion, according to preliminary CBO estimates.

CONCLUSION

There are two points of view on how to address this threat. We can either talk tough, and even in the face of incontrovertible evidence, overlook arms control violations for

fear of damaging our relations with other nations. Or we can follow the path of peace through strength.●

THE AMERICAN FISHERIES ACT

● Mr. BREAUX. Mr. President, the American Fisheries Act, S. 1221, was introduced last week by Senators STEVENS, MURKOWSKI, HOLLINGS and myself. This bill represents another major milestone in our long efforts to reserve U.S. fishery resources for bona fide U.S. citizens as well as take steps to substantially improve the conservation and management of our Nation's fishery resources through a reduction in the overcapitalization of our fishing fleets. To put the bill in perspective, I wish to remind my colleagues of the steps taken in the past to establish our fishery conservation zone now called the Exclusive Economic Zone or EEZ, to support an American preference for harvesting and processing fishery resources within that zone, to eliminate foreign fishing in our EEZ whenever sufficient U.S. capacity existed, and finally to reduce the conservation and management problems associated with excess capacity. The historical basis for such a bill is well established in U.S. fishery policy.

THE OPEN SEAS

For hundreds of years, a basic component of the freedom of the seas had been the freedom of fishing. Nations claimed narrow territorial seas where they exercised sovereignty on and above the surface down to and including the seabed, subject only to the right of innocent passage. Originally, this territorial sea was limited to 3 miles out from the coastline—that distance being the range which a cannonball could be fired from the shore to protect the coastal State's interest. Outside of the territorial sea, all nations enjoyed free access to fishery resources on the high seas, subject only to limitations imposed by international agreements and a general yet unenforceable understanding to conserve the resource.

ESTABLISHING THE EXCLUSIVE ECONOMIC ZONE

This concept was radically changed in 1945 with the issuance of the Truman Proclamation which declared that the continental shelf contiguous to U.S. coasts was ''appertaining to the United States, subject to its jurisdiction and control.'' Although the Truman Proclamation did not carry the force of international law, other nations followed suit in extending their jurisdiction beyond 3 nautical miles, some nations went out to 12 miles while others went all the way out to 200 miles. Congress contributed to this trend when it passed the 12 Mile Fishery Jurisdiction Act. In passing the Fishery Conservation and Management Act in 1976, Congress established a 200-mile fishery conservation zone where the United States would exercise sovereign rights over the conservation, harvesting and management of the resource. In 1983, President Reagan declared through Proclamation 5030 that the U.S. would exercise broad sovereign rights from the seaward limit of the territorial sea to a distance of 200 miles from the shore, thus establishing the Exclusive Economic Zone. The EEZ regime was reflected in the U.N. Convention on the Law of the Sea and although the United States has not ratified this treaty, we maintain that it is generally reflective of customary international law applying to the EEZ among other things.

AMERICANIZING THE FISHERIES

For more than 200 years, the Federal Government has been looking after our fishermen, starting as early as the Treaty of Paris of 1783 which secured fishing rights off the coast of New England. However, our management of fishery stocks was limited to our narrow territorial sea. This principle worked well until technology became very sophisticated in the early 1950's. Harvesting efficiency and capacity greatly increased and the presence of large foreign fishing fleets off our coast threatened the survivability of numerous stocks. In the 1950's, as large foreign fishing fleets loomed off our coast, Congress acted to protect the rights of our fishermen with the Fisherman's Protective Act of 1954. The Fish and Wildlife Act of 1956 also affirmed the rights of U.S. fishermen to waters off our own coast. In 1964, Congress passed the Prohibition of Fishing in the U.S. Territorial Waters by Foreign-Fishing Vessels and then in 1972, Congress passed the Prohibition of Foreign Fishing Vessels Act, again attempting to reserve the right to harvest U.S. fishing resources for U.S. fishermen. These laws were all precursors to the Fishery Conservation and Management Act of 1976 to which the names of Senators Magnuson and STEVENS were later added.

The Magnuson-STEVENS Fishery Conservation and Management Act. The Magnuson-STEVENS Act established a 200-mile Fishery Conservation Zone and further established U.S. management jurisdiction over all fishery resources within that zone. As a House cosponsor of the bill, I can recall the great debates of the day as the Magnuson-STEVENS Act was being discussed. Members feared retaliation by other nations because of our unilateral extension of authority out to 200 miles, but the fear of the foreign fishing fleets just off our coast was greater. Of special significance was the concept that U.S. fishermen should have the first right to harvest the fishery resources found within our 200-mile limit. Specifically, section 201 of the Magnuson-STEVENS Act states ''After February 28, 1977, no foreign fishing is authorized within the exclusive economic zone * * *'' unless certain conditions are met as set forth within the act. Section 2(b)(1) of the Magnuson-STEVENS Act stated as a purpose: ''to exercise sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone.'' This Americanization provision allowed for the gradual reduction of foreign fishing within U.S. waters as U.S. capacity increased.

THE AMERICAN FISHERIES PROMOTION ACT

However, the great promise of the Magnuson-STEVENS Fishery Conservation and Management Act to Americanize the fisheries was slow to come to fruition. As many Members may recall, numerous bills were introduced and debated to help the U.S. fleet establish itself in the new fishery conservation zone. In 1979, 60 percent of the edible and industrial fish we used was supplied by foreign companies despite the fact that 20 percent of the world's fishery resource was within our own zone. Foreign fleets still dominated our fishery conservation zone. As Chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment within the House Committee on Merchant Marine and Fisheries, I authored the American Fisheries Promotion Act. Popularly coined as the fish and chips bill, the legislation was designed to promote development of U.S. fisheries by providing a statutory mechanism to phaseout foreign fishing within our fishery conservation zone. Unfortunately, the phase out of foreign flag vessels did not fully achieve the goal of reserving the full economic benefits of our resources to U.S. citizens.

REFLAGGING ISSUES

Foreign companies were able to circumvent the intent of these laws by reflagging. Foreign-controlled companies could reflag their vessels under U.S. documentation laws and gain the same priority access to U.S. fishery resources as bona fide U.S. citizens were intended to enjoy. To counter such actions, Congress passed the Anti-Reflagging Act of 1987 which was designed to stop this practice and prohibit foreign ownership/control of U.S. fishing vessels. The exact method of ensuring this occurred was by requiring that a majority controlling interest in any corporation who owns fishing vessels operating in the U.S. fishery were bona fide U.S. citizens. To protect the financial investments of vessels already within the fishery, grandfather provisions were included in the bill. Unfortunately, interpretation of the grandfather provision has effectively nullified the original intent of that landmark legislation. Although the vessels now carry the American flag, effective control of the vessels is under foreign hands. This bill will restore the rights of bona fide United States citizens to have priority access to U.S. fishery resources which are well established under U.S. and international law. In essence, we seek to return to a de facto standard as set forth in section 201(d) which establishes that the total level of foreign fishing shall be the portion of the optimal yield which will not be harvested by U.S. vessels.

OVERCAPITALIZATION OF THE FLEET

A second issue that we deal with in this bill is the issue of overcapitalization of the fishing fleet. The increasing

demand for fish products throughout the world has created an incentive for increasing the size and capabilities of the world's fishing fleets. Traditionally, the United States has operated under an open access system of fishery management and increased demand has led to increased entry into the fishing industry. It is not disputed that the harvesting and processing capacity in the world far exceeds that required to efficiently harvest most resources.

The Magnuson-STEVENS Act's first National Standard requires that any fishery management plan be consistent with conservation and management measures to prevent overfishing while achieving optimal yield from the fishery. Controlling overfishing has been done in basically four types of programs—controlling the when, where, how and how much of fishing. Fishery managers control the when—establishing seasons in which a particular species may be fished. Fishery managers control the where—setting closed areas where fishermen cannot fish. Fishery managers control the how—restricting certain forms of fishing gear. And finally, fishery managers control the how much—setting total allowable catches to limit harvest. However, these methods have not always been successful and the collapses of the New England ground fishery and Bering Sea crab fishery are examples of that. The existence of ''derby style'' fishery where an excessive number of boats attempt to catch a limited resource in the shortest period of time possibly is one symptom of inadequate controls. Such derby style fishing in overcapitalized fisheries has led to a range of serious conservation, management, bycatch and safety problems in our fisheries. It is time to establish some form of control of fishing capacity, particularly if the capacity is under the control of foreign fishing companies. This bill will establish such control by reducing capacity with a preference for American companies—as Congress has long intended.

Mr. President, there are some areas of this bill which I will want to address further. For instance, the menhaden and tuna industries use large vessels to harvest their catch, primarily through purse seining. These fisheries operate outside of our Exclusive Economic Zone and are not subject to management by our traditional Regional Council system nor have they experienced the problems associated with overcapitalization. I will seek to ensure there are no unintended consequences of this bill on their industry. Mr. President, I think this bill continues the work that was started in 1976 and I look forward to a healthy and open debate on these very important issues.●

CLARIFYING TREATMENT OF INVESTMENT ADVISERS UNDER ERISA

● Mr. JEFFORDS. Mr. President, on Friday, September 26, 1997, I introduced legislation which amends title I of the Employee Retirement Income Security Act of 1974 [ERISA] to permit investment advisers registered with State securities regulators to continue to serve as investment managers to ERISA plans. At the end of last Congress, the Investment Supervision Coordination Act, landmark bipartisan legislation that adopted a new approach for regulating investment advisers, was passed and signed into law. Under this legislation, beginning July 8, 1997, States are assigned primary responsibility for regulating smaller investment advisers and the Securities and Exchange Commission is assigned primary responsibility for regulating larger investment advisers. Prior to the passage of the legislation, the issue arose that smaller investment advisers registered only with the States—and prohibited from registering with the SEC—would no longer meet the definition of investment manager under ERISA because the current Federal law definition only recognized advisers registered with the Securities and Exchange Commission. As a temporary measure, a 2-year sunset provision was included in the securities reform legislation extending the qualification of State registered investment advisers as investment managers under ERISA for 2 years. The purpose of this provision was to address the problem on an immediate basis while concurrently giving the congressional committees with jurisdiction over ERISA matters the opportunity to review and act on the issue. We have reviewed this issue and have developed the legislation that I am introducing today to permanently correct this problem.

Without this legislation, State licensed investment advisers who, because of the securities reform legislation, no longer are permitted to register with the Securities and Exchange Commission will be unable to continue to be qualified to serve as investment managers to pension and welfare plans covered by ERISA. Without this legislation, the practices of thousands of small investment advisers, investment advisory firms and their supervision of client 401(k) and certain other pension plans will be seriously disrupted after October 10, 1998.

For business reasons, it is necessary for an investment adviser seeking to advise and manage assets of employee benefit plans subject to ERISA to meet ERISA's definition of investment manager. It is also important, for business reasons, to eliminate the uncertainty about the status of small investment advisers as investment managers under ERISA. This uncertainty makes it difficult for such advisers to acquire new ERISA plan clients and may well cause the loss of existing clients.

Arthus Levitt, chairman of the Securities and Exchange Commission, has written a letter expressing the need for this legislation and his support for this effort to correct this problem. I ask that a copy of Chairman Levitt's letter be inserted in the RECORD.

It is my understanding that this bill is supported by the Department of Labor. In addition, this bill is supported by the Institute of Certified Financial Planners, the National Association of Personal Financial Advisors, the International Association for Financial Planning, the American Institute of Certified Public Accountants, and the North American Securities Administrators Association, Inc. Mr. President, the sooner that Congress responds in a positive fashion to correct this problem, the better for small advisers and the capital management marketplace.

The letter follows:

U.S. SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, April 7, 1997.

Hon. JAMES M. JEFFORDS,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN JEFFORDS: I am writing to urge that the Senate Committee on Labor and Human Resources consider enacting legislation to amend the Employee Retirement Income Security Act of 1974 (''ERISA'') in a small but terribly important way. Unless the Congress acts quickly, thousands of small investment adviser firms, and their employees, risk having their businesses and their livelihoods inadvertently disrupted by changes to federal securities laws that were enacted during the last Congress.

At the very end of its last session, Congress passed the Investment Advisers Supervision Coordination Act. This was landmark bipartisan legislation that replaced an overlapping and duplicative state and federal regulatory scheme with a new approach that divided responsibility for investment adviser supervision: states were assigned primary responsibility for regulating smaller investment advisers, and the Securities and Exchange Commission was assigned primarily responsibility for regulating larger investment advisers. We supported this approach.

Under the Coordination Act takes effect in the next few months, most of the nation's 23,500 investment adviser firms—regardless of their size—will continue to be registered with the SEC, as they have for many decades. Once the Act becomes effective, however, we estimate that as many as 16,000 firms will be required to withdraw their federal registration. Indeed, this requirement is crucial if the Act's overall intent of reducing overlapping and duplicative regulation is to be realized. But the withdrawal of federal registration is also what causes the problem for these firms under ERISA.

As a practical business matter, it is a virtual necessity for a professional money manager (such as an investment adviser) seeking to serve employee benefit plans subject to ERISA to meet ERISA's definition of ''investment manager.'' The term is defined in ERISA to include only investment advisers registered with the SEC, and certain banks and insurance companies. Once the Coordination Act becomes effective, large advisers registered with the SEC will of course continue to meet the definition. But small advisory firms will not be able to meet the definition of investment manager because they will be registered with the states rather than with the SEC. Thus they may well be precluded from providing advisory services to employee benefit plans subject to ERISA, even if they have been doing so successfully for many years.

The sponsors of the Coordination Act were aware that the interplay between the Act and ERISA could have substantial detrimental consequences for small advisers, and thus

added an amendment to ERISA during the House-Senate Conference on the Act. The ERISA amendment provided that investment advisers registered with a state can serve as ''investment managers'' for two years, or through October 12, 1998. My staff has been told that this ''sunset'' provision was included in the ERISA amendment so that the appropriate congressional committees with jurisdiction over ERISA could have a reasonable amount of time to review the amendment before deciding whether to make it permanent. Apart from that important procedural issue, I am not aware of any other considerations that would suggest the need for the ERISA amendment to expire in two years.

I believe that the Congress should move as quickly as possible to enact legislation that eliminates the sunset provision, and permanently enables properly registered state investment advisers to continue their service as investment managers under ERISA. There is no reason to wait until 1998 to do so. In fact, many small investment advisers believe that the ongoing uncertainty about their status as ''investment managers'' under ERISA is making it difficult for them to acquire new ERISA plan clients, and may even cause them to lose existing clients. Some advisers think the harm they could suffer, even before the expiration of the sunset provision next year, could be irreparable, and it is easy to see why.

It is only through the swift action of your Committee that these unintended and unnecessary consequences for thousands of successful small businesses can be avoided. If you or your staff would like additional information about this matter, please do not hesitate to contact me at 942–0100, or Barry P. Barbash, Director of the Division of Investment Management, or Robert E. Plaze, an Associate Director in the Division, at 942–0720.

Sincerely,

ARTHUR LEVITT.●

FEDERAL JUDICIARY PROTECTION ACT OF 1997

● Mr. LEAHY. Mr. President, I am proud to join as a cosponsor of the Federal Judiciary Protection Act of 1997, S. 1189.

This legislation would provide greater protection to Federal judges, law enforcement officers, and their families. Specifically, our legislation would: Increase the maximum prison term for forcible assaults, resistance, opposition, intimidation, or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the U.S. Judicial Conference, the U.S. Sentencing Commission, and the U.S. Marshals Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard-working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal Government.

Earlier this year, for example, a courtroom in Urbana, IL, was firebombed, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the Federal office building in Oklahoma City 2 years ago. More recently in my home State, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two State troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshals Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some are using to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives was recently quoted as saying: ''The judges need to be intimidated,'' and if they do not behave, ''we're going to go after them in a big way.'' I know that House Republican Whip TOM DELAY was not intending to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to its preserving its public standing.

We have the greatest judicial system in the world, the envy of people and countries around the world that are struggling for freedom. It is the independence of our third, coequal branch of Government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the Federal Government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

I urge my colleagues to support the Federal Judiciary Protection Act of 1997 and look forward to its swift enactment.●

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS CONFERENCE REPORT FOR FISCAL YEAR 1998

● Mr. ASHCROFT. I would like to make a statement regarding the transfer of FUSRAP to the Army Corps of Engineers.

Mr. President, yesterday I cast a vote in favor of the Energy and Water Development Appropriations Conference Report for FY 1998 with hesitation. Missouri has a major FUSRAP site in St. Louis which contains nuclear contamination from the Manhattan project and other hazardous waste. For 15 years we have worked with the Department of Energy to clean up this site. During such time I have expressed concern over the delays but in just the past 2 weeks we have come to the point where DOE has begun preliminary cleanup efforts. Given this recent progress, the news of the FUSRAP program's transfer out of DOE has, quite understandably, caused a great deal of distress in the St. Louis community. While I am not questioning the corps' ability to handle the FUSRAP project, concern has been expressed that further delays will be caused by the transfer and undo much of the recent progress.

With site recommendations already made, feasibility studies concluded, and contracts let, it is encouraging that the corps will honor the preliminary groundwork laid by the St. Louis community. The plan designed by the community further illustrates their ability to continue to administer the program from St. Louis. Further, I was pleased to learn that the cleanup and restoration of contaminated sites falling within the purview of FUSRAP shall be managed and executed by the St. Louis area Civil Works District of the Corps of Engineers, ensuring that the local community will continue to be very involved in designing cleanup plans at the FUSRAP site and effectively maintain community input in the process.●

FLORIDA SHERIFFS YOUTH RANCHES

● Mr. GRAHAM. Mr. President, I want to take this opportunity to recognize a program that for the past 40 years has served over 30,000 troubled boys, girls, and their families. This program has assisted these troubled youth by providing an opportunity to learn to resolve conflicts and learn proper values as they work toward a lawful, productive, and secure future. I speak specifically of the Florida Sheriffs Youth Ranches, which have been in continuous operation since October 2, 1957.

The first of these ranches was established on the banks of Florida's historic Suwannee River under the direction of the Florida Sheriffs Association.

For four decades, this ranch and the many others established in its wake have provided a home for neglected, troubled, and abused boys and girls. They offer in-home counseling and parent effectiveness training to hundreds of families throughout Florida each year. The programs for youth include residential care, camping, foster care, adoption, after-care, and individual and family counseling.

Through these youth ranches, the Florida Sheriffs Association and our State's individual sheriffs, deputies, and office staffs have made a vital contribution in the fight against juvenile delinquency and the breakdown of the American family.

Mr. President, the Florida Sheriffs Youth Ranches are a shining example of law enforcement working with communities to help troubled youth and their families. I offer my sincerest congratulations and thanks for their four decades of service to the people of Florida, and wish all of the individuals involved the best of luck for the next 40 years and beyond.●

GERMAN-AMERICAN DAY

●Ms. MOSELEY-BRAUN. Mr. President, October 6 is German-American Day, and it is my pleasure to recognize the more than 57 million Americans who trace part of their ancestry to Germany.

Since the arrival of the first German immigrants in Philadelphia in 1683, German-Americans have distinguished themselves through their cultural, economic, and political contributions to life in the United States. Through their participation in American society, German-Americans have demonstrated their loyalty to their new homeland and their strong support of our Nation's democratic principles.

The German-American Friendship Garden in Washington, DC stands as a symbol of the positive and cooperative relations between the United States and the Federal Republic of Germany. I urge every American to acknowledge and honor the contributions to our Nation made by German-Americans, and to celebrate October 6 as German-American Day.●

HISPANIC HERITAGE MONTH

● Mr. CLELAND. Mr. President, it is with great pleasure that I join my colleagues in recognizing September 15 through October 15 as Hispanic Heritage Month. It is important that we reflect on the great contributions that Hispanic-Americans have made to our Nation.

Hispanic-Americans embrace the American society and culture, while at the same time perpetuating a unique cultural heritage of their own. In so doing, they are contributing to our Nation's diversity—a quality Americans take great and justifiable pride in maintaining.

As one of the fastest growing segments of our society, Hispanic-Americans are an increasingly vital part of our economy. Hispanic-owned firms contribute significantly to our economic growth, and their ranks are increasing every day. In my own State of Georgia, which once served as the boundary between Spanish and English America, the number of Hispanic-owned businesses has risen 184.9 percent over the past 10 years.

But the contributions of Hispanic-Americans go well beyond the economic arena. Their strong commitment to family, community, and country sets an example for all our people. For example, many have demonstrated their commitment to our Nation through dedicated military service. And Hispanic culture continues to enrich American art, music, and literature.

Hispanic Heritage Month seeks to increase national awareness and understanding of and respect for Hispanics and their tradition of achievement in this country. Across the Nation, events are taking place which demonstrate our rich Hispanic heritage. Through these festivities, every American will be given the chance to experience Hispanic culture. I urge every citizen to do so. You will be educating yourself and giving the Hispanic-American community in your area the recognition it deserves.●

TRIBUTE IN COMMEMORATION OF 25TH ANNIVERSARY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES [USUHS]

● Mr. SARBANES. Mr. President, I rise today to congratulate the Uniformed Services University of the Health Sciences [USUHS] as it celebrates 25 years of service to our country. It was on September 21, 1972 that Public Law 92–426 established USUHS to provide a corps of uniformed medical officers who would provide continuity and leadership for uniformed medicine in the United States. For 25 years, USUHS had remained our Nation's only military medical school, ensuring top-quality medical care to the men and women of our armed services. This institution has consistently produced first-rate career medical officers who excel in meeting the needs of military medicine and military readiness.

USUHS provides a unique curriculum that contributes greatly to our military preparedness by providing knowledge that is vastly different from that taught in civilian medical schools. In fact, the American Medical Association [AMA] has recognized that training in military medicine mandates special course work and instruction not necessary in the civilian sector, and calls the existence of USUHS vital to the continued strength, morale and operational readiness of the military services. This specialized training includes trauma, mass casualties, combat surgery, medical logistics, nuclear medicine, tropical infectious diseases, and medical responses to terrorism.

Following 18 graduations at the University, the total of USUHS School of Medicine [SOM] graduates is 2,470; the 2,276 active duty USUHS physicians represent 17 percent of the current physician force in the military medical system. Over the years, the university's graduates have consistently demonstrated a high level of performance during their various deployments in combat areas and in support missions, including Desert Storm and Somalia. This performance based upon their extensive military training has been validated by three Surgeons General, the American Medical Association and the Military Coalition, the Retired Officers Association, the National Association for Uniformed Services, and the American Legion, among others.

It is also important to underscore the long-term commitment made by USUHS graduates to our armed services. Although USUHS graduates are required to serve 7 years of active duty beyond the time they devote to internships and residencies, the average time served is actually 18.5 years. Indeed, 85 percent of those graduates who have completed their initial service obligations and could leave active duty for the private sector remain on active duty in the Armed Forces where they often hold significant leadership and operational positions. For example, four USUHS-SOM graduates currently work directly for the President of the United States in medical support positions. That so many USUHS graduates have made a career of military medicine provides the continuity that is so critical to our military medical services.

In addition to its original mandate, USUHS has further expanded its mission to meet the changing needs of the armed services. Additional programs provided by USUHS include the Graduate School of Nursing, recently granted full accreditation by the National League for Nursing, which prepares advanced practice nurses to deliver primary care and services to all eligible beneficiaries; the Graduate Medical Education Programs, established in 1986 to provide DOD-wide consultation on internships, residency, and fellowship training for physicians; the Graduate Education Program which has provided 444 students with graduate degrees in the basic medical sciences; and the Continuing Education for Health Professionals Program which facilitates the continued professional growth of health care professionals in the uniformed services and reduces DOD travel and other expenses by bringing medical training directly to the health care professional.

For 25 years, this institution has consistently produced first-rate career

medical officers who excel in meeting the needs of military medicine and military readiness. USUHS is a cost effective means of providing these uniquely trained physicians and deserves significant recognition of its accomplishments over its 25-year history in providing top-quality medical care.●

TRIBUTE TO JONATHAN CAMERON BOSTER

● Mrs. MURRAY. Mr. President, I rise today to honor Jonathan Cameron Boster, a fallen firefighter who gave his life in service to his community. While nearly 100 fire service personnel nationwide sacrifice their lives every year, Jon's death is even more poignant because he was just 19 years old.

At 10 p.m. on April 8, 1996, Grant County Fire District 5 was responding to a structure fire in Moses Lake, WA. The water tanker Jon was driving rolled off a curved rural road, killing him and injuring one other firefighter. Jon's comrades could not turn back because of their commitment to the community. They did what Jon would have done; they fought the fire.

Jon was a fun-loving young man with bright eyes and a charming smile. A Montana State all-star basketball player in high school, Jon also played football and ran track. He enjoyed water and snow skiing, fishing and hunting. Jon delighted in his niece and nephew and his greatest joy was playing with them.

His driving desire, however, was firefighting and his world revolved around his ambition. He was a resident firefighter and E.M.S. provider and a State-certified first responder and defibrillator technician. He planned to attend the Washington State Fire Academy.

Each October, the National Fallen Firefighters Foundation holds a memorial in tribute to the firefighters who died the previous year. On October 5, 1997, Jon will be honored and a plaque listing his name and the names of each fallen firefighter will be unveiled and dedicated.

Every fallen firefighter is a hero, and each death a loss to an entire community. While Jon's death is sorrowful, we can take comfort in knowing that Jon gave his life in pursuit of his goal, racing not just to a fire, but toward a dream.●

GEN. A.M. ''BUDDY'' STROUD

● Mr. BREAUX. Mr. President, November 8th will be a significant and emotional day for the more than 13,000 members of the Louisiana National Guard. That day will mark the conclusion of the extraordinary and distinguished military career of their beloved adjutant general, Maj. Gen. Ansel ''Buddy'' Stroud.

For 17 years, ''Buddy'' Stroud has provided strong and innovative leadership as Louisiana's top guardsman. In fact, anyone familiar with the Louisiana National Guard can attest that today's Louisiana National Guard is better trained, better equipped, and better prepared to defend our Nation than ever before. And much of that high degree of training and preparedness is due to the visionary and determined leadership that General Stroud has always provided.

Under General Stroud's able command, the Louisiana National Guard has always enjoyed widespread popular support in my State and has often made the difference in times of crisis and natural disaster in our State. In 1992, when Hurricane Andrew pounded the South Louisiana coast and inflicted heavy damage on a number of communities from New Orleans to Lafayette, General Stroud and his men were on the scene almost immediately. I suspect that without his leadership—and without the dedicated, hardworking guardsmen under his command—Louisiana's recovery from Andrew would have been much more painful and prolonged.

The Louisiana military personnel under General Stroud's command also distinguished themselves in another endeavor. During 1990–91, more than 6,400 men and women were activated for duty in Desert Shield/Desert Storm in the Persian Gulf. In all, 2,000 Louisiana Guardsmen saw duty in the Persian Gulf war. Our Nation and the people of Kuwait owe these men and women—and thousands of other guardsmen from other states—our sincere gratitude for their service in this noble cause.

Earlier this year, when the rapidly rising Mississippi River threatened to overwhelm our State penitentiary at Angola, General Stroud's guardsmen helped save the day by shoring up the levees. Because of the Guard's immediate response to this potential disaster, a costly evacuation of thousands of prisoners was averted.

Under General Stroud's leadership, the Guard has not only been present in times of natural disaster. Buddy Stroud has given thousands of Louisiana high school dropouts a second chance by creating a bootcamp-style program that instills discipline and guides these former dropouts toward the achievement of their high school diploma. Another program created under General Stroud's leadership, the Louisiana National Guard's Youth Challenge Program, was recently honored as the best overall youth challenge program in the United States.

Buddy Stroud was born on April 5, 1927 in Shreveport, LA. After his high school graduation, he attended college at Baylor and Texas A&M and graduated with his B.S. degree from the University of the State of New York. His long and distinguished military career began with his enlistment in the Army in 1944. Three years later, in 1947, he began a half century of service in the Louisiana National Guard, which culminated in 1981 with his promotion to the rank of major general.

General Stroud served his Nation in a number of other capacities. He is former president of the National Guard Association of the United States and has served on that organization's executive council for the last 4 years. He has also served as president of the Adjutants General Association of the United States.

Among General Stroud's professional achievements is a 1977 study which he directed for the Department of the Army on full-time training and administration for the Army Guard and the Army Reserve. The study, known as the Stroud Study, was accepted by the Army as a guideline for requirements of the National Guard and Army Reserve for full-time manning programs and was the basis for launching the AGR program. Most recently, General Stroud's unique contributions were recognized by the people of Louisiana when the State legislature directed that the Louisiana Military History and Weapons Museum should now bear his name.

While he will no longer serve the Guard in a full-time capacity, I know that retirement will not diminish ''Buddy'' Stroud's dedication to the Louisiana National Guard. In fact, I am certain that, even in retirement, he will find a way to continue making a significant contribution.

For many years, it has been my honor and privilege count ''Buddy'' Stroud as a friend. I could begin to count the number of times we worked together on behalf of the Louisiana National Guard, and because of our joint endeavors, I will always have fond memories of the important work that we did—together—for the Louisiana National Guard and the people of Louisiana. Most of all, however, I will always value Buddy's friendship.

Mr. President, Buddy Stroud is a truly extraordinary American. I know I speak for all Louisianians and all Americans when I salute him for his more than half century of distinguished service to his country and his State and wish him only the best in his well-deserved retirement.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through September 26, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget, House Concurrent Resolution 178, show that current

level spending is above the budget resolution by $9.5 billion in budget authority and by $12.9 billion in outlays. Current level is $20.6 billion above the revenue floor in 1997 and $36.3 billion above the revenue floor over the 5 years 1997–2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $219.9 billion, $7.4 billion below the maximum deficit amount for 1997 of $227.3 billion.

Since my last report, dated September 17, 1997, there has been no action to change the current level of budget authority, outlays, or revenues.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through September 26, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended

Since my last report, dated September 16, 1997, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPT. 26, 1997

[In billions of dollars]

	Budget resolution H. Con. Res. 178	Current level	Current level over/under resolution
ON-BUDGET			
Budget authority	1,314.9	1,324.4	9.5
Outlays	1,311.3	1,324.2	12.9
Revenues:			
1997	1,083.7	1,104.3	20.6
1997–2001	5,913.3	5,949.6	36.3
Deficit	227.3	219.9	−7.4
Debt subject to limit	5,432.7	5,301.5	−131.2
OFF-BUDGET			
Social Security outlays:			
1997	310.4	310.4	0.0
1997–2001	2,061.3	2,061.3	0.0
Social Security revenues:			
1997	385.0	384.7	−0.3
1997–2001	2,121.0	2,120.3	−0.7

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source: Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS SEPT. 26, 1997

[In millions of dollars]

	Budget Authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,101,532
Permanents and other spending legislation	843,324	801,465	
Appropriation legislation	753,927	788,263	
Offsetting receipts	−271,843	−271,843	
Total previously enacted	1,325,408	1,317,885	1,101,532
ENACTED THIS SESSION			
Airport and Airway Trust Fund Reinstatement Act of 1997 (P.L. 105–2)			2,730
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−6,497	281	
Balanced Budget Act of 1997 (P.L. 105–33)	1	1	
Taxpayer Relief Act of 1997 (P.L. 105–34)			60
Total, enacted this session	−6,496	282	2,790
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	5,491	6,015	
TOTALS			
Total current level	1,324,403	1,324,182	1,104,322
Total budget resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under budget resolution			
Over budget resolution	9,468	12,861	20,594
ADDENDUM			
Emergencies	9,236	1,919	
Contingent emergencies	307	300	
Total	9,543	2,219	
Total current level including emergencies	1,333,946	1,326,401	1,104,322

Note: Amounts shown under "emergencies" represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts under "contingent emergencies" represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

BUDGET SCOREKEEPING REPORT—1998

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the Budget for 1986.

This is my first report for fiscal year 1998.

This report shows the effects of congressional action on the budget through September 26, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1998 concurrent resolution on the Budget (H. Con. Res. 84), show that current level spending is below the budget resolution by $295.4 billion in budget authority and by $144.4 billion in outlays. Current level is $1.6 billion below the revenue floor in 1998 and $2.6 billion above the revenue floor over the 5 years 1998–2002. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $30.6 billion, $142.7 billion below the maximum deficit amount for 1998 of $173.3 billion.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report, my first for fiscal year 1998, shows the effects of Congressional action on the 1998 budget and is current through September 26, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1998 Concurrent Resolution on the Budget (H. Con. Res. 84). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1998, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS SEPTEMBER 26, 1997

[In billions of dollars]

	Budget Resolution H. Con. Res. 84	Current level	Current level over/ under resolution
ON-BUDGET			
Budget authority	1,390.8	1,095.4	−295.4
Outlays	1,372.3	1,228.0	−144.4
Revenues:			
1998	1,199.0	1,197.4	−1.6
1998–2002	6,477.7	6,480.3	2.6
Deficit	173.3	30.6	−142.7
Debt subject to limit	5,593.5	5,301.5	−292.0
OFF-BUDGET			
Social Security outlays:			
1998	317.6	317.6	0.0
1998–2002	1,722.4	1,722.4	0.0
Social Security revenues:			
1998	402.8	402.7	−0.1
1998–2002	2,212.1	2,212.1	(1)

[1] Less than $50 million.

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Source: Congressional Budget Office.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1998, AS OF CLOSE OF BUSINESS SEPTEMBER 26, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			1,206,379
Permanents and other spending legislation	880,313	866,860	
Appropriation legislation		241,036	
Offsetting receipts	−211,291	−211,291	
Total previously enacted	669,022	896,605	1,206,379
Enacted This Session			
1997 Emergency Supplemental Appropriations Act (P.L. 105–18)	−350	−280	
Balanced Budget Act of 1997 (P.L. 105–33)	1,525	477	267
Taxpayer Relief Act of 1997 (P.L. 105–34)			−9,281
Stamp Out Breast Cancer Act (P.L. 105–41)[1]			
Total enacted this session	1,175	197	−9,014
Passed Pending Signature			
1998 Defense appropriations bill (H.R. 2315)	247,709	164,702	
1998 Legislative branch appropriations bill (H.R. 2209)	2,251	2,023	
1998 Military construction appropriations bill (H.R. 2016)	9,183	3,024	
Total passed pending signature	259,143	169,749	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	166,040	161,417	
Totals			
Total current level	1,095,380	1,227,968	1,197,365
Total budget resolution	1,390,786	1,372,341	1,199,000
Amount remaining:			
Under budget resolution	295,406	144,373	1,635
Over budget resolution			
Addendum			
Emergencies	266	2,283	
Contingent emergencies			
Total	266	2,283	
Total current level including emergencies	1,095,646	1,230,251	1,197,365

[1] The revenue effects of this act begin in fiscal year 1999.

Note: Amounts shown under ''emergencies'' represent funding for programs that have been deemed emergency requirements by the President and the Congress. Amounts shown under ''contingent emergencies'' represent funding designated as an emergency only by the Congress that is not available for obligation until it is requested by the President and the full amount requested is designated as an emergency requirement.

Source: Congressional Budget Office.•

PASSAGE VITIATED—S. 1022

Ms. COLLINS. Mr. President, I now ask unanimous consent that passage of S. 1022 be vitiated.

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

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, appoints Charles Terrell of Massachusetts to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1997.

RELIGIOUS WORKERS ACT OF 1997

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1198) to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1198) entitled ''An Act to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking ''1997,'' each place it appears and inserting ''2000,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 2. WAIVER OF NONIMMIGRANT VISA FEES FOR CERTAIN CHARITABLE PURPOSES.

(a) IN GENERAL.—Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended by adding at the end the following new sentence: ''Subject to such criteria as the Secretary of State may prescribe, including the duration of stay of the alien and the financial burden upon the charitable organization, the Secretary of State shall waive or reduce the fee for application and issuance of a nonimmigrant visa for any alien coming to the United States primarily for, or in activities related to, a charitable purpose involving health or nursing care, the provision of food or housing, job training, or any other similar direct service or assistance to poor or otherwise needy individuals in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. 6-MONTH EXTENSION OF DEADLINE FOR DESIGNATION OF EFFECTIVE DATE FOR PAPERWORK CHANGES IN EMPLOYER SANCTIONS PROGRAM.

(a) IN GENERAL.—Section 412(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public law 104–208; 110 Stat. 3009–668) is amended by striking ''12'' and inserting ''18''.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Amend the title so as to read ''A bill to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduce the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.''.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

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

NATIONAL FLOOD INSURANCE REAUTHORIZATION ACT OF 1997

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1179, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1179) to amend the National Flood Insurance Act of 1968 to reauthorize the National Flood Insurance Program.

The Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise today to support the passage of the National Flood Insurance Reauthorization Act of 1997 (S. 1179). This legislation, which I introduced on September 16, 1997, provides for a simple and straightforward 5-year extension of the National Flood Insurance Program [NFIP] until September 30, 2002. This legislation will place this important program on a steady and secure foundation so that it continues to provide protection to flood insurance policyholders and the Federal taxpayers. I thank my friend and colleague Senator PAUL SARBANES for cosponsoring this measure.

The National Flood Insurance Program, which is administered by the Federal Emergency Management Agency [FEMA], enables over 3.7 million American families to insure their homes and possessions. In my home State of New York, 85,000 families participate in the NFIP. The NFIP allows these families, on Long Island and along the Great Lakes and the State's many rivers, to purchase insurance coverage to protect their homes in the event of a catastrophic flood.

The NFIP employs a comprehensive approach to alleviating the risks posed by catastrophic floods. Floodplain communities participate in FEMA's community rating system and are offered incentives to adopt and enforce

measures to reduce the risk of flood damage and improve flood prevention building criteria. To avoid the danger of repetitive losses, the program provides stringent building standards designed to reduce the risk of future damage. These flood protection standards must be met before any structure which suffers substantial damage may be rebuilt. In addition, persons who receive disaster assistance and fail to subsequently purchase flood insurance are barred from receiving future assistance.

Mr. President, the NFIP plays a critical role in reducing the costs of Federal disaster relief. Current NFIP policyholders pay approximately $1.3 billion annually into the NFIP fund. Without this premium income, the Federal Government would likely pay spiraling costs in disaster relief. The NFIP has the added benefits of improving State and community planning and Federal support for locally driven disaster prevention and mitigation activities.

Reauthorizing the NFIP is an important step forward in reaffirming the commitment of the Federal Government to help American families protect their homes and to protect the Federal taxpayer from the risks of catastrophic floods. Clearly, we must do more. Lenders and private insurers who participate in the NFIP must do more to ensure compliance. States and local communities must improve their disaster planning, prevention, and response activities. FEMA must redouble its efforts to increase participation in the program to improve the safety and soundness of the NFIP fund. Also, the Federal Government must do more to prevent and mitigate against the losses which will inevitably occur from future floods.

Mr. President, I note that this bill has the full support of the administration. I wish to thank the members of the Banking Committee for their bipartisan support of this important measure and I urge our colleagues in the House to support its swift enactment.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1179) was deemed read the third time and passed, as follows:

S. 1179

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 Flood Insurance Reauthorization Act of 1997''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 1997'' and inserting ''September 30, 2002''.

ORDERS FOR FRIDAY, OCTOBER 3, 1997

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m., on Friday, October 3d. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and that there be a period of morning business with Senators permitted to speak for up to 5 minutes each, except for the following: Senator DASCHLE or his designee for 30 minutes, from 10 o'clock to 10:30; Senator COVERDELL or his designee for up to 60 minutes, from 10:30 to 11:30.

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

PROGRAM

Ms. COLLINS. Mr. President, the Senate will not be in session tomorrow in observance of the Jewish holiday. On Friday, the Senate will reconvene for a period of morning business. As announced, no rollcall votes will occur on Friday or Monday. The next possibility for rollcall votes will occur Tuesday morning. Following Friday's session, the Senate will reconvene on Monday and resume consideration of S. 25, the campaign finance reform bill. In addition, the Senate may consider the D.C. appropriations bill during Tuesday's session.

ADJOURNMENT UNTIL FRIDAY, OCTOBER 3, 1997, AT 10 A.M.

Ms. COLLINS. Mr. President, 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 5:02 p.m., adjourned until Friday, October 3, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1997:

DEPARTMENT OF STATE

STEVEN J. GREEN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

DANIEL CHARLES KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

STEVEN KARL PIFER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UKRAINE.

EXECUTIVE OFFICE OF THE PRESIDENT

DUNCAN T. MOORE, OF NEW YORK, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE LIONEL SKIPWORTH JOHNS, RESIGNED.