

WEEK OF JULY 14–20, 1996

TV GUIDE

Washington, DC. Metropolitan Area

Sunday, July 14, 1996

8:00 p.m.

CBS Murder, She Wrote

NBC Mad About You

FOX Simpsons

ABC Lois & Clark: The New Adventures of Superman

8:30 p.m.

NBC Movie: "Tequila Sunrise"—Drama

FOX Married . . . With Children

Monday, July 15, 1996

8:00 p.m.

CBS Nanny

NBC Fresh Prince of Bel-Air

FOX Movie: "So I Married An Axe Murderer"—Comedy

ABC Marshal

8:30 p.m.

CBS Almost Perfect

NBC Fresh Prince of Bel-Air

Tuesday, July 16, 1996

8:00 p.m.

CBS The Client

NBC 3rd Rock From the Sun

FOX Movie: "Alien Nation: Dark Horizon"—Sci Fi

ABC Roseanne

8:30 p.m.

NBC Newsradio

ABC Drew Carey

Wednesday, July 17, 1996

8:00 p.m.

CBS Dave's World

NBC Dateline

FOX Beverly Hills, 90210

ABC Ellen

8:30 p.m.

CBS Can't Hurry Love

ABC Faculty

Thursday, July 18, 1996

8:00 p.m.

CBS Wynonna: Revelations—Special

NBC Friends

FOX Martin

ABC High Incident

8:30 p.m.

NBC Mad About You

FOX Living Single

Friday, July 19, 1996

8:00 p.m.

CBS Movie: "National Lampoon's Vacation"—Comedy

NBC Summer Olympic Games: Opening Ceremony

FOX Sliders

ABC Family Matters

8:30 p.m.

ABC Boy Meets World

Saturday, July 20, 1996

8:00 p.m.

CBS Dr. Quinn, Medicine Woman

NBC Summer Olympic Games

FOX Cops

ABC Movie: "Project ALF"—Comedy

8:30 p.m.

FOX Cops

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I rise today to discuss for a few moments what will, hopefully, be before the Senate before too long. Also, I will make some comments with respect to the antiarthritic drug, Lodine.

I am particularly pleased that the Senate will have a chance to vote

shortly on the Kassebaum-Kennedy legislation, because breaking this political logjam on health care reform means that millions of Americans who are stuck in jobs because they have a preexisting health problem will have a new margin of health security and economic freedom.

This legislation is good for American families. It is good for our workers and our business. What it means is that fear of losing critical health insurance coverage no longer would be a roadblock on the road to a better job and a better life. I want to applaud the bipartisan efforts of the Senate conferees, particularly Senator KENNEDY, Senator KASSEBAUM, and Senator BREAUX, who put long and hard service into this legislation, and it will be an important step forward when adopted.

Besides guaranteeing portability of health insurance coverage, this legislation contains little-noticed provisions that I think are going to make a great difference with respect to expanding health insurance coverage. This legislation, to the bipartisan credit of those Senate leaders, protects State flexibility with respect to State health insurance reforms. States like mine are laboratories for health care reform, and it is essential that we not turn out the laboratories at the State level with unnecessary Federal restrictions.

Senators KASSEBAUM and KENNEDY worked very closely with me so that the exemption language in this legislation will allow Oregon's humane, rational, and far-reaching health insurance reform program to go into effect later this year. It would provide extensive group to individual policy reform in much the same way our Federal legislation envisages, but the approach that Oregon is taking is one that I think other States and possibly the Federal Government will want to emulate in the days ahead.

Mr. President, there are features of this bill and provisions that were not included that I think are unfortunate.

During this debate, I have expressed concern about the possibility of some vulnerable Americans being left behind if medical savings accounts become widespread. Every Senator should want to oppose the balkanization of medicine, where the young, the healthy, and the wealthy get good affordable health coverage at the expense of the sickest, the neediest, and the elderly. It is appropriate to test out the MSA concept, however, and I do believe this conference report offers a reasonable compromise in the form of a limited MSA demonstration project.

I join Senator DOMENICI and Senator WELLSTONE and many of my colleagues in mourning the loss of mental health parity in this legislation. Parity, in my view, is not just fair, it is good health care policy that saves health care dollars in the long run by assuring quality mental health coverage and particularly early intervention. I do not intend to vote against a good, bipartisan bill because of the loss of one provi-

sion, but I intend to join with colleagues of both parties to make sure that mental health parity is an issue revisited early in the next Congress.

Finally, as happens often in large conference reports, a few stray cats and dogs find some homes. This bill is no exception. I am going to talk for a moment about a mongrel in this bill that seems to have a pretty bad case of fleas. There is a provision in this legislation that would give the antiarthritic prescription drug Lodine a 2-year patent extension. Supporters of this idea first tried to maneuver it into the 1997 agriculture appropriations bill in the House. It is now in this legislation, page 76, subtitle H.

This is a bad idea, in my view, and it certainly should not be a part of an important bipartisan health reform bill. Lodine has already received one extension under the terms of the 1984 Hatch-Waxman amendments allowing for additional patent life on drugs which become involved in long regulatory approval delays. With that extension, the drug's manufacturers have built sales of \$274 million. Many of these purchasers are seniors. Many of those who buy this anti-inflammatory drug are older people, walking on an economic tightrope, balancing their food costs against their fuel costs, their fuel costs against their medical bills, and they are paying for this drug, many of them, out of their pocket.

Mr. President, if Lodine's current extension is allowed to run out in 1997, this drug likely would get a generic competitor, and those consumers, those vulnerable older people would get a price break as a result of the competition. They are not going to get that break with this extension. I think it is unwise for the Senate to take more money out of the pockets of older people in this fashion. There have not been any congressional hearings, have not been any deliberations to look at any public purpose served by another 2-year extension of the Lodine patent. I think granting this extension creates a poor precedent. I am sorry to see this provision in this bill. It is a good bill, a bipartisan bill that needs to be enacted, but it is wrong to have this special-interest provision in this legislation.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

MISSOURI WATER RAID OF 1996

Mr. BAUCUS. Mr. President, in the past 2 years, the House of Representatives has made some good decisions, but I must say they have also made some rather questionable ones that is, from the two Government shutdowns not too long ago to the attempted cuts in school lunches, Medicare, and college loans. I think it has left a lot of us not only in the Senate but across the country shaking our heads. But the great water raid they pulled off under

Speaker GINGRICH's leadership last Tuesday may be the worst decision yet.

Let me sum up the water raid very simply. The House, operating under a procedure that allowed no vote in the Chamber, passed a water resources development bill that takes 30 days' worth of water out of Montana, out of Wyoming and the Dakotas and sends it downstream.

This was done to give bargeowners downstream 1 month's worth of extra navigation, bypassing the Army Corps of Engineers, putting scientific and environmental analysis in the trash basket, and ignoring basic economics.

For many years—in fact, ever since Fort Peck Dam went up 60 years ago—the Army Corps of Engineers has discriminated in favor of downstream navigation and against the far more economically valuable recreation and tourism industry upstream. They have done it by draining water out of the Upper Basin States, leaving farmers and dockowners high and dry.

Only in the last 3 years has the Army Corps of Engineers finally begun to make decisions on sound science and good economics rather than special interest pleading. They have limited the navigation season and allowed higher pool levels in our upper reservoirs, and that is good. I hasten to say that the system is still grossly biased against our part of the country. I think the corps need to do better, but we have made some progress.

That was up until last Tuesday, when the House decided to take an extreme step backward and steal 1 month's worth of water from us. That is the water we drink. It is the water farmers use to grow their crops. It is the water ranchers need for their stock. It is the water families, tourists, and sportsmen use for fishing, swimming, and rafting. It is our water. And the House has used a rigged procedure—what my colleague, PAT WILLIAMS, called a midnight slam dunk—to take it away.

This great water raid, I might hasten to add, is not a done deal—far from it. The Senate, acting with considerably more fairness, much more clear thinking, did nothing of the kind. In the overall bill that is now headed to the conference committee, we will iron out the differences between the good bill we passed here—and to use a charitable term—flawed bill passed in the House.

There is a good chance that the conference committee will strip out this water raid provision. As ranking member of the Environment and Public Works Committee and a member of the conference, I will do all I can to assure that we take it out. And I, certainly, will strenuously oppose any conference agreement that contains the water raid.

But I must tell my colleagues that if worse comes to worst, I want to put all of them on notice that there could well be a full discussion of all the ramifications of the Missouri River issue. It is very complicated. It requires a lot of background and a lot of study.

So to prepare the Senate fully, I may read aloud the entire Army Corps' "Master Water Control Manual." This was published in July 1994, and it gives the corps present view of the optimal way to manage the Missouri River.

This manual, even in its present form, is inadequate and unfair to the Upper Basin States—that is, Montana, Wyoming, North Dakota, and South Dakota. But it is a crucial document if one hopes to first understand the genesis and present state of the Missouri River debate and, second, to grasp what management changes we need. That is why I will most likely read the entire manual to the Senate.

Now, for the curious who may be listening in on this little discussion, I must say that the manual comes in nine parts. I will just read off the entire front cover to let Senators know what the manual contains and to give them a little preview.

Volume 1: "Alternatives Evaluation Report."

Volume 2: "Reservoir Regulation Studies: Long-Range Study Manual."

Volume 3A: "Low-Flow Studies: Gavins Point Dam to St. Louis, Missouri."

Volume 3B: "Low-Flow Studies: Gavins Point Dam to St. Louis, Missouri," including Appendix A on "Ice Impacts" and Appendix B on "Water Quality Impacts."

Volume 4: "Hydraulic Studies: Upstream from Gavins Point Dam."

Volume 5: "Aggradation, Degradation and Water Quality Conditions."

Volume 6A: "Economic Studies: Navigation Economics."

Volume 6B: "Economic Studies: Water Supply Economics."

Volume 6C: "Economic Studies: Recreation Economics."

Volume 6D: "Economic Studies: Hydropower Economics, Flood Control Economics, and Mississippi River Economics."

Volume 6E: "Economic Studies: Regional Economics."

Volume 7A: "Environmental Studies: Reservoir Fisheries," including the main report along with Appendix A, "Description of Resource," and Appendix B, "Reservoir Fish, Reproduction Impact Methodology."

Volume 7B: "Environmental Studies: Reservoir Fisheries," including Appendix C, "Coldwater Habitat Model."

Volume 7C: "Environmental Studies: Riverine Fisheries," including the main report, and Appendix A, "Description of Resource."

Volume 7D: "Environmental Studies: Riverine Fisheries," including Appendix B, "Physical Habitat Analysis Upstream of Sioux City," and Appendix C, "Physical Habitat Analysis Downstream of Sioux City."

Volume 7E: "Environmental Studies: Riverine Fisheries," Appendix D, "Assessing Temperature Effects on Habitat."

Volume 7F: "Environmental Studies: Wetland and Riparian," including the main report along with Appendix A, "Field and Mapping Methods," and Ap-

pendix B, "Plant and Wildlife Species List."

Volume 7G: "Environmental Studies: Wetland and Riparian," including Appendix C, "Fate of Wetland/Riparian Types," Appendix D, "Diversity," Appendix E, "Backwater Analysis," and Appendix F, "Value Function Testing."

Volume 7H: "Environmental Studies: Least Tern and Piping Plover, Historic Properties, and Mississippi River Environment."

Volume 8: "Economic Impacts Model and Environmental Impacts Model."

And Volume 9: "Socioeconomic Studies."

I know my colleagues must be wondering. They must be wondering, "That is an awful lot of volumes. If the water raid boils down to navigation and taking water from recreation uses, why doesn't the Senator from Montana just read Volume 6A and 6C on recreation and navigation?"

Well, I might say that is the reasonable question. But I believe the water raid issue is so important—it is such a basic, fundamental question of fairness and justice—that each Senator probably deserves the chance to hear the issue in its full context and have the benefits of the entire context of this issue.

So I decided it probably would be more fair and probably more prudent to read the entire manual than it would be, in essence, to cheat Senators by skipping straight to Volumes 6A and 6C and calling it a day.

I might say I have with me just two of the volumes, 6A and 6C. These are the ones that go straight to the heart of matter. They are just two of the total of nine volumes. As I said, I do not want to be unfair to my colleagues. So I feel that they should have the benefit of the entire reading of the entire list of all of the volumes.

Altogether, the manual runs to 21 bound volumes. If we add all of appendices, it comes down to 21, several thousand pages. And having finished the manual, I will then move on to the point of discussing the errors that I believe are contained in the master manual.

I might tell Senators that this probably would take some time. But the conference will be done in September. And if it contains the water raid clause, I will have no alternative. I will be down here each and every day so they can have the benefit of the entire context of all the volumes so they can make a good decision on this issue. And I am pretty confident. I think I can get most of the standards in by September. I may need a couple of weeks in October to get Senators fully informed. But it is, I think, important that we have that.

So I might say, Mr. President, in concluding, I thank my colleagues for allowing additional time. It is my fervent hope and strong intention that the water raid provision will be out before the conference ends, so that it will be in the Senate here and not taking

all of this time to learn the full issue, the ins and outs of it all. I do not look forward to reading it in its entirety, but I am taking this step, Mr. President, because it is very simple. This provision was put in totally unfairly, it is totally wrong, and in a procedure that is totally out of the question.

I might remind Senators that water is our lifeblood in Montana. It does not rain very much west of the 100th meridian. We very much want to stand up for what we think is right. I want Senators to know this issue may come up. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for 20 minutes as in morning business.

The PRESIDING OFFICER. Is there objection to the Senator speaking for 20 minutes? Without objection, it is so ordered.

THE COLORADO DECISION

Mr. FEINGOLD. Mr. President, just a month ago we had a discussion here on the Senate floor about the issue of campaign finance reform. I think a lot of us worked hard on the effort. We have taken a bit of a breather for the last month and assessed the situation, and we are ready to consider resuming the fight for this very important issue. Although the debate was abbreviated, it was a pretty good debate. We certainly did not suffer from any shortage of speakers offering their ideas on how we could best reform our campaign finance laws. In the end, I was pleased the bipartisan reform bill offered by myself and the senior Senator from Arizona was able to receive the support of the majority of this body, actually a bipartisan vote, obtaining 54 votes. So I feel very strongly, although we did not complete the task, we are well on our way.

And even though we fell 6 votes short necessary to ward off a well-staged filibuster, I think it is clear that there is a bipartisan majority in favor of acting on campaign reform, and many of us intend to press forward on this issue in the coming months and into the 105th Congress.

The vast, vast majority of the American people want the Congress to act on campaign finance reform and we cannot allow a small minority of Senators to thwart the will of the American people and wage a stealth attempt to sweep this issue under the rug.

Interestingly, less than 24 hours after the Senate voted against further debating the issue of campaign finance reform, the Supreme Court handed down a much anticipated decision that will undoubtedly affect the Federal election landscape.

The case was Colorado Republican Federal Campaign Committee versus Federal Election Committee. It arose out of a 1986 incident in Colorado, in which the Colorado State Republican Party made some \$15,000 worth of ex-

penditures on radio advertisements attacking the likely Democratic candidate for a Senate seat.

The FEC had charged that this expenditure had violated the Federal limits on so-called coordinated expenditures and the tenth Circuit Court of Appeals agreed with the FEC's assessment.

The Federal coordinated expenditure limit is the amount of money the national and State parties are permitted to spend on express advocacy expenditures for the purpose of influencing a Federal election. The coordinated expenditure limit is based on the size of each State.

It is important to understand what the litigants were arguing before the Court, because many people have tried to interpret this decision as something other than what it is.

The Colorado Republican Party, joined by the Republican National Committee, argued that the Federal limits on coordinated expenditures were unconstitutional on their face and an infringement on the First Amendment rights of the political parties to participate in the Federal election process.

In other words, these parties wanted the Federal spending limits on coordinated expenditures tossed out completely, not just the narrow ruling that was handed down.

The FEC, on the other hand, argued that the Federal spending limits helped prevent both actual corruption and the appearance of corruption.

In short, the FEC argued that these spending limits were necessary and valid for the same reasons that the Supreme Court found Federal contribution limits constitutional and necessary in the Buckley decision some 20 years ago.

Who won, Mr. President? Really, no one won. The Court, in a 7 to 2 decision, found that this particular case out in Colorado was a unique situation. At the time the expenditures in question were made, there was neither a Democratic nor Republican nominee for the open Senate seat. Moreover, the expenditures were made some 6 months before the date of the general election.

And finally, and perhaps most importantly in the Court's eyes, there was no demonstrable evidence that there was any coordination between the Colorado State party and any of the Republican candidates vying for that party's nomination.

That is the key.

That, Mr. President, is what these Federal limits on coordinated expenditures are supposed to be about. The word "coordinated" implies that there is some sort of cooperation between the party and the candidate in making the expenditure, and in this particular case the Court found that there had been virtually no coordination whatsoever.

The lack of any coordination led the Court to decide that this was an express advocacy, independent expenditure, much like the independent ex-

penditures we see so often made by organizations such as the National Rifle Association, the National Right to Life Committee, and the AFL-CIO.

In the landmark Buckley decision and subsequent decisions such as the 1986 decision in FEC versus Massachusetts Right to Life, the Supreme Court has ruled that the Government cannot limit independent expenditures which the Court found to be pure expressions of political speech protected by the first amendment.

These rulings are the basis for the absence of Federal limits on independent expenditures made by individuals, organizations, and political action committees.

The key determination in the Colorado decision was that the Court found that this particular expenditure was an independent expenditure, and an independent expenditure made by a political party is entitled to the same constitutional protections as an independent expenditure made by anyone else. In short, political parties may make unlimited independent expenditures in Federal elections in the same manner other organizations are free to make such expenditures.

In addition, the Supreme Court, unfortunately, did leave certain key questions unanswered. For example, the Court found the Colorado expenditure to be an independent expenditure largely because it was 6 months before the general election and there was no Democratic nominee and no Republican nominee, to make an express, coordinated attack on.

What would happen if the same expenditure was made 1 month before election day, when both the Democratic and Republican nominees had been chosen?

The Court did not address this question.

Instead, the Court elected to issue an extremely narrow ruling by focusing on the peculiar circumstances relevant in the Colorado decision.

The Court simply ruled that an expenditure made without coordination, made far in advance of an election and before there are any nominees of either party must be treated as an independent expenditure and is therefore not subject to limit.

Mr. President, for the 80 percent of the American people who want us to reduce the role of money in congressional elections, this is not the best news.

What it means is that the parties are free to independently pour millions and millions of dollars into each State months and months before the voters are to go the polls. It will open the door to more expensive campaigns, longer campaigns and if current trends continue, increasingly negative campaigns.

It can mean a proliferation in everything that repulses Americans about our campaign finance system.

That is bad news Mr. President. But it must be understood and the reason I