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Senate

The Senate met at 9:28 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, offered the following prayer:

Oh God of hope, who inspires in us authentic hope, we thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions to help us gives us stability and serenity. It makes us bold and courageous, fearless and free. We agree with the psalmist, ''Happy is he whose hope is in the Lord his God.''—Psalm 146:5.

You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear Your assurance, ''Be not afraid, I am with you.'' We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

Father, the Senators and all who work with them face a busy day filled with challenges and opportunities. And in it all, we have a vibrant hope that You will inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. Give us hope for a truly great day of progress. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. BROWNBACK. Mr. President, this morning there will be a period for morning business until 10 a.m. Following morning business, the Senate will resume consideration of the pending McCain amendment to the Interior appropriations bill for debate only until noon. At noon, under a previous order, Senator FEINGOLD will be recognized to offer a motion to table the McCain amendment. If the amendment is not tabled, debate only will resume until 1:45 p.m., at which time the Senate will vote on the motion to invoke cloture on the McCain amendment. Following that vote, Senator GRAHAM of Florida will be recognized for up to 1 hour of morning business. Following the remarks of Senator GRAHAM, and assuming cloture was not invoked on the McCain amendment, the Senate will resume consideration of the Interior bill with amendments being offered and debated. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring at approximately 12 noon.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business, with the Senator from Kansas, Mr. BROWNBACK, recognized to speak until 10 a.m.

CALLING FOR THE RESIGNATION OF PRESIDENT CLINTON

Mr. BROWNBACK. Mr. President, I rise today to address a subject that is both extraordinarily difficult and painful. In times of international turmoil, the Nation should rally behind our leaders, and we are in the midst of such times. But President Clinton's abdication of the duties of leadership has made this impossible. The report of the independent counsel is now under seal. When its contents are released to the Members of Congress, questions of criminal wrongdoing will unavoidably dominate this branch of government.

The Congress must determine whether the President will be impeached. I will not prejudge that question. As a Member of the body that will deliberate on this issue, I believe it is important to have access to all the evidence before reaching a conclusion on the issue of impeachment. Rather, I rise today to respectfully ask President Clinton to do the right thing for our country and resign from his office voluntarily.

There are three reasons why I believe this has become necessary at this point in time.

First, the President's conduct has all but destroyed his ability to lead as head of state and Commander in Chief.

Second, the President's actions have been corrosive to our national character and have debased the Office of the Presidency.

Third, President Clinton should spare our Nation the debilitating spectacle of impeachment hearings.

Over the last several weeks, we have witnessed the disastrous consequences abroad of diminished American leadership. There are some who have said that the President's conduct is purely a private matter. They are wrong. Private actions have public consequences. They do for all of us, but especially the President of the United States. In all of governance, but with foreign policy in particular, credibility is everything. Weakness is provocative; deceit can be deadly. When American foreign policy is unpredictable, our allies are unreliable, and tyrants are emboldened. These hypothetical dangers have become tragic realities.

Yesterday afternoon, I chaired a hearing on U.S. foreign policy in Iraq, for instance, and we heard from Jeane Kirkpatrick, former U.N. Special Representative; James Woolsey, former CIA Director; and Lawrence Eagleburger, former Secretary of State. What we heard was deeply distressing. It appears that the President's policy toward Iraq consists of paying lipservice to the importance of comprehensive and unrestricted weapons inspections and then preventing the arms inspectors from carrying out their mission.

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

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Such abdication of leadership leaves Saddam Hussein free to build weapons of mass destruction, thus jeopardizing the security of our troops, our allies in the region, and ultimately the United States itself. Nor is Iraq the only nation that has thumbed its nose at a weakened United States.

Around the world, rogue nations are violating fundamental human rights, waging wars of aggression, and flouting international treaties. Our ability to deter these acts has been sadly compromised by an absence of leadership, a total lack of credibility. Enemies of our values and interests have judged the President's ability to lead the United States and have found it wanting. As a result, the world is a much more dangerous place.

Second, the President's actions have squandered his moral authority to lead at home. The problems of family breakdown and moral decay are the most significant that we face. Just one comes glaringly out into mind: that nearly 30 percent of our children born in this country are born to single moms, many of whom are teenagers having children.

Can the President, with the problems he has today, lead our fight in that area? The President cannot address these problems when he himself has contributed to the decay. One of the privileges and obligations of high office is to act as a role model for children. We need our President to set an example to be admired, not to be avoided. The President's ongoing adultery with an intern of barely legal age, misuse of the Oval Office, and repeated lies from he and his staff have done enormous damage to the body politic. Unfortunately, at the very time when most need strength, focused resolve, and moral leadership from our President, he has been unable to supply it. We live in a volatile world with very real dangers and very difficult problems. We cannot afford to let these dangers go unnoticed and problems unresolved by a President unable to lead.

I say all of this with great respect and with deep regret. President Clinton is a talented man who believes in America and has spent his life serving others.

Yet his immoral indiscretion, and months of lies to the Nation have tarnished his leadership ability beyond repair. None of us are without sin. But the high call of leadership demands a certain moral authority that by the President's own actions is now lost.

There is a final point to be made. Very soon the contents of the independent counsel's report will be made known publicly. The contents of this report will result in impeachment proceedings. Such hearings will surely take a heavy toll on the function of our government, on the trust invested in our civic institutions, and on the American people themselves. President Clinton could spare us this ordeal. He could quickly and decisively enable our Nation to put this sorry chapter in our history behind us and to move on. But at this point there is only one way for him to do that. Sadly and reluctantly, I have concluded that the only way for us to move forward as a Nation is for the President to resign.

Mr. President, I yield the floor.

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. BINGAMAN. 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. BINGAMAN. Mr. President, I also ask unanimous consent that I be allowed to speak on the issue of campaign finance reform, and that I be allowed to complete my statement even if it runs into the period designated for the campaign finance reform discussion.

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

CAMPAIGN FINANCE REFORM

Mr. BINGAMAN. Mr. President, this debate about the campaign finance bill is really about a single question, and that is what should determine the outcome of our Federal elections? Should money determine the outcome of our Federal elections or should instead we have those elections determined by a balanced discussion, a complete and a balanced discussion about the differences between the candidates and the different positions they are taking? Should it be money or should it be helpful information for voters? Should it be money or should it be a robust debate on issues?

The question that I just posed has been obscured because opponents of campaign finance reform are hiding behind what I believe are mistaken Supreme Court decisions, and in doing so they have tried to equate money and speech. They argue that money is speech, and therefore to limit money is to limit speech. They say that money means more robust debate. They say that more money means more helpful information for voters. They say that even more money means more complete and balanced discussion about the differences between the candidates.

In my view, this argument does not pass the laugh test. Any reasoned observer of our Federal campaigns knows that the argument is without merit. Ask any challenger to an incumbent Senator the following question: Have not the millions more in dollars that the incumbent has been spending on his or her reelection meant more robust debate? Have not the millions of dollars that the incumbent has been spending meant more helpful information to the voters and more complete and balanced discussion about the differences between the candidates? The challenger, I am sure, would laugh out loud at that notion.

Ask any voter who has been deluged with negative television advertisements funded by very large campaign war chests whether those TV ads have produced more robust debate and more helpful information for the voters and more complete and balanced discussion of the differences between the candidates. Again, those voters will think that you are crazy to even suggest that idea. The vast increase in money spent on political campaigns has not produced more robust debate. It has not produced more helpful information for voters and more complete and balanced discussion about the differences between candidates.

More money has produced just exactly the opposite. Voters themselves will tell you that money does not equal speech. In fact, they will tell you that money is not speech and that money too often results in an undermining of our ability to meaningfully discuss issues in a campaign. They are very specific about this. Voters were surveyed by Princeton Survey Associates recently and those voters said that campaign money leads elected officials to spend too much time fundraising—63 percent of the public believes that; that money not speech determines the outcome of elections under the current system—52 percent of voters believe that.

Even more importantly, voters believe that campaign money gives one group more influence by keeping other groups from having their say in policy outcomes. They believe that campaign money keeps important legislation from being passed. They think campaign money leads elected officials to support policies that even those elected officials do not think are in the best interests of the country. And finally, the public believes that campaign money leads elected officials to vote against the interests of their own constituents, the people who have sent them to Congress to represent them.

Let me add parenthetically that in this very Senate session the killing of the tobacco bill in June, Congress' refusal now to even consider serious HMO reform in the Senate, these are recent vindications of the people's beliefs about the effects of money on our policymaking efforts.

So the argument by opponents of campaign finance reform that money is speech and that it should in no way be limited simply does not pass the laugh test with the American people. People are right that we desperately need to reform our campaign finance system. We need to reduce the amount of money raised and spent in our campaigns. We need to increase the amount of robust debate and helpful information that we provide to voters. We need to increase the discussion, the complete discussion about differences between candidates on issues of importance to the people.

The modified McCain-Feingold campaign reform bill offered to the Senate today is a big step in that direction. It

does at least two very important things. First, it will reduce the amount of big, unregulated donations from corporations and unions and wealthy individuals in our campaigns. Second, it will regulate the huge amounts of money spent by so-called ''independent'' special interest groups on advertising, which is disguised as ''issue ads'' but in fact is designed to advocate the defeat of a particular candidate.

The original McCain-Feingold bill did even more, but the bill had to be scaled back to reduce the objections from some of the opponents to campaign finance reform. I stand ready to support the motion to allow a vote on the modified version of McCain-Feingold. I hope today that minority of Senators who have repeatedly denied the people an up-or-down vote on this bill will change their minds. I hope that with the historic passage of the bill by the House—representing a majority of the voters of the United States—this minority of Senators will see that they should not again thwart the clearly expressed will of the people.

I hope this minority of Senators will not want to be the single force responsible for continuing the undermining of our national political system that is accomplished each day by the millions and millions of dollars of unregulated campaign money when today they have a unique and historic opportunity to change all of that.

So, I hope those who have, in recent months, opposed the will of the people on this vote, on this issue, will vote for cloture, will give the people the up-or-down vote they very much want and very much deserve.

ANGELA RAISH

Mr. BINGAMAN. Mr. President, as most of know, Angela Raish retired at the end of July from her position as Personal Secretary to our colleague, Senator PETE DOMENICI. This is an event viewed with mixed emotions by all of us New Mexicans who have had the pleasure of working with Angela over the years. On the one hand, we are glad that she and her husband Bob are taking some much-deserved time for themselves. On the other hand, and there's always another hand, all of us who have come to know and admire her will miss our day to day dealings with her.

Twenty-one years of service to one Senator, one Senate office and one state—our own New Mexico—represent a remarkable career of attention and devotion. Ever gracious and thoughtful, she has been a wonderful friend to my staff and me. I am pleased to be a co-sponsor of Senate Resolution 272 which Senator DOMENICI introduced on Tuesday of this week. It expresses what we all feel for this lovely person and the work she has done for the Senate. We are fortunate to know her.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Feingold amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The time between 10 a.m. and noon is to be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from Washington, Mr. GORTON, on amendment No. 3554.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to be allowed to control the time of Senator GORTON.

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

Mr. MCCONNELL. I yield to the distinguished Senator from Alaska such time as he may need.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Kentucky, who has labored in the area of campaign finance for an extended period of time, whose expertise many of us depend upon because once again this Senate is being called upon to reform our campaign finance laws.

As with many issues, the issue of so-called reforming the laws is somewhat in the eyes of the beholder. As a consequence, I ask my colleagues to consider this legislation in perhaps a different context. The issue before this body, in my opinion, is simply: To what extent, if any, should the Federal Government regulate political free speech in America? The campaign finance debate is not just about politicians and their campaigns. At the core of this debate are the values and freedoms guaranteed by the first amendment. As a consequence, I suggest when Government attempts to place limitations on speech, it has an overwhelming burden to demonstrate why such restrictions to our fundamental freedoms are necessary. Surely the Government can no more dictate how many words a newspaper can print than it can limit a political candidate's ability to communicate with his or her constituents, yet that is precisely what the sponsors of this legislation are proposing for candidates for office.

The McCain-Feingold legislation bristles with over a dozen different restrictions on speech, provisions that I believe flagrantly violate the first amendment as interpreted by the Supreme Court. I cannot overemphasize the point that was made by George F. Will in a Washington Post editorial. He stated, commenting on the McCain-Feingold bill:

> Nothing in American history—not the left's recent ''campus speech codes,'' nor the right's depredations during the 1950s McCarthyism or the 1920 ''red scare,'' not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign ''reforms'' advancing under the protective coloration of political hygiene.

One of the most serious problems with this bill is that it contains restrictions on ''express advocacy'' within 60 days of an election by independent groups. And what is ''express advocacy''?

Mr. President, if this proposal ever becomes law, we can change the name of the Federal Election Commission to the Federal Campaign Speech Police. Every single issue advertisement would be taped, reviewed, analyzed, and perhaps litigated. The speech police will set up their offices in all of the 50 States to ensure the integrity of political advertising. Is that what we in this Chamber really want? I don't think so. But that is what will eventually happen if we adopt McCain-Feingold.

I assure my colleagues, and hope they understand, that this wholesale encroachment on the first amendment would be immediately struck down by the courts as unconstitutional.

Moreover, if a group of citizens decide to pool their money and advocate their political position in newspaper advertisements and television ads, what right does the Federal Government have to restrict their right of speech? Indeed, do we want to turn over the debate on political issues to the owners of the broadcast stations, the owners of the newspapers, and the editorialists during the 60-day period leading up to an election? Would my colleagues who are supporting this bill be ready to stand up and vote to ban election editorials in newspapers and on television in the last 60 days of a campaign?

Many members of the public think we need fundamental changes to our election financial laws because in the 1996 Presidential election they witnessed the most abusive campaign finance strategy ever conceived in this country.

There is an answer to those who abuse power. And the answer does not mean you have to shred the first amendment. The answer is a very simple one. It is that our current election finance laws must be strictly enforced, something that this administration has been extremely reluctant to do for obvious reasons.

Mr. President, as grand jury indictments amass with regard to Democratic fundraising violations in the 1996 Presidential election, we learn more and more about President Clinton's use of the prerequisite of the Presidency as a fundraising tool. It is important to recall some of those abuses as we consider this debate.

You recall, Mr. President, the Lincoln bedroom. During the 5 years that

President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom and generated at least $6 million for the Democratic National Committee.

Presidential historian Richard Norton Smith stated there has ''never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House.''

The Presidential coffees: President Clinton hosted 103 ''Presidential coffees.'' Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms trading company, donated $27 million to the Democratic National Committee.

President Clinton's Chief of Staff, Harold Ickes, gave the President weekly memorandums which included projected moneys he expected at each of the ''Clinton coffees'' and what they would raise. He projected each would raise no less than $400,000.

In the area of foreign contributions, investigations by both the Senate Governmental Affairs Committee and the Department of Justice into campaign abuses into the 1996 Presidential campaign have revealed that the Democrats recklessly accepted illegal foreign donations in exchange for Presidential access and other favors.

A few examples: We recall John Huang. John Huang raised millions of dollars in illegal foreign contributions for the Democratic National Committee which the DNC has already returned.

John Huang, despite being wholly unqualified according to his immediate boss, received an appointment to the Department of Commerce where he improperly accessed numerous classified documents pertaining to China.

John Huang made at least 67 visits to the White House, often meeting with senior officials on U.S. trade policy. The committee had deemed that this was unusual because Huang's position in Commerce was at a very low level.

Senator SPECTER stated that the activities of Mr. Huang at the Commerce Department had ''all the earmarks of * * * espionage.''

Charlie Trie, a long-time friend of President Clinton, raised and contributed at least $640,000 in contributions to the Clinton, Gore Campaign and for the Democratic National Committee.

Shortly thereafter, President Clinton signed an Executive Order that increased the size of the U.S. Commission on Pacific Trade and then appointed Mr. Trie to the Commission.

On January 29th of this year, the Department of Justice indicted Trie on charges that he funneled illegal foreign contributions to the 1996 Clinton-Gore reelection campaign in order to buy access to top Democratic Party and Clinton administration officials.

Vice President GORE was present at an event in a Buddhist temple where $80,000 in contributions to the Democratic National Committee were laundered through penniless nuns and monks.

Vice President GORE offered differing characterizations of the Buddhist temple event. First, the Vice President described the event as a ''community outreach.'' He later characterized it as a ''donor-maintenance'' event where ''no money was offered or collected or raised at the event.''

However, the Department of Justice determined otherwise. So on February 18, veteran Democratic fundraiser Maria Hsia was charged in a six-count indictment by the Department of Justice for her part in raising the illegal contributions for the Democratic National Committee at the Buddhist temple event.

Mr. President, just the day before yesterday, our Attorney General ordered a 90-day inquiry into whether President Clinton circumvented Federal election laws in 1996. This investigation could lead to yet another independent counsel investigation. This 90-day inquiry is in addition to an inquiry focusing on Vice President GORE's statements about his 1996 telephone fundraising calls in the White House.

Mr. President, our current campaign finance system has many flaws, but the point I want to make to my colleagues is that these flaws do not justify shredding the first amendment, especially because the current occupant of the White House pushed the envelope of legality in his search to finance his reelection campaign.

Mr. President, as Floyd Abrams, a noted first amendment lawyer, has stated:

> First amendment principles should guide whatever legislative solution we choose. The first principle is that it is not for Congress to decide that political speech is some sort of disease that we must quarantine.

Mr. President, I urge my colleagues to reject this unconstitutional infringement on free speech.

I yield the floor.

Mr. MCCONNELL. I thank the Senator from Alaska for his outstanding speech and his contributions over the years to this important first amendment discussion.

Mr. MURKOWSKI. Thank you very much.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. There was some discussion yesterday on the floor with regard to the issue of advocacy about a case called Furgatch. And the supporters of McCain-Feingold spent a lot of time trying to interpret the Furgatch decision as allowing the kind of suppression of issue advocacy by citizens that I think clearly is a misreading of the case.

Those who advocate McCain-Feingold and, for that matter, the Snowe-Jeffords substitute regulatory regimes, have precious few court cases on which to base their arguments. Most prominent among these is the ninth circuit's Furgatch decision, dating back to 1987. It is mighty slim, Mr. President, the Furgatch limb upon which their issue advocacy regulation case rests.

While Furgatch is not my favorite decision, it is certainly not the blank check for reformers who seek to shut down issue advocacy, either.

Furgatch was an express advocacy case, nothing short. It was about a different subject. It was an express advocacy case, not an issue advocacy case. It hinged on the content of the communication at issue—words, explicit terms—just as the Supreme Court required in Buckley and reiterated in Massachusetts Citizens for Life.

The words in Furgatch were not those contained in Buckley's footnote 52. Indeed, no one, least of all the Supreme Court, ever intended that the list—also known as ''footnote 52''—was exhaustive. That would defy common sense.

Desperate for even the thinnest constitutional gruel upon which to base their regulatory zeal to extend their reach to everyone who dares to utter a political word in this country, the FEC leapt at Furgatch and won't let go. FEC lawyers misread it, they also misrepresent it, and are rewarded with loss after loss in the courts.

In last year's fourth circuit decision ordering the FEC to pay one of its victims, the Christian Action Network's attorneys' fees, the Furgatch-as-blank-check-for-issue-advocacy-regulation fantasy was thoroughly dissected, debunked and dispensed with.

The court in the Christian Action Network case puts Furgatch in the proper perspective. Let me just read a couple of parts of the Christian Action Network case.

The court says:

> . . . less than a month following the Court's decision in [Massachusetts Citizens for Life], the Ninth Circuit in FEC v. Furgatch . . . could not have been clearer that it, too, shared this understanding of the Court's decision in Buckley. Although the court declined to ''strictly limit'' express advocacy to the ''magic words'' of Buckley's footnote 52 because that footnote's list does ''not exhaust the capacity of the English language to expressly advocate election or defeat of a candidate . . .
>
> Curiously, the Ninth Circuit never cited or discussed the Supreme Court's opinion in [Massachusetts Citizens for Life], notwithstanding that [Massachusetts Citizens for Life] was argued in the Supreme Court three months prior to the decision in Furgatch and decided by the Court almost a month prior to the Court of Appeals' decision. The Ninth Circuit does discuss the First Circuit's opinion in [Massachusetts Citizens for Life], but without noting that certiorari had been granted to review the case. . . . Thus, the Furgatch court relied upon Buckley alone, without the reaffirmation provided by the Court in [Massachusetts Citizens for Life], for its conclusion that explicit ''words'' or ''language'' of advocacy are required if the Federal Election Campaign Act is to be constitutionally enforced.
>
> . . . the entire premise of the court's analysis was that words of advocacy such as those recited in footnote 52 were required to support Commission jurisdiction over a given corporate expenditure.

The point here is that in case after case after case the FEC has lost in court seeking to restrict the rights of individual citizens to engage in issue advocacy. There is no basis for this effort. And the courts have been turning them down and turning them down and turning them down. In fact, there have been three cases in the last few months: North Carolina Right to Life versus Bartlett, April 30, 1998, an issue advocacy case decided consistent with the observations the Senator from Kentucky has made; Right to Life of Duchess County versus FEC, June 1, 1998 of this year, another decision consistent with the points the Senator from Kentucky has made; and Virginia Society of Human Life versus Caldwell, June 5 of this year.

In short, there is no constitutional way—and importantly, we are not going to do that by passing this unfortunate legislation—but there is no constitutional way that the government can shut these people up at any point, up to and including the election. There is no legal basis, no constitutional basis for the assumption that there are any restrictions that can be placed upon the ability of citizens to criticize elected officials, or anyone else for that matter, up to and including the day before the election.

Finally, let me say, as I mentioned yesterday, the institutions in America pushing the hardest for these restrictions on groups are the newspapers who engage in issue advocacy every day, both in their news stories and on their editorial pages, up to and including the election. Their issue advocacy would be totally untouched, and I am not arguing that we should touch it. I think they are free to speak. What bothers me about the newspapers, particularly the New York Times, the Washington Post and USA Today, they want to shut everybody else up. They want to have a free ride when it comes to criticizing political figures in proximity to an election. Fortunately, the courts would not allow that.

This measure is not going to pass so we won't have to worry about it, but it is a flawed concept, and I think it is important for our colleagues to understand that.

How much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 39 minutes remaining.

Mr. MCCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to control the time on our side.

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

Mr. FEINGOLD. Mr. President, I want to just take a moment of the time to point out that once again a case that the Senator from Kentucky has been discussing is a case that is appropriate in some situations but is not really applicable to the current provision of the McCain-Feingold bill that is before the body. The Senator can stand up and cite all kinds of cases about a lot of provisions, but the provisions are not in the bill at this time. So I hope those who are listening don't get confused about case law that has nothing to do with our actual amendment.

Previous versions of the McCain-Feingold bill included a codification of the Furgatch decision, but with the passage of the Snowe-Jeffords amendment in February, the provision that we have before the Senate now simply doesn't include that approach. It takes a different approach to the issue advocacy problem. A number of constitutional scholars, including Dan Ortiz of Virginia Law School, believe this approach is constitutional.

I understand the strategy—keep bringing up aspects of the bill that were concerns in the past, make people think those are still there and get people to be uncomfortable with the bill. I understand the strategy because we have 52 votes already for this amendment as it actually is being presented. So that everyone understands, these are arguments against a bill that is not before the Senate. I assume that is because they don't have very strong arguments against the bill that is, in fact, before the Senate.

This afternoon we will vote once again on the McCain-Feingold campaign finance reform bill. Twice before we have debated this issue and twice we have been blocked by filibusters—I might add, not just by filibusters conducted after an amending process has occurred, but filibusters used to prevent the legitimate and normal process of allowing Members of the Senate to amend a bill.

Some may ask, Why do you keep bringing us back to vote on it? The reason, quite simply put, is that this is a crucial issue. It is a defining issue for the 105th Congress. After all, we spent an entire year investigating the campaign finance abuses of the 1996 elections. That investigation, as the distinguished Senator from Tennessee who led the investigation I am sure will tell us when he speaks today, showed beyond a shadow of doubt that reform is needed. Of course, in response to that, the House has passed a strong campaign finance reform bill, very similar to the amendment we have offered here.

We owe it to the American people to finish the job. The American people elected us to be legislators, Mr. President, not just investigators. Investigations are fine and appropriate, but we will have failed in our duties as legislators if we do not enact laws to address the problems that our investigations uncover. With the House vote early last month, meaningful campaign finance reform is in sight. This Senate has an obligation to address the campaign finance issue, and the public expects us to act. We know that a majority here understands that obligation. The question is whether we can get closer now to the supermajority of 60 votes that we apparently will still need in order to end debate on this amendment and get to a vote on the merits.

I hope that in the short time we have to debate this issue today we will actually debate our amendment, what is before the Senate. Again, yesterday we heard a number of opponents of the bill speak at length about cases that have nothing to do with the provisions that are actually in this bill. We heard a lengthy discussion of the history of campaign spending, with interesting, but really not very relevant, expositions about donors to an unsuccessful Presidential campaign 30 years ago.

I really hope we hear an actual justification from those on the other side today, an actual justification for voting against a ban on the unlimited corporate and labor contribution to political parties known as soft money. I hope that when they wax eloquent again about the first amendment rights of citizens, they will actually direct their criticism to our bill, to the Snowe-Jeffords amendment on electioneering communications, rather than severely exaggerating the effect and intent of those provisions.

To no one's surprise, the headlines this morning in the newspapers are not about campaign finance reform. The scandal that has occupied the Nation's attention for the past 8 months has reached a new and critical phase with the delivery of the Starr report to the House of Representatives. Many Senators are understandably very much concerned about how the impeachment process will play out. But for now, the report is on the other side of the Capitol. We still have a job to do here. We have many things to do here. But first on the list has got to be to somehow address the scandals that occupied our attention for much of 1997. Of course, the matters of 1998 have to be addressed, but are we just going to leave the scandals of 1996 behind, let them be washed away as if nothing wrong was done?

The biggest threat to our democracy still comes from this out-of-control campaign finance system, notwithstanding the very serious news of the day. Let us not be distracted from our duty to address that threat.

There are many Senators who support reform who would like to speak today, and our time is limited. So let me conclude by putting my colleagues on notice. The vote this afternoon on cloture will not be the end of the effort to pass campaign finance reform this year. I am sorry if this is an issue that is inconvenient or uncomfortable for some Senators to deal with. The American people didn't send us here for our convenience or for our comfort. They sent us to do a job, and we are going to do it.

This amendment that is pending will continue to be pending. I hope it will become the subject of a legitimate legislative process. What I mean by that

is, when there is an amendment that has a majority of support in this body, at the bare minimum Senators should be allowed to offer amendments, offer their ideas and their concepts about how to make it better. I understand the argument that you need 60 votes to pass it anyway. That has a lot of truth to it. But this process has repeatedly and cynically denied us the chance to simply amend the bill. That is how they passed it in the House. Everybody didn't love the bill right away. They adopted a number of amendments. They were allowed to offer their ideas and vote on them.

We have been prohibited from improving this bill beyond the Snowe-Jeffords amendment. Of course, we know why. When we did Snowe-Jeffords, lo and behold, we got three more votes and we had a majority. Then the game was declared over. That is not a legitimate legislative process. That is not a fair process. That is the intentional denying of the majority of both Houses their right to fashion a bill that they can send on to the President. So I am not denying the right to filibuster. But denying the right to amend this amendment is well beyond the norm in this body, especially when we have demonstrated that 52 Senators are already committed to this amendment as it currently stands. So they continue to deny the majority even the right to make a reasonable change, to ask each other, ''What change would you like in order to make this bill acceptable to you?'' I think that is highly inappropriate.

So the only way to avoid this discomfort is for Members to vote for cloture and let the majority do its will on this issue.

Mr. President, if the Senator from Maine is interested, I will yield to her. How much time does the Senator need?

Ms. SNOWE. I need 15 minutes.

Mr. FEINGOLD. I yield 15 minutes to the distinguished senior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise today in support of the McCain-Feingold campaign finance amendment before us. It is often said that when it comes to the important things in life, we don't get a second chance. Well, today, we are presented with such a second chance this year to pass comprehensive, meaningful campaign finance reform. We have a third chance this Congress, for which I thank Senators MCCAIN and FEINGOLD for their unflagging determination. I also want to thank the majority leader for allowing us an opportunity to have another vote on this issue on the Interior appropriations bill.

Indeed, it seems, to paraphrase Mark Twain, that reports of campaign finance reform's demise have been greatly exaggerated. I hail authors of the House bill for their tenacity and the Members of the House who defied conventional wisdom and passed a comprehensive reform bill along the lines of McCain-Feingold.

We are back here to attach this legislation to this appropriations bill because the House of Representatives courageously chose to do their part to dispel the cynicism that hung over the Capitol like a cloud. They have brought this issue out into the light of day, and it is long past time that we here in the Senate do likewise.

When you consider the veritable mountain, indeed, the sheer cliff wall of legislative obstacles the Shays-Meehan bill had to overcome, it is unthinkable that we cannot overcome our hurdles in this Chamber. It was truly a ''long and winding road'' for the Shays-Meehan bill which, at first, wasn't even going to be considered. Finally, when the drumbeat for the Shays-Meehan bill would not die, a process was devised that would allow for the consideration of 11 different plans and more than 250 amendments.

The so-called ''Queen of the Hill'' contest played itself out from May 21 through August 6. But in the end, when the smoke finally cleared, the Shays-Meehan bill remained standing in what has to be one of the most remarkable legislative victories in recent memory.

By a vote of 252–179—including 61 Republicans—Shays-Meehan was passed in the House in the face of overwhelming odds and, thus, our mandate was handed to us here in the Senate.

Like the House, we, too, have a majority who are already on record in favor of reform—52 Senators—thanks to the leadership of Senators MCCAIN and FEINGOLD in bringing this legislation to the floor earlier this year. Unlike the House, we have twice failed to pass a bill. We have twice failed to reach the 60 votes necessary to defeat a filibuster. But for the very first time, as a result of the McCain-Feingold vote we had earlier this year, we received a majority in support of that legislation—the very first campaign finance reform bill to receive a majority vote here in the U.S. Senate.

Mr. President, I cannot believe there aren't eight other Senators in this body who understand the fundamental issue we are faced with: the very integrity of this institution, as well as the process that brings us here. When the House of Representatives can get a bipartisan majority of 252 Members to understand the implications, people might wonder why it is so hard to find eight more Senators to do the same. I have asked the same question myself.

Last week, Senator LIEBERMAN, during a widely and deservedly praised speech, stood in this Chamber and appealed to a higher principle than partisanship or the politics of self-preservation. He wasn't speaking of election reform, but his appeal to our more noble instincts is relevant to this debate. In fact, it is integral.

Reforming our broken campaign system is not a Republican thing, not a Democrat thing, but the right thing. It is something we owe to ourselves as leaders, it is something we owe to this institution, and it is something we owe to the American people as participants in the world's greatest democracy.

I know that some have said that the American people actually aren't very concerned about this issue. They point to studies, such as a poll conducted this year by the Pew Research Center, which ranked campaign reform 13th on a list of 14 major issues. But let's look at the reason: The report also said that public confidence in Congress to write an effective and fair campaign law had declined. In other words, the American people have given up on us. They are betting we won't do it. That is a sad commentary. I say, let's surprise them and do the right thing. I say, we have a solemn obligation not to justify their cynicism.

And to those who argue that now is not the time to take up this issue, my response is: What better time than now? This is the most optimum time to change the political dynamic today.

After an election in which the most corruptive elements were brought to bear, after we learn of illegal donations from the Chinese in an attempt to gain influence, after we learn of more than 45 fundraising calls from the White House, after we learn that the President may have controlled advertising paid for by the DNC but aimed at reelecting the President, after the Attorney General launched three separate preliminary investigations in the last 2 weeks into these allegations, after we learn of the explosion of soft money and electioneering ads—after all of these things, now is the time to clean up the system.

Mr. President, I come to this debate as a veteran supporter of campaign finance reform. As someone who has served on Capitol Hill for almost 20 years, I understand the realities and I know there are concerns on both sides of the aisle that whatever measure we may ultimately pass, it must be fair, it must treat everyone as equitably as possible.

In fact, I agree with those concerns. That is the challenge that brought Senator JEFFORDS and me to the table last October when we first attempted to consider this issue. It is what brought us back in February, and it is the reason I am here again today.

I said last year that we should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions. Senator JEFFORDS and I attempted to bridge the gulf between two sides and expand support for McCain-Feingold by making sensible incremental changes.

We were joined in this bipartisan effort by both Senators MCCAIN and FEINGOLD, as well as Senators LEVIN, CHAFEE, LIEBERMAN, THOMPSON, COLLINS, BREAUX, and SPECTER.

I thank them again for their tremendous help and support.

Together we not only won adoption of the amendment, but we helped bring

this body to the first real vote on campaign finance reform and moved the debate forward by actually having the debate, and we solidified majority support for McCain-Feingold.

I would like to take a few moments to speak about the provisions of the Snowe-Jeffords measure and why I think this measure is now considered worthy of the support of my Republican colleagues.

The McCain-Feingold measure we are now considering takes a tremendous step forward by putting an end to soft money, tightening coordination definitions, and working to level the playing field for candidates facing opponents with vast personal wealth spent on their own campaigns. It also addresses the issues concerning the use of unregulated and undisclosed advertising that affects Federal elections, and the concerns that the original bill's attempt at addressing this issue would not withstand court scrutiny. This is important because if the courts had ruled the bill's efforts to address the distinction between true advocacy ads that influence Federal elections to be unconstitutional, then essentially all that would remain would be a ban on soft money. If that were to happen, we would be left with only one-half of the equation, and I share the concerns of those who want to see balanced reform—and a level playing field, not throw it even further off kilter.

The Snowe-Jeffords approach would be much more likely to pass court muster. It was developed in consultation with noted constitutional scholars and reformers such as Norm Ornstein of the American Enterprise Institute and Josh Rosenkrantz, Director of the Brennan Center for Justice at NYU, as well as others. And it goes to the heart of the ''stealth advocacy ads'' which purport to be only about issues but are really designed to influence the outcome of federal elections.

Mr. President, I ask unanimous consent that the document from the Brennan Center for Justice be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Ms. SNOWE. Mr. President, the approach in this amendment is a straightforward, two tiered one that only applies to advertisements that constitute the most blatant form of electioneering. It only applies to ads run on radio or television, 30 days before a primary and 60 days before a general election, that identify a federal candidate. And only if over $10,000 is spent on such ads in a year. What is required is disclosure of the ads' sponsor and major donors, and a prohibition on the use of union dues or corporate treasury funds to finance the ads.

We called this new category ''electioneering ads''. They are the only communications addressed, and we define them very narrowly and carefully.

If the ad is not run on television or radio; if the ad is not aired within 30 days of a primary or 60 days of a general election, if the ad doesn't mention a candidate's name or otherwise identify him clearly, if it isn't targeted at the candidate's electorate, or if a group hasn't spent more than $10,000 in that year on these ads, then it is not an electioneering ad.

If is an item appearing in a news story, commentary, voter guides or editorial distributed through a broadcast station, it is also not an electioneering ad. Plain and simple.

If one does run an electioneering ad, two things happen. First, the sponsor must disclose the amount spent and the identity of contributors who donated more than $500 to the group since January 1st of the previous year. Right now, candidates have to disclose campaign contributions over $200—so the threshold contained in McCain-Feingold is much higher. Second, the ad cannot be paid for by funds from a business corporation or labor union—only voluntary contributions.

The clear, narrow wording of the amendment is important because it passes two critical first amendment doctrines that were at the heart of the Supreme Court's landmark Buckley versus Valeo decision: vagueness and overbreadth. The rules of this provision are clear. And the requirements are strictly limited to ads run near an election that identify a candidate—ads plainly intended to convince voters to vote for or against a particular candidate.

Nothing in this provision restricts the right of any group to engage in issue advocacy. Nothing prohibits groups from running electioneering ads, either. Let me be clear on this: if this bill becomes law, any group running issues ads today can still run issue ads in the future, with no restrictions on content. And any group running electioneering ads can still run those ads in the future, again with absolutely zero restrictions on content.

So to those who will argue, as they did in February, that this measure runs afoul of the first amendment, I say that that is simply a red herring, Mr. President. And you don't have to take my word for it. Constitutional scholars from Stanford Law to Georgia Law to Loyola Law to Vanderbilt Law have endorsed the approach that is now part of this legislation.

If anything, Mr. President, this provision underscores first amendment rights for union members and shareholders by protecting them from having their money used for electioneering ads they may not agree with, while maintaining the right of labor and corporate management to speak through PACs.

This is a sensible, reasonable approach to addressing a burgeoning segment of electioneering that is making a mockery of our campaign finance system. How can anyone not be for disclosure? How can anyone say that less information for the public leads to better elections? Don't the American people have the right to know who is paying for these stealth advocacy ads, and how much?

This problem is not going to go away, Mr. President. The year 1996 marked a turning point in American elections—make no mistake about it.

The Annenberg Public Policy Center at the University of Pennsylvania published a report this year on so-called issue advertising during the 1996 elections, and if any member of the Senate hasn't read it I recommend you get hold of a copy.

As this first chart demonstrates, the report finds that, during the 1996 elections, anywhere from $135 million to $150 million was spent by third-party organizations in the 1996 election on radio and TV ads. This totals almost one-third of the amount of money that was spent in the election; $400 million was spent by all candidates for President, U.S. Senate, and the House, but other organizations spent a third of all of the money that was spent in the last election.

Then chart two, if there is any doubt about the intent of these ads, indicates, according to the Annenberg Report, that in a study of 109 ads that were supported by 29 different organizations, almost 87 percent of those so-called issue ads referred to a candidate, and 41 percent of those issue ads were identified by the public as being ''attack ads''—41 percent. Almost 87 percent of these so-called issue ads identified a candidate. That is the highest percentage recorded among a group that also included Presidential ads, debates, free-time segments, and news program organizations.

Clearly, these ads were overtly aimed at electing or defeating targeted candidates, but under current law they aren't even subject to disclosure requirements. We are only talking about those individuals who provide $500 or more to an organization that runs ads identifying a candidate 30 days before a primary and 60 days before a general election.

But let's look at the ads that I am talking about. Again, we are talking about stealth advocacy ads. First, you get the ''True Issue Ad,'' according to the Annenberg Public Policy Center, which says that ''McCain-Feingold would have no impact on True Issue Ads.'' It says here that it is ''A True Issue Ad.'' It says:

> This election year, America's children need your vote. Our public schools are our children's ticket to the future. But education has become just another target for attack by politicians who want huge cuts in education programs. They're making the wrong choices. Our children deserve leaders who will strengthen public education, not attack it. They deserve the best education we can give them. So this year, vote as if your children's future depends on it. It does.

That is a true issue ad.

Look at chart four. This is what I call a ''Stealth Advocacy Ad.'' This is what McCain-Feingold would define as ''Electioneering Communications.''

That is totally permissible under any of the rulings that have been made and

rendered by the Supreme Court, because those distinctions can be made between electioneering and between constitutionally permitted freedom of speech.

This is a stealth advocacy ad:

Mr. X promised he'd be different. But he's just another Washington politician. Why, during the last year alone he has taken over $260,000 from corporate special interest groups. . . . But is he listening to us anymore?

That identifies a candidate.

I defy anyone to tell me with a straight face that the intent of this stealth advocacy ad is anything other than to advocate for the defeat of candidate X. That is the kind of ad that is covered by the McCain-Feingold measure.

Let me tell you something. This ad could still run. Any group in America can run any ad that they want before the election identifying a candidate. But the fact is it would require disclosure of those donors who provide more than $500 to that organization, if these ads run 30 days before a primary or 60 days before a general election. And the money could not be funded by unions or corporations through their treasuries. If they want to finance these ads, by unions or corporations, they will have to do so by a PAC, if these ads run 30 days before a primary and 60 days before a general election.

So what are we talking about? Disclosure. That is what we are talking about. And 87 percent of these issue ads, these so-called issue ads, are what I would call stealth advocacy ads, because they identify a candidate but we don't know who finances these ads. This, on the other hand, is a true issue ad. It doesn't identify a candidate. Groups can run ads saying: ''Call your Senator. Call your Member of Congress.'' They don't have to identify the candidate. But if they do, it requires disclosure of their major donors.

Mr. President, we are accountable to the people. We are required as candidates for office to file disclosure forms as candidates. PACs are required to disclose. But hundreds of millions of dollars are spent on these ads without one dime being reported—not one dime. And I remind you that one-third of the money that was spent in the last election, in 1996, was spent by organizations that did not have to disclose one dime. And there is no reason to think it will not get worse.

You do not need a crystal ball. Just look at some of the special elections this year. For example, it has been widely reported that just one group spent $200,000 on special election TV commercials. We don't have the total of exactly how much was spent overall, because there is currently no accountability, no disclosure. That is what the McCain-Feingold legislation is addressing.

And think about this. Overall, national party committees raised over $115 million in soft money during the first 18 months of the 1997–1998 election cycle, the most money ever on a nonpresidential election cycle. Total soft money contributions to both Democrats and Republicans have more than doubled during the past 4 years. In fact, soft money contributions to national party committees have grown by 131 percent from the first 18 months of the 1993–1994 election cycle compared to the same period in this 1997–1998 election cycle—grown 131 percent.

Enough is enough. I have said before that it is the duty of leaders to lead, and that means making some difficult choices. I know this is not an easy vote. It requires looking at ourselves and asking what is important, protecting the status quo, or is it protecting the integrity of our system of elections?

How we choose our elected officials goes to the heart of who we are as a nation. It defines us as a country and it defines whether or not we will continue to maintain the integrity of this process. But there is a very great danger that if we do nothing, if we shroud ourselves in the rhetoric of absolutism, if we turn our backs on a monumental opportunity that we now have, then our mantle of greatness will decay from the inside, because if the American people lose faith in the system that elects our public officials, they have lost faith in the integrity of Government itself, and we cannot allow this to happen. We cannot preside over this disintegration of public trust.

Eight votes stand between us and a reform bill. Eight votes stand between us and the passage of the McCain-Feingold legislation. After two tries in the Senate, the labyrinthian parliamentary procedure, hundreds of amendments, and a ''Queen of the Hill'' contest in the House, all that is holding back a reform bill this year is eight Senators. This is our chance, my friends, and I implore my colleagues to seize this historic opportunity. After this vote, there will be no doubt who stands four square behind fair, sensible, meaningful reform and who does not.

Mr. President, I thank the Senator from Wisconsin for yielding me the time and for his leadership and his commitment.

I yield the floor.

EXHIBIT 1

BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW,
New York, NY, February 20, 1998.

Re NRLC objections to the Snowe-Jeffords amendment.

DEAR SENATOR: We write to rebut letters from the National Right to Life Committee (NRLC), dated February 17 and February 20, 1998, in opposition to the Snowe-Jeffords Amendment to the McCain-Feingold Bill. NRLC mischaracterizes what the Snowe-Jeffords Amendment would achieve and misrepresents constitutional doctrine. The Amendment would not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering. But it would prevent them from (1) hiding from the public the amounts they spend on the most blatant form of electioneering; (2) keeping secret the identities of those who bankroll their electioneering messages with large contributions; and (3) funneling funds from business corporations and labor unions into electioneering. These goals, and the means used to achieve them, are constitutionally permissible.

WHAT THE SNOWE-JEFFORDS AMENDMENT WOULD DO

The Snowe-Jeffords Amendment applies only to advertisements that constitute the most blatant form of electioneering. If an ad does not satisfy every one of the following criteria, none of the restrictions or disclosure rules of the Snowe-Jeffords Amendment would be triggered: Medium: The ad must be broadcast on radio or television. Timing: The ad must be aired shortly before an election—within 60 days before a general election (or special election) or 30 days before a primary. Candidate-Specific: The ad must mention a candidate's name or identify the candidate clearly. Targeting: The ad must be targeted at voters in the candidate's state. Threshold: The sponsor of the ad must spend more than $10,000 on such electioneering ads in the calendar year.

If, and only if, an electioneering ad meets all of the foregoing criteria, do the following rules apply:

Restriction: The electioneering ad cannot be paid for directly or indirectly by funds from a business corporation or labor union. Individuals, PACs, and most nonprofits can engage in unlimited advocacy or the sort covered by the Snowe-Jeffords Amendment. The Amendment would prohibit these advocacy groups from financing their electioneering ads with funds from business corporations or labor unions. Since it is already illegal for business corporations and labor unions to engage in electioneering, these limitations are intended to prevent evasion of otherwise valid federal restrictions.

Disclosure: The sponsor of an electioneering ad must disclose the amount spent and the identity of contributors who donated more than $500 toward the ad. This requirement is necessary to prevent contributors from evading federal reporting requirements by funneling contributions intended to influence the outcome of an election through advocacy groups.

THE NRLC'S MISREPRESENTATIONS ABOUT THE SNOWE-JEFFORDS AMENDMENT

The NRLC has so completely distorted the effect of the Snowe-Jeffords Amendment with false and misleading allegations that it is important at the outset to set the record straight.

The Amendment would not prohibit groups such as NRLC from disseminating electioneering communications. Instead, it would merely require the NRLC to disclose how much it is spending on electioneering broadcasts and who is bankrolling them.

The Amendment would not prohibit NRLC and others from accepting corporate or labor funds. If it wished to accept corporate or labor funds, it would simply have to take steps to ensure that those funds could not be spent on blatant electioneering messages.

NRLC and similar organizations would not have to create a PAC or other separate entity in order to engage in the types of electioneering covered by the Amendment. Rather, they would simply have to deposit the money they receive from corporations and unions (or other restricted sources) into separate bank accounts.

The Amendment would not bar or require disclosure of communications by print media, direct mail, or other non-broadcast modes of communication. NRLC and similar advocacy groups would be able to organize their members or communicate with the public at large through mass communications such as newspaper advertisements, mass mailings, voter guides, or billboards, to

the same extent currently permitted by law. There is no provision in the current version of the Snowe-Jeffords Amendment that changes any of the rules regarding those non-broadcast forms of communication.

The Amendment would not affect the ability of any organization to ''urge grassroots contacts with lawmakers regarding an upcoming vote in Congress.'' The Amendment has no effect on a broadcast directing the public, for example, to ''Urge your congressman and senator to vote against ['or in favor of'] the McCain-Feingold bill.'' The sponsor could even give the telephone number for the audience to call. And the ad would be free fom all the Amendment's new disclosure rules and source rules—even if the ad is run the day before the election. By simply declining to name ''Congressman X'' or ''Senator Y,'' whose election is imminent and the outcome of which NRLC presumably does not intend to affect, NRLC could run its issue ad free from both the minimal disclosure rules and the prohibition on use of business and union funds.

The Amendment's disclosure rules do not require invasive disclosure of all donors. They require disclosure only of those donors who pay more than $500 to the account that funds the ad.

The Amendment would not require advance disclosure of the contents of an ad. It would require disclosure only of the amount spent, the sources of the money, and the identity of the candidate whose election is targeted.

BASIC CONSTITUTIONAL PRINCIPLES

NRLC is simply mistaken in suggesting that the minimal disclosure rules and the restrictions on corporate and union electioneering contained in the Snowe-Jeffords Amendment are unconstitutional. The Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech. See FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986). Congress has the power to enact campaign finance laws that constrain the spending of money on electioneering in a variety of ways, even though spending on other forms of political speech is entitled to absolute First Amendment protection. See generally Buckley v. Valeo, 424 U.S. 1 (1976). Congress is permitted to demand that the sponsor of an electioneering message disclose the amount spent on the message and the sources of the funds. And Congress may prohibit corporations and labor unions from spending money on electioneering. This is black letter constitutional law about which there can be no serious dispute.

There are, of course, limits to Congress's power to regulate election-related spending. But there are two contexts in which the Supreme Court has granted Congress freer reign to regulate. First, Congress has broader latitude to require disclosure of election-related spending than it does to restrict such spending. See Buckley, 424 U.S. at 67–68. In Buckley, the Court declared that the governmental interests that justify disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related spending. Disclosure rules, the Court opined, in contrast to spending restrictions or contribution limits, enhance the information available to the voting public. Plus, the burdens on free speech rights are far less significant when Congress requires disclosure of a particular type of spending than when it prohibits the spending outright or limits the funds that support the speech. Disclosure rules, according to the Court, are ''the least restrictive means of curbing the evils of campaign ignorance and corruption.'' Thus, even if certain political advertisement cannot be prohibited or otherwise regulated, the speaker might still be required to disclose the funding sources for those ads if the governmental justification is sufficiently strong.

Second, Congress has a long record, which has been sustained by the Supreme Court, of imposing more onerous spending restrictions on corporations and labor unions than on individuals, political action committees, and associations. Since 1907, federal law has banned corporations from engaging in electioneering. See 2 U.S.C. §441b(a). In 1947, that ban was extended to prohibit unions from electioneering as well. Id. As the Supreme Court has pointed out, Congress banned corporate and union contributions in order ''to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital.'' United States v. UAW, 352 U.S. 567, 585 (1957). As recently as 1990, the Court reaffirmed this rationale. See Austin v. Michigan Chamber of Commerce, 491 U.S. 652 (1990); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). The Court emphasized that it is perfectly constitutional for the state to limit the electoral participation of corporations because ''[s]tate law grants [them] special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation of and distribution of assets,'' Austin, 491 U.S. at 658–59. Having provided these advantages to corporations, particularly business corporations, the state has no obligation to ''permit them to use 'resources amassed in the economic marketplace' to obtain 'an unfair advantage in the political marketplace.'' (quoting, MCFL, 479 U.S. at 257).

The Snowe-Jeffords Amendment builds upon these bedrock principles, extending current regulation cautiously and only in the areas in which the First Amendment protection is at its lowest ebb.

CONGRESS IS NOT STUCK WITH ''MAGIC WORDS''

The Supreme Court has never held that there is only a single constitutionally permissible route a legislature may take when it defines ''electioneering'' to be regulated or reported. The Court has not prescribed certain ''magic words'' that are regulable and placed all other electioneering beyond the reach of any campaign finance regulation. NRLC's argument to the contrary is based on a fundamental misreading of the Supreme Court's opinion in Buckley v. Valeo.

In Buckley, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act (FECA). One section of FECA imposed a $1,000 limit on expenditures ''relative to a clearly identified candidate,'' and another section imposed reporting requirements for independent expenditures of over $100 ''for the purpose of influencing'' a federal election. The Court concluded that these regulations ran afoul of two constitutional doctrines—vagueness and overbreadth—that pervade First Amendment jurisprudence.

The vagueness doctrine demands precise definitions. Before the government punishes someone—especially for speech—it must articulate with sufficient precision what conduct is legal and what is illegal. A vague or imprecise definition of electioneering might ''chill'' some political speakers who, although they desire to engage in discussions of political issues, may fear that their speech could be punished.

Even if a regulation is articulated with great clarity, it may still be struck as overbroad. A restriction that covers regulable speech (and does so clearly) can be struck if it sweeps too broadly and covers a substantial amount of constitutionally protected speech as well. But under the overbreadth doctrine, the provision will be upheld unless its overbreadth is substantial. A challenger cannot topple a statute simply by conjuring up a handful of applications that would yield unconstitutional results.

Given these two doctrines, it is plain why FECA's clumsy provisions troubled the Court. Any communication that so much as mentions a candidate—any time and in any context—could be said to be ''relative to'' the candidate. And it is difficult to predict what might ''influence'' a federal election.

The Supreme Court could have simply struck FECA, leaving it to Congress to develop a narrower and more precise definition of electioneering. Instead, the Court intervened by essentially rewriting Congress's handiwork itself. In order to avoid the vagueness and overbreadth problems, the Court interpreted FECA to reach only funds used for communications that ''expressly advocate'' the election or defeat of a clearly identified candidate. In an important footnote, the Court provided some guidance on how to decide whether a communication meets that description. The Court stated that its revision of FECA would limit the reach of the statute ''to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Buckley, 424 U.S. at 44 n.52.

But the Court emphatically did not declare that all legislatures were stuck with these magic words, or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.

Any more restrictive reading of the Supreme Court's opinion would be fundamentally at odds with the rest of the Supreme Court's First Amendment jurisprudence. Countless other contexts—including libel, obscenity, fighting words, and labor elections—call for delicate line drawing between protected speech and speech that may be regulated. In none of these cases has the Court adopted a simplistic bright-line approach. For example, in libel cases, an area of core First Amendment concern, the Court has rejected the simple bright-line approach of imposing liability based on the truth or falsity of the statement published. Instead the Court has prescribed an analysis that examines, among other things, whether the speaker acted with reckless disregard for the truth of falsity of the statement and whether a reasonable reader would perceive the statement as stating actual facts or merely rhetorical hyperbole. See, e.g., Milkovich v. Lorain Journal Co., 497 U.S. 1, 14–17 (1990). Similarly, in the context of union representation elections, employers are permitted to make ''predictions'' about the consequences of unionizing but they may not issue ''threats.'' The courts have developed an extensive jurisprudence to distinguish between the two categories, yet the fact remains that an employer could harbor considerable uncertainty as to whether or not the words he is about to utter are sanctionable. The courts are comfortable with the uncertainty of these tests because they have provided certain concrete guidelines.

In no area of First Amendment jurisprudence has the Court mandated a mechanical test that ignores either the context of the speech at issue or the purpose underlying the regulatory scheme. In no area of First Amendment jurisprudence has the Court held that the only constitutionally permissible test is one that would render the underlying regulatory scheme unenforceable. It is doubtful, therefore, that the Supreme Court

in Buckley intended to single out election regulations as requiring a mechanical, formulaic, and utterly unworkable test.

THE SNOWE-JEFFORDS AMENDMENT'S PROHIBITION IS PRECISE AND NARROW

The Snowe-Jeffords Amendment presents a definition of electioneering carefully crafted to address the Supreme Court's dual concerns regarding vagueness and overbreadth. Because the test for prohibited electioneering is defined with great clarity, it satisfies the Supreme Court's vagueness concerns. Any sponsor of a broadcast will know, with absolute certainty, whether the ad depicts or names a candidate, how many days before an election it is being broadcast, and what audience is targeted. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard.

The prohibition is also so narrow that it easily satisfies the Supreme Court's overbreadth concerns. Any speech encompassed by the prohibition is plainly intended to convince voters to vote for or against a particular candidate. A sponsor who wishes simply to inform the public at large about an issue immediately before an election could readily do so without mentioning a specific candidate and without targeting the message to the specific voters who happen to be eligible to vote for that candidate. It is virtually impossible to imagine an example of a broadcast that satisfies this definition even though it was not intended to influence the election in a direct and substantial way. Though a fertile image might conjure up a few counter-examples, the would not make the law substantially overbroad.

The careful crafting of the Snowe-Jeffords Amendment stands in stark contrast to the clumsy and sweeping prohibition that Congress originally drafted in FECA. Unlike the FECA definition of electioneering, the Snowe-Jeffords Amendment would withstand constitutional challenge without having to resort to the device of narrowing the statute with magic words. Congress could, if it wished, apply the basic rules that currently govern electioneering to all spending that falls within this more realistic definition of electioneering. Congress could, for example, declare that only individuals and PACs (and the most grassroots of nonprofit corporations) could engage in electioneering that falls within this broadened definition. It could impose fundraising restrictions, prohibiting individuals from pooling large contributions toward such electioneering.

But, of course, the Snowe-Jeffords Amendment does not go that far. The flat prohibition applies not to advocacy groups like NRLC, but only to business corporations and labor unions—and to the sorts of nonprofits that are already severely limited in their ability to lobby. The expansion in the definition of electioneering will not constrain NRLC from engaging in grassroots advocacy or spending the money it raises from its members for electioneering purposes. An individual, any other group of individuals, an association, and most nonprofit corporations can spend unlimited funds on electioneering that falls within the expanded definition and can raise funds in unlimited amounts, so long as they take care to insulate the funds they use on electioneering from funds they collect from business corporations, labor unions, or business activities. Since all corporations and labor unions receive reduced First Amendment protection in the electioneering context—remember. they can be flatly barred from electioneering at all—the application of the new prohibition only to labor unions and certain types of corporation is certainly constitutional.

THE EXTENDED DISCLOSURE REQUIREMENT

NRLC incorrectly argues that the Snowe-Jeffords Amendment's disclosure requirements infringe on the public's First Amendment right to engage in secret electioneering. In short, there is not such right. In McIntyre v. Ohio Elections Commission, 115 S. Ct. 1511 (1995), the Court was careful to distinguish the anonymous pamphleteering against a referendum at issue in that case from the disclosure rules governing electioneering for or against a particular candidate for office that were permitted in Buckley. Similarly, NRLC improperly relies on NAACP v. Alabama, 357 U.S. 449 (1958), which recognizes a limited right of anonymity for groups that have a legitimate fear of reprisal if their membership lists or donors are publicly disclosed. NRLC, like any other group, may be entitled to an exemption from electioneering disclosure laws if it can demonstrate a reasonable probability that compelled disclosure will subject its members to threats, harassment, or reprisals. See McIntyre, 112 S. Ct. at 1524 n.21. But the need for these kinds of limited exceptions certainly do not make the general disclosure rules contained in Snowe-Jeffords unconstitutional.

Since the new prohibition in the Snowe-Jeffords Amendment does not apply to the funds of individuals, associations, or most nonprofit corporations, the First Amendment implications for them are diminished. They will simply be required to report their spending on speech that falls within the broadened definition of electioneering, just as they currently must report the sources and amounts of their independent expenditures. They would be required to disclose the cost of the advertisement, a description of how the money was spent, and the names of individuals who contributed more than $500 towards the ad. Contrary to the NRLC's claim, they will never be required to disclose in advance any ad copy that they intend to air.

The overbreadth and vagueness rules are particularly strict when applied to rules that restrict speech—such as the aspect of the Snowe-Jeffords Amendment that bars business corporations and labor unions from spending any funds on electioneering. But, as the Supreme Court has observed, disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is conveyed to the electorate. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending. See Buckley, 424 U.S. at 68. There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputably designed to influence their vote.

CONCLUSION

The Snowe-Jeffords Amendment is a sensitive and sensible approach to regulating spending that has made a mockery of federal campaign finance laws. It regulates in the two contexts—corporate and union spending and disclosure rules—in which the Supreme Court has been most tolerant of regulation. The provisions are sufficiently clear to oversome claims of unconstitutional vagueness and sufficiently narrow to allay overbreadth concerns. The Amendment will not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering, but it will subject their electioneering spending to federal disclosure requirements, which is constitutionally permissible.

Respectfully submitted,

BURT NEUBORNE,
John Norton Pomeroy Professor of Law, NYU School of Law.

NORMAN ORNSTEIN,
Resident Scholar, American Enterprise Institute.

DANIEL R. ORTIZ,
John Allan Love Professor of Law, University of Virginia School of Law.

E. JOSHUA ROSENKRANZ,
Executive Director, Brennan Center for Justice at NYU School of Law.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator MCCONNELL, and I thank all Members of the body for this excellent debate on a very important issue. I suggest that there are different views about what is noble and fair and of the highest order. A jurist at one time said that to talk of justice is the equivalent of pounding on the table; everybody seems to say that their view is just and fair and wonderful. But I think there are a lot of competing principles here, and I would just like to share a few comments on this subject.

I ran in a Republican primary, had seven opponents, two of whom spent over $1 million of their own money, and the total that those seven opponents spent was some $5 million. My opponent in the general election spent about $3 million, the Democratic nominee. But when you figure it on 4 million people in Alabama, that is about $2 per voter.

A number of the expenditures—and it irritated me at the time—were these stealth advocacy ads that have been referred to. Groups ran ads that tried to claim they were advocacy ads but in fact were aimed at me and trying to drive my numbers down and to help their candidate get elected. It irritated me, and when I got here I was irritated with some of the campaign laws. It struck me as somewhat unfair that a man could spend $1 million but I could not ask anybody for more than $1,000. So I was pretty open to reviewing that.

Since I have been here and had the time to do a little thinking about it, talking with Senator MCCONNELL and others, I have become pretty well convinced that we do not need to deregulate the institutional media, allow them to run free doing whatever they want to, and just tell groups of people, even if I don't agree with them, they can't come together, peaceably assemble and raise money and petition their Government.

That is a fundamental first amendment principle. The right to assemble

peaceably and petition your Government for grievances is a right that is protected by our Constitution. In no way can we abridge freedom of speech. We have a number of cases dealing with that.

The particular Snowe-Jeffords amendment that we talked about has been touched upon in a famous case from Alabama. NAACP v. Alabama, in 1958, clearly established that groups have a right to assemble and they do not have to reveal the names of individuals who have contributed to them.

They said: Well, we don't want to demand that of everybody, just if you run a campaign ad 60 days in front of a general election. Only then do we want to know who gave you money; only then do we abridge your right to free speech, because we are abridging it by saying you can't express yourself unless you tell who gave money to your organization only within 60 days of the election. That is the only time we want to do it.

So, Mr. President, I would ask, when do you want to speak out? When do people become concerned and energized about issues? I believe in my State, for example, that we had abuse of the laws of Alabama, and we had too many lawsuits and uncontrolled verdicts, and we needed tort reform. The trial lawyers of Alabama are a very aggressive group. A small group of them contribute huge sums of money. I saw recently where about seven plaintiff law firms, relatively small law firms, had given some $4 million to political campaigns in the last cycle. They spent $1 million—some of these were stealth advocacy ads aimed at me. They ran one ad against a Supreme Court Justice, the skunk ad that was voted the dirtiest ad in America.

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

Mr. MCCONNELL. Mr. President, I yield to the Senator 2 more minutes.

Mr. SESSIONS. I thank the Senator.

We have a robust democracy. People have their say. I am inclined to think this obsession with eliminating the ability of people to speak out freely in an election cycle is unwise. It does threaten the robust nature of this democracy.

I recall last year we had 30 Members here who voted to amend the first amendment to the Constitution so they could pass this kind of legislation.

I think at least they were honest enough to propose a constitutional amendment to amend the first amendment, which I thought was stunning.

But at any rate, my time has expired. I just wanted to share those comments. I thank the Senator from Kentucky.

Several Senators addressed the Chair.

Mr. MCCONNELL. If I could just thank the Senator from Alabama for his important contribution to this debate, he is a distinguished lawyer, well versed in the first amendment. I think his points were very, very well made, and I just wanted to thank him for his contribution to this debate.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield up to 5 minutes to another of our tremendous cosponsors and supporters of this legislation, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as a cosponsor of the amendment being offered by Senators JOHN MCCAIN and RUSS FEINGOLD to motivate the Senate and conclude action on campaign finance reform legislation.

Before I proceed, I would like to point something out about the decision the Senator from Alabama referenced to defend nondisclosure. The Supreme Court in that case said if the people were threatened with bodily injury or death, they did not have to disclose their names. That is hardly, I hope, the case that we have here. I hope people would not rely upon that Alabama decision to say that the present procedure that we have here, allowing people to hide themselves behind their ads, is legitimized by that decision.

I also thank the Senator from Maine, who worked very strenuously on this amendment with respect to disclosure. To me, it is incredible to think anybody can object to what we are suggesting, which is that if people put something on the air obviously aimed at candidates, we ought to know who they are. I just cannot understand how anybody can take the position that is a violation of the freedom of speech.

Also, let me congratulate the House of Representatives for passing campaign finance reform legislation shortly before the August break. This was a first step toward achieving our mutual goal of having a campaign finance system that is fair and equitable. Such a system should ensure that the electorate is fully informed and that the pool of potential candidates is not limited by financial barriers.

Earlier this year we fell eight votes short of passing the McCain/Feingold campaign finance reform legislation. During consideration of this bill an important amendment offered by Senator SNOWE and I was adopted, and I am pleased that Senators MCCAIN and FEINGOLD have included this language in the amendment we are considering today. I think it is a critical amendment. The willingness of my colleagues to include this language and the leadership of the Vermont legislature on this issue last year has convinced me that it is time to move forward and pass this amendment.

The McCain-Feingold amendment with the JEFFORDS-SNOWE language boosts disclosure requirements and tightens expenditures of certain funds in the weeks preceding a primary and general election. The last few election cycles have shown that spending has grown astronomically in two areas that cause me great concern. First, issue ads that have turned into blatant electioneering. Second, the unfettered spending by corporations and unions to influence the outcome of an election. This amendment with the Jeffords-Snowe language addresses these areas in a reasonable, equitable and last but not least, constitutional way.

Mr. President, reform of the campaign finance system is long overdue. The litany of problems and short comings of our current system is long and well known, but the full Congress has so far been reluctant to act.

Since my election to the House in the wake of the Watergate scandal, I have worked with my colleagues to craft campaign finance reform legislation that could endure the legislative process and survive a constitutional challenge. We came close in 1994, and I believe circumstances still remain right for enactment of meaningful campaign finance reform during this Congress. This belief has only been strengthened by the recent actions taken by the House.

The Senate is known for its ability to have full and complete debates on any issue, and campaign finance should be no different, but debate on this important topic should eventually reach an end. We may not agree on the solution, but we must move forward, debate the issue and ultimately reach a conclusion. Let the process run its course, let Senators offer their amendments and get their votes. But, in the end let the Senate complete consideration of this issue.

Mr. President, if Mark McGwire can hit 62 home-runs, Congress can surely pass this important legislation and hit one home-run for cleaner campaign financing. I remain hopeful that my colleagues will join me in allowing the Senate to conclude debate on this issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEFFORDS. I yield the floor.

Mr. DOMENICI. Mr. President, the First Amendment to the Constitution mandates that Congress shall make no laws which abridge the freedom of speech. The freedom to engage in political speech is the bedrock of our democracy. We may not like what people say when they exercise their First Amendment rights, but this Senator acknowledges that everyone has the right to engage in political speech.

This bill places unconstitutional limits on the First Amendment rights of individuals, groups and even unions. The bill creates a rule which virtually prohibits any political ads by individuals, groups and unions which mention specific candidates within 60 days of an election.

That would serve to muzzle political speech at the most critical time during a campaign. Not only is this unconstitutional, it is bad policy, because it will only serve to make the media more powerful.

I have examined the provisions in this bill very carefully, and even on the slightest chance the Supreme Court

would find these provisions constitutional, I ask my fellow Senators: is this good policy?

The reason I ask this question is that, in my view, when you muzzle the political speech of individuals and groups, whose voice will then carry the day?

In our zeal on both sides of the aisle to address the role of certain entities in our elections, we need to ask ourselves: what will be the consequence of restricting the free speech rights of unions, corporations and wealthy individuals to engage in campaign-related speech? In my mind, by restricting freedom of speech for these groups, we will make the media an even more powerful player in the political process.

During the 60 days prior to the election when the so called bright line rule is in effect, the only one who will be able to speak directly about the candidates will be the news media.

We all know the saying around Washington: ''you shouldn't pick a fight with someone who buys paper by the ton and ink by the barrel.'' Because it enjoys the full protection of the First Amendment, we call the media the Fourth Estate, or the Unofficial Fourth Branch of government. The media are the ''Big Opinion Makers''—they write the editorials, present the news and decide which issues deserve the attention of the American people on a daily basis.

We also know that members of the media are only human—and by that I mean that they are opinionated. Their opinion tends to lean in favor of a liberal, Democrat agenda. Recent surveys have shown that close to 90 percent of the media votes for liberal Democrat candidates. What of their independence? What about their role in the election of federal officials?

Thomas Jefferson once wrote: There are rights which it is useless to surrender to the government, but which rights governments always have sought to invade. Among these are the rights of speaking and publishing our thoughts.

This bill is a giant step toward Congress invading the rights of many to engage in political discourse and surrendering those rights to the media. In my view, you can choose McCain/Feingold or you can choose the First Amendment. I choose the First Amendment. Thank you, Mr. President.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the Senator from Kentucky for the time, and particularly for the effort and information that he has participated in giving during this debate.

I am interested in the fact that our fellow Senators talk about having a discussion. How long are we going to discuss this? It seems like we have been through this every year. We have been through it three times last year; we have been through it the second time this year. I can hardly imagine that anyone can make a case that we have not had a chance to talk about this issue.

As a matter of fact, frankly, I just think we have a lot of things to do in the next 3 weeks. I hope we focus on doing those things and not continue to repeat and discuss the same things that we have done before. This subject had three failed cloture votes in 1997. This is the second cloture vote in 1998. We had the opportunity to talk about this, and under the system in the Senate which we all use, this issue has failed to be approved. Frankly, I think it will be one more time. I heard earlier that this is something that everybody in the country is clinging to and wanting to have resolved. I have not seen that. Where people are asked to list the things that are most important to them, where do you see this on the list? If at all, on the bottom.

I think the fact is times have changed. The fact is we do spend more money, perhaps too much money, but we want people to vote. We believe they should be educated, and if you do that, you do that through the public media, which is expensive. So we are changing those things a great deal.

What puzzles me a great deal—and I am not here to talk about the details; others are much more familiar with them than am I—but we find ourselves with the dilemma of having a campaign finance law in place now that we seem to be unable or unwilling to enforce, and in fact what do we want to do? We want to have more laws put on top of the ones that we are not willing to enforce now. That seems to be a real difficult thing for me to understand.

I think it would be a mistake to pile more bureaucracy, more new laws on top of the ones that we have, and then say to ourselves, ''Look at all the things that were illegally done in 1997 or 1996.'' We haven't enforced the laws that we have. It is strange to me there is a pitch for making more laws until we do that.

I will not take much time. I do think there ought to be some changes. I certainly support the idea of strengthening and enforcing disclosure. I think disclosure ought to be there prior to the election, and I am for that. I would even probably support the amount of soft money that can be contributed. But I am also quick to understand that there are lots of ways to do it, and laws simply do not have the effect that sometimes we think they should.

So, I think most everything has been said here, but I did want to rise to say that the notion if you are not for this somehow you don't care about elections, somehow you don't care about voting, that is not true. That is not at all true. All of us want to have an open declaration of spending. We want to have disclosure. We also want to have people have the opportunity to participate as fully as they choose under the first amendment, and there are some restrictions in here.

So, we will continue to talk about this, I presume. But McCain-Feingold is not the answer, in my opinion. That doesn't mean that I don't care about elections, because I do care about them, and so do all of us. That allegation is simply not true.

Mr. President, I thank the Senator from Kentucky for the time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the senior Senator from Wyoming for coming over and participating in the debate and for his insightful observations.

Seeing no speakers on the other side, I yield 5 minutes to the distinguished junior Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Kentucky, and I rise in opposition to the McCain-Feingold amendment to the Interior appropriations bill. Rather than ''reform'' the way campaigns are financed, this amendment would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office, and one of our primary obligations here is to preserve the Constitution of the United States.

While the McCain-Feingold amendment claims to ''clean up'' elections, it does so by placing unconstitutional restrictions on citizens' ability to participate in the political process. We have heard several Members of the Senate bemoan the fact that various citizen groups and individuals have taken out ads criticizing them during their elections.

I must admit that I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. In fact, during my last campaign, some ads were aired against me that were downright false. I do support truth in advertising. Even that, I am told, is an infringement on freedom of speech, and the Washington Supreme Court just ruled that it is OK to lie in campaign advertising.

How do you counter that? During my campaign, my opponent ran a series of ads that said I put a tax on Girl Scout cookies. Fortunately, Girl Scout cookies were delivered during the campaign, and those poor little girls had to say, ''No, he didn't put a sales tax on Girl Scout cookies.'' Had it not been for the delivery of those cookies, I would have had to find a lot of money to counter the false advertising done against me. If we can't get truth in advertising, we don't have campaign reform, and that is an infringement on freedom of speech.

At the same time, I believe in a free society it is essential that citizens have a right to articulate their positions on issues and candidates in a public forum. The first amendment to our Constitution was drafted to ensure

that future generations will have the right to engage in public political discourse that is vigorous and unfettered. Throughout even the darkest chapters of our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny.

The Supreme Court has consistently interpreted the first amendment to protect the right of individual citizens and organizations to express their views through issue advocacy. The Court has maintained for over two decades that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not ''in express terms advocate the election or defeat of a clearly identified candidate.'' As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his or her views. While these holdings may not always be welcome to those of us running in campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech.

Mr. President, this amendment, which parades under the disguise of ''reform,'' would violate these clear first amendment protections. The amendment impermissibly expands the definition of ''express advocacy'' to cover a whole host of communications by independent organizations. The McCain-Feingold amendment attempts to expand bright-line tests for issue advocacy to include communications which, ''in context,'' advocate election or defeat of a given candidate.

Are we comfortable with giving a Federal regulatory agency the power to determine what constitutes acceptable political speech—a Federal regulatory agency the power to determine what constitutes acceptable political speech?

This amendment gives expansive new powers to the Federal Election Commission. This is one Federal agency which has abused the power it already has to regulate Federal elections. Just last year, the Fourth Circuit Court of Appeals strongly criticized the Federal Election Commission for its ''unsupportable'' enforcement action against the Christian Action Network. The network's only crime was engaging in protected political speech. The Court of Appeals required the Federal Election Commission to pay the network's attorney fees and court costs since the FEC's prosecution had been unjustified. Congress should not condone flagrant administrative abuses by giving the FEC expanded new powers and responsibilities.

The McCain-Feingold substitute also includes within its new definition of ''express advocacy'' any communication that refers to one or more clearly identified candidates within 60 calendar days preceding an election. These provisions would allow the speech police to regulate core political speech during the most crucial part of an election cycle. They would also place an economic burden on thousands of small radio and television stations which carry those ads. I don't think we in Washington should be placing any more restrictions on America's small businesses. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit free citizens from entering into public discourse on issues that greatly affect them.

I cannot support legislation that stifles the free speech of American citizens and gives expanded new powers to a Federal bureaucracy. For these reasons, I must oppose the McCain-Feingold amendment. I ask my colleagues to join me in paying tribute to the first amendment and opposing the McCain-Feingold substitute and any other amendment that would unconstitutionally restrict the rights of citizens to participate in the democratic process.

I thank the Chair and yield the floor.

Mr. MCCONNELL. Mr. President, I thank my friend from Wyoming for his participation, once again, in what seems to be an endless debate. We have this periodically, and I thank my colleague from Wyoming for always coming over and making an important contribution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. MCCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-one minutes, 25 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Wisconsin. I commend him and Senator MCCAIN and the bipartisan group that has worked so hard to pass campaign finance reform.

A couple of nights ago, Mark McGwire hit his 62nd home run. In doing so, he defied the odds. He warmed the hearts of Americans everywhere with his grit, his determination, and his dedication. It was a shining moment for American baseball and for America. Today, we should hold him up as our example. We need to show equal grit and equal determination. We need to hit a home run for the American people by passing campaign finance reform.

To do that, we are going to have to defy the odds. The House did it; they defied the odds. They passed campaign finance reform, and now the question that we are going to face in the days ahead is whether we can. Can the Senate rise to the occasion? Or will we go with the status quo, continuing the demoralizing and debilitating money chase that now funds our election campaigns and undermines public confidence in our democracy?

Seventy-five percent of the American people want campaign finance reform. They want limits restored on contributions, real limits. They want the end of the loophole called the soft money loophole.

The House passed a strong bipartisan bill. The President is ready to sign it. A majority of the Senate supports similar legislation which is before us now. We are ready to vote to enact this legislation into law.

But instead of going to a vote on the bill, the majority leader has instead filed a cloture motion. And what is surreal about this cloture motion is that while a cloture motion is usually intended to be a device to close debate on an issue, and to move to a vote, the Senators who signed the cloture motion in this instance do not want to end debate or go to a vote. They oppose their own petition. They hope that the pending legislation and this issue will go away. They hope the supporters of campaign finance reform will withdraw the bill because it is being filibustered.

This is an inside-out filibuster. The opponents of reform want to filibuster the reform bill without actually filibustering it. They are hoping that if supporters do not have the 60 votes to close debate, that the supporters will agree to withdraw their own amendment. I believe it would be wrong to withdraw this bill because opponents are filibustering the bill. Opponents have the right to filibuster under our rules. They have the right to filibuster. But the supporters have no obligation to help them succeed by agreeing to change the subject or by agreeing to withdraw the amendment.

This is an issue of transcendent importance. Huge contributions that come through that soft money loophole have sapped public confidence in the electoral process. The House has acted. They did what conventional wisdom said could not be done. They passed a bill with meaningful campaign finance reform to close the soft money loophole. Our colleague from Kentucky said that when the House passed reform and sent it over here, that the bill and reform was dead on arrival, DOA. Well, it was not. The struggle for life for campaign finance reform will be determined by a test of wills between a bipartisan majority who support campaign finance reform and the minority that is filibustering in opposition to campaign finance reform.

But campaign finance reform is not dead on arrival. It is struggling for life here on the Senate floor in a kind of a titanic struggle which has existed with prior legislation of this importance,

legislation which has such meaning to the country that both its supporters and its opponents are willing to test their strength. Opponents filibustering, as is their right, but supporters not yielding to that filibuster, as is our right.

So just as the House defied the odds by passing a bill, just like Mark McGwire defied the odds by hitting home run No. 62, now it is our turn at bat. The American public is waiting for us to step up to the plate and to fight for campaign finance reform. And that is what our intention is. Again, I commend the bipartisan group that has led this effort. It is a vital effort for the well-being of democracy in this country. It is worth fighting for.

I thank the Chair and I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not submit for the record the 400 campaign finance reform editorials from 196 newspapers across America that have been published just since March 30, 1998.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those newspapers that published editorials, 196 newspapers. It is about a four-page document. I will not ask that the editorials be put in the RECORD.

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

Attached are more than 400 campaign finance reform editorials from 196 newspapers. These editorials have been published since March 30, 1998:

Aiken Standard, Aiken, SC
Akron Beacon Journal, Akron, OH (3)
Times Union, Albany, NY
Albuquerque Journal, Albuquerque, NM
The Morning Call, Allentown, PA (3)
The Ann Arbor News, Ann Arbor, MI
USA Today, Arlington, VA (5)
The Atlanta Constitution, Atlanta, GA (3)
The Atlanta Journal, Atlanta, GA (2)
Kennebec Journal, Augusta ME
Beacon-News, Aurora, IL
Austin American-Statesman, Austin, TX (4)
The Sun, Baltimore, MD
The Bango Daily News, Bango, ME
The Times Argus, Barre, VT
The Herald-Palladium, Benton Harbor-St. Joe, MI
The Birmingham News, Birmingham, AL (2)
the Birmingham News-Post Herald, Birmingham, AL
The Boston Globe, Boston, MA (10)
Boston Herald, Boston, MA (4)
The Christian Science Monitor, Boston, MA (3)
Connecticut Post, Bridgeport, CT (4)
Bridgeton Evening News, Bridgeton, NJ
The Courier-News, Bridgewater, NJ
The Times Record, Brunswick, ME
The Buffalo News, Buffalo, NY (3)
Cadillac News, Cadillac, MI (4)
The Repository, Canton, OH (2)
The Charleston Gazette, Charleston, WV
The Charlotte Observer, Charlotte, NC (2)
Chattanooga Free Press, Chattanooga, TN
The Chattanooga Times, Chattanooga, TN
Press Register, Clarksdale, MS
The Leaf-Chronicle, Clarksville, TN
The Bolivar Commercial, Cleveland, MS
The Brazosport Facts, Clute, TX
The State, Columbia, SC (2)
Columbus Ledger-Enquirer, Columbus, GA
Concord Monitor, Concord, NH
The Dallas Morning News, Dallas, TX
The News-Times, Danbury, CT (5)
Dayton Daily News, Dayton, OH
Daytona Beach News Journal, Daytona, FL
The Denver Post, Denver, CO (3)
Detroit Free Press, Detroit, MI (4)
The Dubuque Telegraph Herald, Dubuque, IA
The Duncan Banner, Duncan, OK
The Home News & Tribune, East Brunswick, NJ (3)
The Express-Times, Easton, PA
The Courier News, Elgin, IL
Star-Gazette, Elmira, NY
The Evansville Press, Evansville, IN (3)
The Journal Gazette, Fort Wayne, IN (2)
Fort Worth Star-Telegram, Fort Worth, TX (6)
The Middlesex News, Framingham, MA (2)
The Gainesville Sun, Gainesville, FL (5)
Great Falls Tribune, Great Falls, MT
Greenville Herald-Banner, Greenville, TX
Greenwich Time, Greenwich, CT
The Greenwood Commonwealth, Greenwood, MS
The Record, Hackensack, NJ (4)
The Patriot-News, Harrisburg, PA
The Hartford Courant, Hartford, CT (10)
The Daily Review, Hayward, CA
The Times-News, Hendersonville, NC (2)
Hood River News, Hood River, OR
Houston Chronicle, Houston, TX (2)
Register-Star, Hudson, NY
The Post Register, Idaho Falls, ID
Jackson Citizen Patriot, Jackson, MI
The Clarion-Ledger, Jackson, MS (2)
The Jackson Sun, Jackson, TN (2)
The Jopin Globe, Joplin, MO
The Kansas City Star, Kansas City, MO (5)
Lake City Reporter, Lake City, FL (2)
The Ledger, Lakeland, FL (5)
The Lakeville Journal, Lakeville, CT
Las Cruces Sun-News, Las Cruces, NM
Bucks County Courier Times, Levitttown, PA
Lexington Herald Leader, Lexington, KY (5)
The Express, Lock Haven, PA
Lodi News-Sentinel, Lodi, CA
Newsday, Long Island, NY (2)
Los Angeles Times, Los Angeles, CA (8)
The Courier-Journal, Louisville, KY (3)
Lubbock Avalanche-Journal, Lubbock, TX (2)
The Lufkin Daily News, Lufkin, TX
The News & Advance, Lynchburg, VA
The Capital Times, Madison, WI (3)
Journal Inquirer, Manchester, CT
The Marietta Times, Marietta, OH (2)
Chronicle-Tribune, Marion, IN
The Times Leader, Martins Ferry, OH
Enterprise-Journal, McComb, MS
The Daily News, McKeesport, PA (3)
Florida Today, Melbourne, FL (2)
The Commercial Appeal, Memphis, TN
Milford Daily News, Milford, MA
Millville News, Millville, NJ
Milwaukee Journal Sentinel, Milwaukee, WI
Star-Tribune, Minneapolis, MN (4)
The Macomb Daily, Mount Clemens, MI
The Muskogee Daily Phoenix & Times-Democrat, Muskogee, OK
The Sun News, Myrtle Beach, SC
The Napa Valley Register, Napa, CA
The Broadcaster, Nashua, NH
The Tennessean, Nashville, TN
The Day, New London, CT
New York Daily News, New York, NY (2)
The New York Times, New York, NY (33)
The Star-Ledger, Newark, NJ (4)
The New Jersey Herald, Newton, NJ (2)
The Virginian-Pilot, Norfolk, VA
The Hour, Norwalk, CT
The Oakland Tribune, Oakland, CA
Ocala Star-Banner, Ocala, FL (2)
The Olympian, Olympia, WA
The Orlando Sentinel, Orlando, FL
The Paris Post-Intelligencer, Paris, TN
The Parkersburg Sentinel, Parkersburg, WV
North Jersey Herald & News, Passaic, NJ (5)
Journal Star, Peoria, IL
The Philadelphia Inquirer, Philadelphia, PA (6)
Post-Gazette, Pittsburgh, PA (2)
The Berkshire Eagle, Pittsfield, MA
Mountain Democrat, Placerville, CA
Tri-Valley Herald, Pleasanton, CA
Port Arthur News, Port Arthur, TX (3)
Maine Sunday Telegram, Portland, ME
Portland Press Herald, Portland, ME (2)
The Oregonian, Portland, OR (4)
The News & Observer, Raleigh, NC (5)
The Press-Enterprise, Riverside, CA
Roanoke Times & World-News, Roanoke, VA
Rochester Democrat & Chronicle, Rochester, NY
Rocky Mount Telegram, Rocky Mount, NC
Roswell Daily Record, Roswell, NM
The Daily Tribune, Royal Oak, MI
Today's Sunbeam, Salem, NJ
The San Antonio Express-News, San Antonio, TX (6)
The San Diego Union-Tribune, San Diego, CA (4)
San Francisco Chronicle, San Francisco, CA (3)
San Gabriel Valley Tribune, San Gabriel, CA
The San Jose Mercury News, San Jose, CA
The Telegram-Tribune, San Luis Obispo, CA
The County Times, San Mateo, CA
The Sentinel, Santa Cruz, CA (3)
The Press Democrat, Santa Rosa, CA (2)
The Tribune, Scranton, PA
The Sheboygan Press, Sheboygan, WI
The Times, Shreveport, LA
The Sioux City Journal, Sioux City, IA (3)
South Bend Tribune, South Bend, IN (2)
The Springfield State Journal-Register, Springfield, IL (3)
Union-News, Springfield, MA
Springfield News-Sun, Springfield, OH (3)
St. Louis Post-Dispatch, St. Louis, MO (2)
The Stamford Advocate, Stamford, CT
Northern Virginia Daily, Strasburg, VA
Pocono Record, Stroudsburg, PA
Sturgis Journal, Sturgis, MI
The Daily News-Sun, Sun City, AZ
The Post-Standard, Syracuse, NY (2)
Tarrentum Valley News Dispatch, Tarentum, PA (2)
Temple Daily Telegram, Temple, TX
The Terrell Tribune, Terrell, TX
The Blade, Toledo, OH
Daily Breeze, Torrance, CA
The Register-Citizen, Torrington, CT
The Times, Trenton, NJ (3)
The Arizona Daily Star, Tucson, AZ (4)
The Tullahoma News & Guardian, Tullahoma, TN (2)
Tulsa World, Tulsa, OK
Utica Observer-Dispatch, Utica, NY (2)
The Columbian, Vancouver, WA
Vincennes Sun-Commercial, Vincennes, IN
Waco Tribune-Herald, Waco, TX (3)
The Tribune Chronicle, Warren, OH
The Washington Post, Washington, DC (14)
The Waterloo Courier, Waterloo, IA (2)
Central Maine Morning Sentinel, Waterville, ME (2)
The News Sun, Waukegan, IL
Westfield News, Westfield, MA
The Palm Beach Post, West Palm Beach, FL (9)
The Reporter Dispatch, White Plains, NY (4)
Valley News, White River Junction, VT
The Wichita Eagle, Wichita, KS (2)
The Citizens' Voice, Wilkes Barre, PA
The Times Leader, Wilkes Barre, PA
The News Journal, Wilmington, DE
The Winchester Star, Winchester, VA
Winston Salem-Journal, Winston Salem, NC
The Gloucester County Times, Woodbury, NJ
The Telegram & Gazette, Worcester, MA (4)
The York Dispatch, York, PA
The York Sunday News, York, PA

Mr. McCAIN. Mr. President, I do think it is of interest that newspapers from the Aiken Standard all the way to the York Sunday News, 196 newspapers—some of them more than once; some of them as many as five or six times—have editorialized in favor of campaign finance reform.

Mr. President, one of the people that I admired and revered in many ways, and in many ways was a mentor to me when I was in a different avocation, was Senator John Tower. On March 28, 1974, Senator Tower rose to speak in favor of campaign finance reform. At that time, it was S. 3261, a bill to reform the conduct and financing of Federal election campaigns, and for other purposes.

Senator Tower gave a speech at that time, and I ask unanimous consent that this statement be printed in the RECORD.

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

[From the Congressional Record, March 28, 1974]

Mr. TOWER. Mr. President, today I am introducing the Federal Campaign Reform Act of 1974. The bill generally encompasses President Nixon's election campaign reform proposals as outlined in his message delivered to the Nation on March 8. As one package, it represents the most comprehensive set of reform proposals yet to be offered. It does not subject the political process to the abuses that would naturally flow from public financing of Federal elections as envisioned by S. 3044.

I need not dwell on the necessity for campaign reform that works. What I do wish to emphasize now are the specific ways in which this bill is in the Nation's best interest.

First, this bill requires each candidate to designate a single political committee, which would ultimately receive all contributions made in his behalf. That committee would make all expenditures by check from a designated federally chartered bank. These provisions would substantially ease the administrative burden of enforcing compliance with campaign laws.

Second, a candidate's political committee would be prohibited from accepting more than $3,000 from an individual donor in any Senate or House election, and not more than $15,000 in any Presidential election. All contributions from any kind of organization would be prohibited, except those made by national committees or political action groups.

Third, comprehensive and timely reporting and disclosure requirements are imposed upon political committees and political action groups. For example, political action groups would be required to disclose the ties their principal officers have to political parties.

Fourth, an independent Federal Election Commission is established with the independence necessary to effectuate the provisions of the bill.

Fifth, the bill provides real safeguards against express or implied intimidation or coercion used against corporate employees and union members in soliciting campaign contributions.

Sixth, specific prohibitions against so-called ''dirty tricks'' are provided. Such activities have no proper role to play in any campaign, and this bill successfully draws the line between constitutionally protected campaign activity, and activity which is universally recognized as intolerable.

Seventh, a shortening of Presidential campaigns, and a corresponding reduction in the costs of campaigning, are provided for by prohibiting the holding, before May 1 of an election year, of Presidential primaries or conventions at which delegates to the national nominating convention are selected.

A central theme of the bill is the restoration of the dignity and power of the individual donor to a proper role in political campaigns. For too long, big organizations have run roughshod over the wishes of their individual members. Implicit intimidation or coercion has often been used to compel contributions which cannot fairly be characterized as voluntary. Individual contributors have often been misled as to the true nature of the political action groups to whom they gave. Individuals have also felt of insignificant value in campaigns because of the enormous contributions made by many organizations.

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

I must admit that I have philosophical reservations about placing limitations on an individual's privilege to determine the amount of his personal contribution. There even might well be constitutional problems with such a congressional mandate. However, as I have previously stated, excesses can and have occurred. Thus, absent judicial reversal of the concept, such limitations are inevitable and represent a significant part of this reform package.

Mr. President, I shall consider offering this bill as a substitute amendment for S. 3044 in substantially the same form as I am introducing it today. Therefore, I urge my colleagues to review it carefully.

Mr. McCAIN. In the body of his remarks, Senator Tower said:

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

The bill he is referring to is the campaign reform bill that was then being considered by the Senate.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

Mr. President, Senator Tower described the situation pretty much as it is today. Each voter does not believe that his or her contribution counts as much as others. We have seen manifestations of that in virtually every primary this season. Every voter does not believe that there is fair and representative influence on the part of the many. In fact, the voters, in recent polls that have been taken, believe that there is undue influence on the part of special interests. And I, having witnessed it myself, am convinced of it.

In 1974, on August 8, Representative Anderson said:

Under our representative system of government, the people elect fellow citizens to speak for, vote on behalf of, and represent their interests in the legislative bodies—the House and Senate—and they elect a President to administer the laws, conduct foreign affairs, and established priorities. And, I believe this to be the best system of government devised by man.

If some people, however, are given preferential treatment because of their ability and willingness to contribute large sums toward the election of an individual, then the system breaks down. If some are ''more equal'' than others, then our representative system fails and the interests of all the people are aborted.

And this is a very serious threat to our democracy. It is a very serious threat if the interests of the rich and powerful are placed above the interests of the weak and the poor.

Our country was founded on the principle of equality—all are equal in the eyes of the law. But, if the rich and the powerful have a greater influence on writing and administering the laws, is not equality a sham, a farce?

Mr. President, yesterday I noted a document that was put out by the Democratic National Committee in the 1996 election where a broad variety of privileges would be extended to those who contributed $100,000. One of the most egregious were seats on trade missions. These things have consequences, Mr. President. One of the ongoing controversies—in fact, we will have a hearing in the Commerce Committee next week on the transfer of technology to China being directly related to the issue of these ''trade missions.''

Mr. President, both parties do this. Both parties do this as far as many of these are concerned. This is a memo from the Democratic National Committee. If you want to give a contribution of $100,000 annually:

Two annual Managing Trustee Events with the President . . .

Two annual Managing Trustee Events with the Vice President.

One annual Managing Trustee Dinner with senior Administration officials.

* * * * * *

Two Annual Retreats/Issue Conferences . . .

Invitations to Home Town Briefings

As senior Administration officials travel throughout the country, Managing Trustees are invited to join them in private, impromptu meetings.

Monthly Policy Briefings

Administration officials discuss topics ranging from telecommunications policy to welfare reform at regular Washington policy briefings to which Managing Trustees are invited.

Personal DNC Staff Contact

Each Managing Trustee is specifically assigned a DNC staff member to assist them in their personal requests. [et cetera.]

But of course the one that strikes me is:

Annual Economic Trade Missions

Managing Trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad.

Is that equal opportunity? Could any American citizen go on these trade missions? I think it is pretty clear that if you are willing to give $100,000 annually, then indeed you can take those trade missions.

A memorandum from whoever Ann Cahill is:

To: Ann Cahill

From: Martha Phipps

RE: WHITE HOUSE ACTIVITIES

Two reserved seats on Air Force I and II trips.

Is that the way you ride on Air Force One and Two, Mr. President?—''In order to reach a very aggressive goal of $40 million this year . . . very helpful if we could coordinate the following activities between the White House and the Democratic National Committee.''

Let me repeat that memorandum: ''. . . coordinate the following activities between the White House and the Democratic National Committee.''

Two reserved seats on Air Force I and II trips . . .

Six seats at all White House private dinners . . .

Six to eight spots at all White House events (i.e. Jazz Fest, Rose Garden ceremonies, official visits).

And in this memorandum it says who the contact is. Ann Stock seems to be a person to contact; and Alexis Herman, now Secretary of Labor.

Invitations to participate in official delegation trips abroad.

Contact: Alexis Herman . . .

Better coordination on appointments to Boards & Commissions . . .

White House mess privileges.

Patsy Thomason was the contact for that.

White House residence visit and overnight stays.

Ann Stock was the person on that.

Guaranteed Kennedy Center Tickets (at least one month in advance) . . .

Six radio address spots

Contact: David Levy . . .

Photo opportunities with the principles . . .

Phone time from the Vice President.

That was Jack Quinn's job, Mr. President, general counsel. He was responsible, he is the contact, for phone time from the Vice President. That would be the subject of some ongoing inquiry.

Ten places per month at White House film showings . . .

One lunch with Mack McLarty per month.

Boy, it makes me better understand why Mr. Mack McLarty decided to go into private life.

One lunch with Ira Magaziner . . .

I think that might be a penalty rather than a benefit.

One lunch with the First Lady per month.

I will leave that unremarked.

Use of the President's Box at the Warner Theater and at Wolf Trap . . .

Ability to reserve time on the White House tennis courts . . .

Meeting time with Vice President Gore.

Again, Jack Quinn was the contact person.

To be very clear, this is a memorandum of May 5, 1994, to Ann Cahill from Martha Phipps, and it is titled ''White House Activities.'' Again, it reads:

In order to reach our very aggressive goal of $40 million this year, it would be very helpful if we could coordinate the following activities between the White House and the Democratic National Committee.

I have stated several times that every institution of government was debased in the 1996 campaign. I think that this document certainly indicates that was the case.

We will have a vote on a tabling motion by my dear friend from Wisconsin here in a few minutes and then we will have a cloture vote later this afternoon. I will have a lot more to say before we finish this debate.

How do we go home and tell our constituents that we are all equal when this kind of thing has become commonplace? And the same kinds of things are done by the Republican Party. Obviously, they didn't have the White House boxes and those other conveniences or perks. How can we tell the American people that they are equal when these kinds of things go on?

The reason I bring this up, this all has to do with the most egregious aspect of the present system, and that is soft money. When you look at the dramatic increase in soft money over the last couple, three cycles, it is dramatic. So there will be more memorandums like the one I just cited and there will be more soft money and there will be more requests for large contributors.

I see a couple of my colleagues who are waiting to speak. I believe—and I will say this again before the final vote—this issue will be resolved over time and we will prevail because the American people won't stand for this. They won't stand for it, and I believe they will demand we clean up this system either sooner or later.

I will talk again later on. I yield the floor.

Mr. FEINGOLD. Mr. President, I inform my colleagues I will not be offering a motion to table at 12:00 noon. Instead, as I understand it, we will continue to debate until the cloture vote at 1:45. We will have the opportunity to vote on this issue again in the days to come, so I don't see a need for another vote before our cloture vote.

May I inquire of the Chair, am I correct that the time after 12:00 noon but prior to 1:45 will be equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I ask unanimous consent I control the time on our side.

Mr. MCCONNELL. Reserving the right to object, I didn't hear the earlier unanimous consent.

Mr. FEINGOLD. I did not propose a prior unanimous consent; the only unanimous consent I propose is I control the time after 12 noon and prior to 1:45 on our side.

Mr. MCCONNELL. So the suggestion was, we will continue to divide the time until 1:45?

Mr. FEINGOLD. That is correct.

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

Mr. FEINGOLD. How much time do we have remaining on our side prior to 1:45?

The PRESIDING OFFICER. The Senator from Wisconsin has 54 minutes.

Mr. FEINGOLD. Prior to 1:45?

The PRESIDING OFFICER. That is correct, and the Senator from Kentucky has 63 minutes.

Mr. FEINGOLD. Mr. President, I yield 5 minute to the distinguished Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I thank Senator FEINGOLD for yielding the time, and I both thank and commend Senator FEINGOLD and Senator MCCAIN for their leadership on this very critical issue. They have been fighting a very lonely—at times lonely—but a very extraordinary battle for not only the reforming of our campaign system but, many suspect, the continued viability of our political system.

We have a campaign finance system in place, but that system has literally collapsed. The exceptions, the loopholes, the ingenious ways around, have in fact devoured the rules and we no longer really have a system of campaign finance. What we have is an all-out race for dollars, constantly, incessantly, and then an all-out escalation of spending and political campaigns which has left our constituents amazed and at times disgusted. We have a responsibility and an obligation to change this system today, with the opportunity to vote for very modest reform which will begin to, once again, make elections about ideas and policies, and not auctions to the highest bidder.

The McCain-Feingold compromise seeks to accomplish two basic goals: First, to ban the unlimited, unregulated gifts by corporations, wealthy individuals and labor unions to political organizations, the so-called soft money; second, to regulate the so-called issue advertisements which impact on campaigns and which are growing in frequency and in their emphasis impact on campaigns. By ending soft money contributions, we will do what we persistently have said we want to do, and that is to prevent corporations from participating directly in elections.

This is not radical reform, this is commonsense consistent reform that we thought we accomplished back in 1973 and 1974 with the original campaign finance reform system.

Second, this legislation would attempt to provide a modicum of control over the new phenomenon of the issue ads. They would require the disclosure of the contributions by these individuals and also indicate who is sponsoring these advertisements, or where they are getting their money. We have

seen, over the last several years, an amazing phenomenon—candidates are in a race and they are discussing the issues and, suddenly, out of nowhere, comes a mysterious advertisement on television attacking one or praising another. And they both claim that they had nothing to do with it. It is no longer their campaign. They are, in a sense, bystanders on issue advertisements and issue campaigns of which they themselves, many times, disclaim having any knowledge. All of this takes out of the hands of the candidates and, ultimately, the hands of the electorate, what should be at the heart of every election—a vigorous debate between individual candidates about their vision of the future of this country.

So we have to do these things. We have to ensure that our campaigns are not tainted by soft money and not overwhelmed by these issue advertisements. This is a problem that plagues both of our Houses. As Senator MCCAIN pointed out, it is not just a situation with the Democrats or just with the Republicans; both sides are locked into this inexorable, it seems, race for dollars. In doing that, we have created a situation where the American people, in many cases, are increasingly disenchanted; they are voting less and less and are getting to the point of being contemptuous of the best political system the world has created to date.

We have to do this modest reform today. Frankly, this is just modest reform. There are many things that we could and should do that we are not even talking about today on the floor of the Senate. The States—the so-called laboratories of reform—are doing things today that we should be at least contemplating. In my own State of Rhode Island, we implemented voluntary spending limits with limited public financing. The States of Maine and New Jersey have done the same thing. The State of Vermont has implemented strict limits on candidate spending—legislation which directly challenges the Court's decision in Buckley v. Valeo, which I believe incorrectly equates money with speech.

In fact, I have introduced similar legislation in this body which would legislatively put limits on and legislatively force the Court to reevaluate Buckley v. Valeo. These are very aggressive steps that we should take. These are things we should do to ensure that our system is entirely resistant to the ravages of money that is affecting it today. But at least today we can stand up with Senators MCCAIN and FEINGOLD and say that we must stop the influence of soft money. We must at least have the disclosure rule behind these issue advertisements. This is the first step toward long-term campaign finance reform that will not only make races about ideas, but will, in fact, I believe, restore the faith of the American people in their system of government and what we do for them.

I yield back my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

Very properly, Senator MCCAIN made reference to the bipartisan nature of the problem and the bipartisan nature of the effort. I commend Senator MCCAIN for doing that, for his strong leadership, which is essential if this is going to succeed.

I want to put in the RECORD some documents, for the sake of completeness, showing how bipartisan this problem is. Senator MCCAIN, very appropriately, put in a document relative to what the benefits of major contributors to the Democrats are going to be offered. I don't know if that was actually implemented under that document or not, but plenty was implemented.

I ask unanimous consent that these two documents be printed in the RECORD.

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

1997 RNC ANNUAL GALA, MAY 13, 1997, WASHINGTON HILTON, WASHINGTON, DC

GALA LEADERSHIP COMMITTEE

Cochairman—$250,000 fundraising goal

Sell or purchase Team 100 memberships. Republican Eagles memberships or Dinner Tables.

Dais Seating at the Gala.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Vice Chairman—$100,000 fundraising goal

Sell or purchase Team 100 memberships, Republican Eagles memberships or Dinner Tables.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Deputy Chairman—$45,000 fundraising goal

Sell or purchase three (3) Dinner Tables or three (3) Republican Eagles memberships.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Dinner Committee—$15,000 fundraising goal

Sell or purchase one (1) Dinner Table.

Preferential Seating at the Gala Dinner with the VIP of your choice.

VIP Reception at the Gala with the Republican members of the Senate and House Leadership.

(Note.—Benefits pending final confirmation of the Members of Congress schedules.)

1992 REPUBLICAN PRESIDENT'S DINNER

BENEFITS FOR TABLEBUYERS AND FUNDRAISERS

Tablebuyers/tablehosts	Fundraisers (two tables)	Fundraisers ($92,000 and above)	Top fundraisers
Private reception hosted by President and Mrs. Bush at the White House; 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole and Congressman Bob Michel, 2 people. Option to request a Member of the House of Representatives to complete the table of ten. With purchase of a second table, option to request one Senator or one Senior Administration Official.	Private reception hosted by President and Mrs. Bush at the White House, 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Reception with Senator Bob Dole at U.S. Capitol, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole, and Congressman Bob Michel, 2 people.	Photo Opportunity with President Bush; 1 person ..... All Fundraiser Benefits listed above.	Opportunity to be seated at a head table with the President or Vice President based on ticket sales. All Fundraiser Benefits listed above.

Note.—Attendance at all events is limited. Benefits based on receipts.

Mr. LEVIN. One of these documents is an invitation to the Republican National Committee Annual Gala 1997, in which for $250,000, the contributors to the Republican National Committee get to attend a luncheon with Senate and House leadership and the Republican Senate and House committee chairmen of your choice. That is $250,000. You get a luncheon with the committee chairmen.

Next is a 1992 Republican President's Dinner. Major contributors got a private reception, among other things, hosted by President and Mrs. Bush at the White House. And the Republican Eagles promised major contributors who became members of the Republican Eagles' contributor group ''foreign economic and trade missions,'' in which the Eagles have been welcomed enthusiastically by heads of state, such as Premier Li Peng of the People's Republic of China.

Again, Mr. President, I think the point Senator MCCAIN very properly made is that we have a major, massive, bipartisan problem that is undermining public confidence in elections in this country. It is a bipartisan problem. It requires a bipartisan solution, and hopefully this coalition will stand together in the face of a filibuster and

say, yes, you have a right to filibuster; that is your right, but we need not withdraw in the face of a filibuster.

This problem is so huge that it requires action, and we cannot simply defer it year after year. There has never been a better time for action than when the House has acted on reform, against the odds, just as we have to act against the odds if we are going to succeed. I thank Senators MCCAIN and FEINGOLD, the leaders on both sides of the aisle, who can succeed if we hang tough here and not withdraw in the face of a filibuster.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, let me first strongly concur with the remarks of the Senator from Michigan. We have to proceed on this issue. We will proceed on this issue this year until we get the job done. I am grateful for his strength and leadership on this.

I am pleased now to be able to yield some time to the distinguished junior Senator from Maine, who brings many important qualities to this issue, but the two that I will list at the top are her extremely genuine commitment to this issue and her courage. It is a difficult thing to be a part of this bipartisan issue. I see her involvement as being absolutely central to the fact that we are even here today still discussing it.

With that, I yield 12 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to start by commending the Senator from Wisconsin for his leadership and thanking him for his kind comments.

It is with a renewed sense of enthusiasm that I rise today to urge this body to pass much-needed reforms to our campaign finance laws. I am buoyed by the courage shown by my Republican colleagues in the House who were willing to put their commitment to good government ahead of their parochial interests.

Mr. President, this amendment is needed because the twin loopholes of soft money and bogus issue ads have virtually obliterated our campaign finance laws, leaving us with little more than a pile of legal rubble. We supposedly have restrictions on how much individuals can contribute to political parties; yet, at last year's hearings before the Senate Governmental Affairs Committee, we heard from one individual who gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. Another mockingly testified that the next time he is willing to spend $600,000, rather than $300,000, to purchase access to the White House.

We supposedly prohibit corporations and unions from financing political campaigns; yet, the AFL–CIO reportedly spent $800,000 in Maine on so-called issue ads which anyone with an ounce of common sense recognized were designed to defeat a candidate for Congress. And as reported in Sunday's Washington Post, when the class action lawyers collect their tens of billions in fees from the tobacco lawsuits, the resulting flood of cash to the Democratic Party will make past contributions look like pocket change.

We in this body decry legal loopholes, but we have reserved the largest ones for ourselves. Indeed, these are more like black holes, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations rushing into party coffers.

Why should this matter, we are asked by those all too eager to equate freedom of speech with freedom to spend? It should matter because political equality is the essence of democracy, and an electoral system fueled by money is one lacking in political equality.

Mr. President, the hope of Maine support campaign finance reform. If my colleagues will indulge me a bit of home state pride, I think the Maine perspective results from old fashion, Down East common sense. Maine people are able to see through the complexities of this debate and focus on what is at heart a very simple, yet very profound, problem. As long as we allow unlimited contributions—whether in the form of hard or soft money—and as long as we allow unlimited expenditures, we will not have political equality in this country. It is not just that there will not be a level playing field for those seeking public office, but more important, there will not be a level playing field for those seeking access to their government.

The Maine attitude may well be shaped by the fact that many people in my state live in communities where town meetings are still held each year. I am not talking about the staged, televised town meeting that has become so fashionable of late. I am talking about a rough and tumble meeting held in the high school gym or in the grange hall. Attend one of these meetings and you will observe an element of true democracy; people with more money do not get to speak longer or louder than people with less money. Unfortunately, what is true at Maine town meetings is not true in Washington.

Mr. President, the amendment pending before this body is dramatically different from the original McCain-Feingold bill. It does not seek to radically alter how we finance our campaigns. Indeed, it does not alter at all the basic framework that Congress established more than two decades ago in the 1970s.

Before us today is legislation designed simply to close election law loopholes that undermine the protections the American people were promised in the aftermath of Watergate. Put differently, this amendment does not create new reforms, but merely restores reforms adopted two decades ago.

Let me be more specific. Gone from this version of the legislation are the voluntary limits on how much a campaign can spend. Gone is the free TV time, as well as the reduced TV time. Gone is the reduction in PAC limits. Gone are the restrictions on certain types of so-called issue ads run by nonprofit organizations, replaced instead by a requirement that they disclose their sources of funding.

Most of these continue to be very important reforms to which I remain personally committed. But in the interest of securing action on the major abuses in the current system, we who support the McCain-Feingold proposal have agreed to significant compromises. This is now a modest bill but nevertheless, a critical first step in the journey toward reform.

Mr. President, history demonstrates that the current uses of soft money and issue ads were not intended by the framers of our election laws. Go back to the early 1980s when soft money was used only for party overhead and organizational expenses, and you will find that the contributions totaled a few million dollars. By contrast, in the last election cycle when soft money took on its current role, these contributions exceeded $250 million.

Bogus issue ads were such a small element in the past that it is impossible to find reliable estimates of the amounts expended on them. Unfortunately, that is no longer the case, and these expenditures have now become worthy of studies, the most prominent of which estimates that as much as $150 million dollars was spent on these ads in 1995–96.

When I ran for a seat in this body, I advocated major changes to our campaign finance laws, but I recognize that goal must wait for another time. The challenge before us today is far more modest. Are we prepared to address loopholes that subvert the intent of the election laws that we enacted more than two decades ago? Are we willing to restore to the American people the campaign finance system that rightfully belongs to them?

Those are the questions before this body. Mr. President, a strong majority of the Members of the House of Representatives support reform as do a majority of the Members of the Senate. I would hope that the Senate this week will finally vote to reform a loophole-ridden system. The American people deserve no less.

Mr. President, it remains to be seen whether campaign finance reform is an idea whose time has come. But I can assure my colleagues of one thing—it is an idea that will not die.

Thank you, Mr. President. I urge my colleagues to support the McCain-Feingold amendment, and I am proud to be a cosponsor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I again am grateful for the comments of the Senator from Maine and for her support.

I am also delighted to be able to yield time to someone who has been deeply involved in this issue, both as a supporter of our legislation and one of the original supporters of the legislation, but who also of course is intimately familiar with the problems that have occurred because of the campaign finance scandal—the chairman of the Governmental Affairs Committee. At this point I would like to yield 20 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Senator from Wisconsin very much.

Mr. President, I rise to support this amendment. I do so not only because of what I believe to be the inherent merits of the amendment but because I think it has broader implications for us today in the times that we live in.

We have had good times in this country for some time now—economically, we have low unemployment, we have low inflation, and we have prosperity. When we look abroad, we have had peace. We are the lone remaining superpower in the world.

It seems that during times like this, Washington becomes irrelevant to a lot of people, and in some ways perhaps that is good. But we are not very mindful of the need for leadership in times of trial and times of trouble. But the fact of the matter is that in more recent times we have seen the beginnings of such times of peril and trouble. Many people think that we have some serious chickens coming home to roost and that both peace and prosperity are at issue now.

As we look at what is going on in this country and the fact that we cannot forever remain the only buying nation in a world of sellers—that we cannot be immune to what is going on in the Pacific rim, the Soviet Union, perhaps Japan and South America, and the troubling economic conditions there—we cannot forever be immune, and our economy cannot be immune, from what is going on in the rest of the world.

We see, as we broaden our perspective, a foreign policy that is in shambles in many respects. We see that we are losing the respect in many ways that the United States has had around the world. It is evidenced by our troubled coalition with regard to Iraq. It is evidenced by a very, very troubling policy with regard to Iraq where the credibility of the Nation's leading figures is at issue.

It is at issue when you look at a country such as North Korea, with whom we are supposed to have a nuclear understanding and agreement, as they send missiles across our ally in Japan. We are told by the Rumsfeld Commission that rogue outlaw nations are going to have the capability within just a few years of launching a missile containing biological or nuclear or chemical weapons to hit the continental United States.

So all of this is before us now, and the American people, I think, are going through somewhat of a period of readjustment in their thinking because we have not only that, but we have very much of a troubled Presidency. We have seen for some time now that while nobody has been paying much attention to a lot of these things, the level of cynicism continues to go up in this country.

We see the Pew report, for example, which shows that our confidence in the leadership in this country is low. We see that this lack of confidence is even greater among our young people. A lot of people used to attribute the growing cynicism and lack of confidence in many respects—and it is somewhat affected by the economy as it goes up and down—but fundamentally the cynicism grows and lot of people say because of Watergate, because of Iran Contra, because of various other things, the assassinations of one generation that we saw, Dr. King and the President, and so forth, but what we are seeing now in these reports is that the cynicism and the concern is the greatest among our young people who have never witnessed or had to experience many of these things. So it makes it even more troubling.

So all of this goes to the point of now that we see the need for strong leadership, after we have done so much to destroy the confidence that the American people ought to be having in the leadership of this country, who is going to listen to our leaders? I have been saying for well over a year now that with peace and prosperity we can go on autopilot for a little bit. But if our people continue to be distrustful of their own Government and the cynicism levels rise, especially among our young people, when that pendulum swings back, as it invariably does, and we no longer have peace and we no longer have prosperity, where is the leadership going to be, and who is going to follow the leadership of those of us in Washington who stand up and say here is the way; here is what we need to do; this is the way out of this problem. We have been in problems before, and we can get out of this one if you follow us. Who is going to follow us?

That is the question yet to be answered. We do not know what we have done to our institutions, in many cases by our own actions, in many cases for other reasons, but we don't know the answer to that. And when the tough times come, as they invariably will in the short term or the long term, I only hope that we are strong enough in our institutions, in the Presidency, in the Congress, and the respect for our court system to be able to lead the American people.

Mr. President, that is why this issue that we are discussing today is doubly important. It has to do with the very fundamentals of our Government. It has to do with the way we finance campaigns in this country, the way we elect the elected leaders who in turn are supposed to lead us when we need that leadership. I must say, in my opinion, we now have the worst campaign finance system that we have ever had in this country. In fact, you cannot call it a campaign finance system at all. It is a situation that is an open invitation to abuse. It is an open invitation to corruption. It is an open invitation to cynicism. And after the scandal of the 1996 campaign, if we do not do something about it, the level of cynicism that I talked about earlier, I think, is going to be even higher.

If people think that we have gotten over the hump and everyone loves Congress now, you wait until that economy dips just a little bit; it will come back to the trend it has been following for a long, long time. It is a scandal waiting to happen. It is a system that after all this time has come to the point where there is no limitation on big corporate contributions or big labor contributions, and we are spending more and more and more time going after more and more money from fewer and fewer people who have the millions of dollars that is fueling our system, the same people who come back before us wanting us to either pass or defeat legislation.

Mr. President, I have said ever since I have been in the Senate, I say here again today, that is a system that cannot last. That is an inherently defective system that cannot last over any period of time. So now because of that system, everybody is onto it and the race is on, and we are seeing the millions go to tens of millions and the tens of millions go to the hundreds of millions being put in by the large corporations and the large labor unions and the large vested interests that have those kinds of dollars.

It makes me wonder how the small donor, which has been the bedrock of my party, perceives himself in all this. We are not getting enough checkoff on the tax returns in the Presidential system right now, and that is probably going to fail. Voter turnout is getting down there now with some of the banana Republics, and I think part of that has to be due to the fact that in a system that I have just described the average person does not see that it has a whole lot to do with him or with her.

The ironic part about it is that this is not even a system that we created in Congress. We could not. No one would ever come in here and offer a piece of legislation that would create the system that we have today. We can discuss that a little bit further in a moment.

We have had a lot of good discussion about the details of the amendment and the details of the legislation and some discussion about the broader principles involved, but the crux of it all has to do with whether or not we think it is a good idea to have unlimited corporate, labor, and individual contributions to political candidates and to incumbents and to have those contributors come in and try to get legislation passed after they have given us all that money. I think asking the

question answers it. When you put it out like that, I think it answers itself. I think the answer is, no, we do not want that even though that is what we have.

Why do I say that I think we do not want that when people seem to be so afraid of reform? Well, it is because throughout our entire history we have indicated that we do not want that because we ourselves learn some things sometimes from history, and we look around the world and we see that almost 2,000 years ago scholars were saying that this is the sort of thing that brought down the Roman Empire. The Venetians imposed strict limitations on contributions and money that would go to public officials. In their system, if donors had favors to ask, they were not allowed to give anything.

We have seen that political influence money brought down entire political systems in times past in Japan and Italy. We have seen corruption in South Korea and Mexico. It is all around us—at the end of the last century, influence buying scandals; the Watergate; campaign finance scandal—time and time again.

So, we have seen that. And we also understand that it is a potential problem from our real world experience. People are sometimes surprised that a conservative Republican like myself would feel strongly about campaign finance reform, and they say: Why would that be? I say for the same reason Barry Goldwater was for campaign finance reform. We will talk about that in a minute, too.

But I think it has more to do with the fact that up until 3 or 4 years ago I was not involved in the political system, I was not running for office or holding office. But I did prosecute cases. I did defend cases. And I am very familiar with the idea that if you have people making decisions, you have to be very careful about how those decisions are influenced. If you are a purchasing agent, for example, you cannot take favors from someone from whom you are considering to buy something. If you are a loan officer at a bank, you cannot take favors from people whom you are considering for a loan. People get prosecuted for things like that all day, whether or not it was the real reason that the loan was made. The point being—the analogy is not perfect—but the point being, we have always been very concerned about that. We have gratuity laws in this country where, regardless of whether or not it bought anything, there are some people under some circumstances that you cannot give gifts to, because we are very mindful of the appearances of that.

We even do that with regard to our own activities. We passed gratuity laws that pertain to the Congress so now a friend cannot buy you dinner. He can go out here and raise $100,000 for a committee and, in turn, it will go to your benefit, he can bundle a few hundred thousand dollars for you, but he cannot buy you dinner. So at least we are paying some lip service to the idea that we have to be somewhat mindful of money going to those who are in positions of decisionmaking power.

We recognized that in 1907 when, as a Congress, as a nation, we prohibited corporate contributions. We recognized it again in 1943 when, in the same manner, we prohibited labor contributions and set up political action committees. We recognized it further as a Congress when we set up the current system of $1,000 limitations and $5,000 limitations on PACs, and so on and so forth.

You can argue over the amounts. I certainly think those amounts now are ridiculously low. They ought to be raised. The hard money limits ought to be raised. That is a debate for another time. But the fact of the matter is, we have been mindful of that. We addressed that. We always said, in this country, it is a bad idea to have wealthy individuals being able to give large amounts of money, unlimited amounts of money, to politicians. It is a bad idea to have big corporations who are usually involved in government contracts giving unlimited amounts to politicians or big labor unions. Yet that is what we have.

By the same token, we are mindful of that, especially with regard to our Presidential campaigns and our Presidential elections. That is why we set up a public finance system for our Presidential elections. It is in shambles now because we have an Attorney General who is not doing her job and has a singular, a unique way of interpreting laws. But the fact of the matter is, we set up a system to take our candidates for President out of the money grubbing system. If you agree to take public financing, then you get public money, and the public, the taxpayers, were willing to run those campaigns on their own money, on their dime, in order to keep their candidates above and separate and apart from having to raise large amounts of money from these large contributors.

We have always been mindful that large amounts of money and the decisionmaking of government are things that we have to be very, very careful about. We do allow some contributions. We do have a system—it takes money to run campaigns and all of that. We can argue over the amounts and so forth. But hardly ever has anybody, really, in this country, carried on a serious debate espousing the idea that all bets ought to be off, that any big corporation or any big labor union could give any amount that they wanted to regardless of whether or not they had legislation pending.

So, if that is the case, how in the world did we get to where we are today, where, I say, there are no limitations anymore? You have to jump through a few hoops and you have to be hypocritical—which is no big hurdle to overcome—and you have to run it through the right kind of committee and so forth, and you have to word the ad a little bit correctly, and a few other things that 100 years from now we will look back on—somebody will look back on, and laugh at, as to how we ever had a deal like this.

But essentially, whether you are running for President now—under the Attorney General's current interpretation, running for President now or to be a Member of Congress or a Member of the U.S. Senate, you can basically take any amount of money or get the benefit from any amount of money from anywhere, including the other side of the world. That has not been fully pushed yet, but I assure you, unless things change, that will be the next shoe to drop. There are people arguing in courts in this country right now that there is no limitation, under current law, on foreign contributions—foreign soft money contributions to our political parties. So that is the next step.

So, how did we get here? If Congress, if we as a people, have always been mindful of this problem and Congress has legislatively set up a restrictive framework, then how did we get to where we are? It is really pretty simple when you distill it all down. It happened over a period of time, but essentially the FEC, Federal Election Commission, decided to open up a little soft money crack and said parties can use a little soft money in their party-building activities. Then they went a little bit further and said parties can use some soft money, a certain percentage of soft money, in their TV issue ads.

And what happened then? The Clinton-Gore campaign took that crack and ran a Sherman tank through it and basically said, not only are we going to do that, but we are going to totally coordinate that entire activity so it will not be independent at all, and that we will sign the certification that we will take public financing and raise no more money, but we will really pretend like this is not money for our campaign.

The PRESIDING OFFICER (Mr. GRAMS). The Senator's 20 minutes have expired.

Mr. THOMPSON. I ask unanimous consent for an additional 10 minutes.

Mr. FEINGOLD. I just want to inform my colleague, we only have a total additional 16 minutes for other Senators, and that will bring some difficulty here unless I ask unanimous consent that an additional 10 minutes be added to our time.

The PRESIDING OFFICER. We reserve the right to object until we have a——

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

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. FEINGOLD. Yes, I will.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. What was the consent agreement?

The PRESIDING OFFICER. The request was for Mr. FEINGOLD to add 10

additional minutes to his side for the debate.

Mr. MCCONNELL. Thereby making the vote later?

The PRESIDING OFFICER. That will be the effect, yes.

Mr. MCCONNELL. Reserving the right to object——

Mr. FEINGOLD. Mr. President, in light of something I was informed of after I put in my request, I withdraw my unanimous consent request and I simply yield an additional 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for another 2 minutes.

Mr. THOMPSON. All right. I was not aware that there was a time agreement. So I apologize for the necessarily abbreviated nature of the rest of my remarks, which basically have to do with the fact that we have an interpretation now by the Attorney General which permits that.

Therein lies part of the problem of those who advocate for campaign finance reform, because those who advocate it in many cases have lost the high ground. The President certainly lost the high ground because of his behavior, and I must say that after our congressional hearings on this subject where we saw foreign money coming in, people taking the fifth amendment, unlimited access to the White House, shakedowns with regard to American Indians and Buddhist nuns, use of the White House, setting people up in positions with classified information, and then raising money and all of the coverups attendant to that, while we need to address that from a campaign finance standpoint for the future, we have not adequately addressed what has gone on in the past.

When we look around for blame to assess with regard to the fact we can't move this legislation, we have to come to terms with the fact that those who want to reform cannot be content with saying all we need is reform and forget about the past. We have not adequately addressed the past. Those who have let those things go by without blowing the whistle on them, without seeing anything wrong, without saying that is wrong conduct, as we saw for the last year in this country in our hearings, have lost the moral high ground with regard to this legislation.

I am hoping we can do better in the future. I think those of us who want reform have to understand, yes, we need to clean up the past, but we cannot let this hold us hostage for what we need to do in the future. Those of us who promote campaign finance reform need to understand that before we can really have it, we have to have justice for the past. I thank the President and yield the floor.

Ms. MIKULSKI. Mr. President, once again the Senate is considering campaign finance reform. As my colleagues know, the House of Representatives in August passed a strong reform measure. I'm pleased that their action has prompted a renewed effort here in the Senate to pass a comprehensive campaign finance reform measure.

I started my career in politics as a community activist, working to prevent a highway from demolishing my Fell's Point neighborhood. I don't want the next generation of community activists shut out of the process. I want them to know that their efforts matter. I want people to have an opportunity to participate in their communities and in our political process. I want to restore each American's faith and trust in government. The McCain-Feingold amendment is an important part of that effort.

I have consistently supported campaign finance reform, so I will gladly vote to close debate on the McCain-Feingold amendment. I hope we will invoke cloture, and move quickly to a vote on final passage of this amendment. Vote after vote this year has shown that a majority of the Senate supports McCain-Feingold.

Unfortunately, through parliamentary tactics and filibuster, a majority of the Senate has not been able to work its will on this issue. I hope we will be successful today in at last ending the filibuster on this issue.

During my time in the United States Senate, I have voted 19 times to end filibusters on campaign finance reform. So I know we have a fight on our hands. But it is time for action, and it is time for reform. The American people are counting on us.

I believe we need campaign finance reform for a number of reasons. First and most important, we need to restore people's faith in the integrity of government, the integrity of their elected officials, and the integrity of our political process.

Many Americans are fed up with a political system that ignores our Nation's problems and places the concerns of working families behind those of big interests. Our campaign finance system contributes to a culture of cynicism that hurts our institutions, our government and our country.

When Congress fails to enact legislation to save our kids from the public health menace of smoking because of the undue influence of Big Tobacco, it adds to that culture of cynicism. When powerful health care industry interests are able to block measures to provide basic patient protections for consumers who belong to HMOs, that adds to the culture of cynicism. Is it any wonder that Americans do not trust their elected leaders to act in the public interest?

Today we have a chance to help break that culture of cynicism. We can enact legislation to eliminate the undue influence of special interests in elections.

How does this amendment do that? First of all, it stems the flood of unregulated, unreported money in campaigns. It will ban soft money, money raised and spent outside of federal campaign rules and which violates the spirit of those rules. It will end the sham of ''issue ads'' that are really designed to support or oppose federal candidates.

This amendment will improve the disclosure of contributions, and expand the Federal Election Commission's enforcement capabilities. It will codify the Beck decision, by allowing non-union members who pay fees in lieu of union dues to obtain a refund of the portion of those fees used for political activities. It will make it less likely for wealthy candidates to try to buy elections, by barring political parties from making coordinated expenditures for candidates who do not agree to limit their personal spending.

These are all reasonable reforms. They will get the big money and the secret money out of campaigns. They will help to strengthen democracy and strengthen the people's faith in their elected officials.

Mr. President, we can improve our political process, making it more fair and more inclusive, without compromising our rights under the Constitution.

By limiting the influence of those with big dollars, and increasing the influence of those with big hearts, we can bring government back to where it belongs—with the people.

The McCain-Feingold amendment will help us to do that. I am proud to support it with my voice and my vote.

Mr. CHAFEE. Mr. President, twice during this Congress, the Senate has debated reforming the manner in which campaign funds are raised and spent. A majority of Senators clearly believes that the current system is in need of reform. Progress has been made during this Congress in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

It would be a shame to sully this bipartisan progress by resorting to political tactics, as too often has occurred in past debates. In 1992, both the House and the Senate approved a campaign reform bill that had no hope of becoming law. It was wholly unacceptable to President Bush, and he had no recourse but to veto it. In 1993 some of us worked hard with Members from the other side to craft serious legislation. But the Senate bill was not agreeable to House Democrats, and it languished in the House for months before any action occurred. As the election year adjournment neared, the Democratic leadership reached an agreement on what would be included in a conference report before the conferees had ever met, and that agreement was far from the reform that I had hoped for and supported. In 1996, another election year, a far less acceptable version of the McCain-Feingold bill was debated and defeated.

This year, supporters of reform find themselves in a slightly more hopeful position. The bill before us has been greatly improved; it has bipartisan support; and the House has already approved very similar legislation.

The paramount goal of any true effort to reform the system of financing elections for federal office must be to reduce the influence of special interest money on elected officials. Although the proposal before us may not be the final resolution to the problems that afflict the current system of campaign fundraising, it provides a better starting point than we have had in previous years.

I urge my colleagues on this side of the aisle to take another look at the modified version of McCain-Feingold that is before us today. This is a solid proposal that addresses the soft money abuses that have effectively obliterated federal election law. It addresses the problem of unregulated, unrestricted, and unreported spending by anonymous donors. It addresses blatant electioneering disguised as issue advocacy. And it eliminates enormous soft money contributions from corporations and big donors. In other words, it goes a long way to reducing the influence of special interests.

And I urge my colleagues on the other side not to let this debate degenerate into political gamesmanship.

Mr. SARBANES. Mr. President, last fall, the Majority Leader and the other Republican opponents of campaign finance reform denied the will of a majority of the Senate—and a majority of the American people—by denying an up or down vote on the McCain-Feingold bill. This past February, we witnessed again successful efforts to block consideration of this proposal. At that point, I stated that such maneuvers violate the Senate's well-earned reputation for thoughtfulness and deliberation, in which it rightly takes such pride, and I noted that full consideration of the campaign finance issue by the Senate is crucial to maintaining the public's confidence in its government.

Mr. President, the McCain-Feingold bill is before us again, but under changed circumstances which make the need for Senate consideration of campaign finance reform all the more vital. We must now consider this most important issue in the context of House passage of its own campaign finance legislation—passage which occurred only after determined members of both parties successfully navigated a minefield of amendments erected by the House Republican leadership with the goal of killing campaign finance reform there. Despite these efforts, a majority of the House held together and enacted legislation that gives voice to the belief of the American public that our system of campaign financing needs fixing.

I hope that this time the Senate leadership will give us the same opportunity to express our support for campaign finance legislation that the members of the House earned this summer. I am a cosponsor of the McCain-Feingold bill, and will therefore vote in its favor when—if—the issue comes before the Senate. Others oppose this legislation. What the American public deserves at least, however, is an up or down Senate vote that gives effect to the will of the majority and that makes the American public confident that the issue has received thorough review by its elected representatives. Based on prior votes, I suspect that such review will in fact yield a decision by a majority of the Senate that campaign finance reform is appropriate and necessary. But even if I am mistaken and a majority of Senators now oppose such legislation, a fair Senate process demands that an up or down vote take place as soon as possible and that the will of the majority be allowed to carry the day.

In February I noted that the Senate's failure to consider the McCain-Feingold bill on an up or down vote merely increases the public cynicism that makes campaign finance reform necessary. Now that the House has acted, my prior statements are even more true. I therefore once again urge the Majority Leader to observe a process consistent with the Nation's desires and needs.

Mr. HATCH. Mr. President, my colleague from Kentucky has, as usual, made a persuasive case why the McCain amendment is, as it has been for several years, flawed beyond salvage. I commend him for his leadership on this issue.

Like most of my colleagues, I do not oppose reform of our campaign finance laws if it is done in a constitutionally sound manner. But, I do not think passing campaign finance reform—this McCain-Feingold amendment, for example—just to say we've enacted reform gives us any sort of bragging rights. There is no virtue in passing a bad bill.

I would like to spend just a few minutes addressing what, in my mind, is a much greater issue: the investigation of the fundraising abuses during the 1996 election cycle. At a time when the supporters of McCain-Feingold are urging adoption of an unprecedented increase in federal regulation of campaigns and public discourse, which would be enforced by this administration, that same administration has made almost no progress in finding out whether the laws already on the books were trampled by the Clinton/Gore campaign, the White House, and the Democratic National Committee. Unfortunately, the Attorney General of the United States, Janet Reno, has continued to refuse to do what the law compels her: appoint an independent counsel to conduct the investigation of the fundraising activities surrounding the 1996 reelection campaign. And her own investigation, mired in obvious conflict of interest, has been a dismal failure.

Last week I met for almost three hours with Attorney General Reno and top officials and staff of the Justice Department, including Deputy Attorney General Holder and Former Task Force head Charles LaBella, along with House Judiciary Chairman HYDE, House Government Reform and Oversight Chairman BURTON, and Ranking Member WAXMAN, regarding the campaign finance investigation and the application of the independent counsel statute to this widespread and dangerous scandal.

I had requested this meeting in late July after the existence of the so-called LaBella memorandum had come to light. In that memo, Mr. LaBella, the handpicked lead investigator with the most extensive knowledge of the facts of this scandal, concluded that the facts and law dictated that a broad independent counsel be appointed to investigate campaign finance abuses by the 1996 Clinton/Gore reelection campaign, the Clinton administration, and the Democratic National Committee. This memo came several months after a similar written conclusion made by the Director of the Federal Bureau of Investigation, Louis Freeh.

Under federal law, the Attorney General must apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds finds information that a high-ranking official included in a specific category of individuals within the executive branch may have violated federal law.

More than one and a half years ago, all ten Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel and demonstrating the evidence which requires such an application concerning the campaign finance scandal.

After reviewing redacted versions of the memos prepared by Mr. LaBella and Director Freeh, it is clear that both gentleman have advanced strong, convincing arguments in support of a broad-based independent counsel. Importantly, when I asked the Attorney General and her top advisors why those recommendations have, thus far, been rejected, the answers I received were vague, insufficient, or unconvincing.

I have urged Attorney General Reno to appoint a broad-based independent counsel for campaign finance for well over a year. I have written the Attorney General numerous times to demonstrate how she is misapplying and misunderstanding the independent counsel law. The law allows her to appoint a independent counsel if she has information that a crime may have been committed, but she has read the law as requiring that the evidence shows without a doubt that a crime has been committed. By setting up this legal standard, she basically has required that a smoking gun walk in the doors of Justice Department before she appoints an independent counsel.

As has been widely reported, numerous individual investigations are being

handled by the task force. Yet, the task force has reportedly never conducted an investigation or inquiry into the entire campaign finance matter in order to determine if there exists specific and credible information warranting the triggering of the independent counsel statute. Indeed, as has been reported, the task force has been utilizing a higher threshold of evidence when evaluating allegations that may implicate the Independent Counsel Act or White House personnel.

I have admired the courage of FBI Director Freeh and lead investigator LaBella in discussing, within applicable rules, their views on these important issues. They made it clear that the independent counsel is required under the law, that there are no legal arguments for the Attorney General to hide behind. Director Freeh stated that covered White House persons are at the heart of the investigation. Investigator LaBella said there was a core group of individuals at the White House and the Clinton campaign involved in illegal fundraising.

Now some may attempt to defend the Attorney General by noting that she has gone through the process of legal reviews of many aspects of the campaign finance scandal. These actions are good, although clearly incomplete, steps. Each month that goes by sees the Attorney General lurch towards a real investigation of the campaign finance scandal. We now have action on several peripheral fronts, including the independent counsel investigating Bruce Babbitt, the reviews of potential false statements by the Vice President concerning his fundraising calls and by Harold Ickes regarding his involvement with unions, and now the review of the President's control of DNC advertising.

My primary focus, however, has been and remains the infusion of foreign money and influence on our campaigns. Until we have a broad-based independent counsel investigation, we will only be looking at the loose threads of the scandal and not the most serious alleged violations.

In addition, I hope that the Attorney General will not take the entire three months to make decisions on these latest matters. The campaign finance violations we are discussing happened two and three years ago and every day that passes means leads are drying up, evidence is lost, and statutes of limitations are running.

While Lead Investigator LaBella and FBI Director Freeh recommended that the Attorney General appoint an independent counsel to look into the coordination issue, it is clear that they both think an independent counsel should be appointed to handle the whole scandal, not just these peripheral issues. Any independent counsel must be given authority to delve into the most important questions of the scandal. As the New York Times concluded, a limited appointment would be a ''scam to avoid getting at the more serious questions of whether the Clinton campaign bartered Presidential audiences or policy decisions for contributions. A narrowly focussed inquiry could miss the towering problem of how so much illegal foreign money, possibly including Chinese government contributions, got into Democratic accounts.''

I must also take issue with the Attorney General's assertions that the current investigation is not a failure because it has secured a limited number of indictments. Let's remember that the ongoing campaign finance investigation has only indicted the most conspicuous people who made illegal donations to the DNC or the Clinton/Gore campaign. It has made no headway in finding out who in the administration or DNC knew about or solicited these illegal donations. Until it does so, the investigation is a failure.

In closing, let me quote the New York Times, which, I believe, captured the situation perfectly: ''Ms. Reno keeps celebrating her stubbornness as if it were some sort of national asset or a constitutional principle that had legal standing. It is neither. It is a quirk of mind or personality that has blinded her to the clear meaning of the statute requiring attorneys general to recuse themselves when they are sunk to the axle in conflict of interest.''

The inability of the Justice Department to investigate and prosecute the violations of existing laws is the real scandal here. That is what we should be talking about, rather than legislation which would represent an unconstitutional, unwise, and partisan trampling of our electoral system and First Amendment rights.

One final note, Mr. President. I believe that the American people want accountability in the electoral market place—not more restrictions on what they can and cannot do to participate in it. Accountability is a desirable thing in campaigning. I have always favored disclosure, and I believe we can take steps to enhance the information available to the press and to the public. But, accountability is not the same as regulating, which is what we are debating here today.

This measure imposes new restrictions without necessarily increasing accountability, and it does so at a time when there has been little effort to effectively enforce the campaign laws we already have on the books. I join the Senator from Kentucky in urging defeat of this amendment.

Mr. GLENN. Mr. President, in the next few weeks I will be casting my final votes and concluding my four terms in the Senate. During this last term, a significant amount of my time has been devoted to investigating abuses of our current campaign finance system. What I have learned is that this is a problem which cannot wait. I am pleased that one of my remaining votes can be cast in support of important reform, however, I am disappointed that the Senate will likely not pass this much needed legislation.

Although I have always been a supporter of campaign finance reform—and indeed I personally believe that a system of campaigns fairly and equally underwritten by all Americans through some form of publicly supported financing is the only way to ensure public officials are not unduly influenced—but this last session has been a lesson for me on just how urgently we need to fix the campaign finance laws.

When we originally passed the current campaign finance laws it was in the wake of allegations that the presidential campaigns of the early 1970s had accepted hundreds of thousands, even millions, of dollars from secret contributors not known to the voters. The goals of that law were right and for many years it served us well. But there are few things that change as quickly as campaigns and politics. By 1996 our law had been eroded to the point that it was barely recognizable.

In 1996, we again faced a system totally out of control—filled with soft money and thinly disguised political advertisements masquerading as ''issue'' advertising funded by secret sources. We faced an election in which even the Members of this body—the people governed by the campaign finance laws—did not know what was legal and what was not.

The amendment that is before us today and the bill that passed the House are a direct product of the chaos of the 1996 election. They are good legislation that address the two key problems of our campaign finance system—the proliferation of soft money and the use of thinly disguised ''issue'' advertisements. In addition, the legislation takes important steps to strengthen the Federal Election Commission. The goals of the bill before us today are the same as those of the original law: to deter corruption, to inform voters and to prevent wealthy private interests from exercising disproportionate influence over the government.

There is no question that most problems we saw in the 1996 election stemmed from legal activity. There is also no question that both political parties and groups supporting candidates on both sides of the aisle in 1996 took advantage of these loopholes in their quest to win. The problems of soft money being used to purchase access and of secret contributors funding their own attack advertising campaigns without disclosing their identity can not be solved by any other means than by passing a new law.

The proposals in this bill are carefully drafted to protect the First Amendment right of voters to engage in political speech. The legislation simply requires public disclosure and compliance with contribution limits. To those who see no problem with soft money advertising campaigns by parties and issue advertising by unknown and undisclosed contributors I can only wonder what they will say after the next time they run for re-election and

discover they no longer have any control over the course of their own campaigns?

No one can seriously argue that the system of soft money and secret issue ads is consistent with the spirit of the campaign finance laws. Together, the soft-money and issue-advocacy loopholes have eviscerated the contribution limits and disclosure requirements in federal election laws and caused a loss of public confidence in the integrity of our campaign finance system. By inviting corruption of the electoral process, they threaten our democracy. For parties to accept contributions of hundreds of thousands—even millions—of dollars, from corporations, unions and others to air candidate attack ads without meeting any of the federal election law requirements for contribution limits and public disclosure is a fundamental step backwards.

Twice in the past year we have voted on the amendment before us today. Each time, although a majority of the Members of this body have voted in support of the bill—a minority opposed to reform has blocked its passage.

Today we again take up this measure—but this time with a difference—this time the House of Representatives has worked together in a bi-partisan manner, recognized the critical need for reform, and passed a bill. By coming together and passing this reform legislation we in the Senate can take advantage of a narrow window of opportunity and turn these bills into a new and vital campaign finance law. This is a rare chance to fix a major problem. If we fail, it will plague us in many elections to come.

Over the course of my Senate career, I have watched as public cynicism about government increases, and trust in government declines. In 1996, for the first time, less than half the people in this country eligible to vote cast a ballot. We must assure the integrity of our campaigns if we are to have any hope that young Americans will continue to have the faith in our government and in its public servants.

If we do not act we here in the Senate will be responsible when the abuses witnessed by the American people in 1996 are repeated. All that will change is that amounts of money will continue to increase and public faith will continue to decline. In less than two months we will see the loopholes ripped open in 1996 resulting in an even greater flood of money into the system as each party tries to elect their chosen candidates, and the candidates battle to be heard against the flood of issue advertising.

There is nothing I should like to be able to say so much as that I left the Senate having helped to pass into law the amendment before us today. I would ask that my colleagues join with me to cast a vote to enact into law these sensible reforms that we know we need. Only then can I depart with the confidence that we have acted to protect our electoral process from the apathy and cynicism that are a danger to democracy.

Mr. KENNEDY. Mr. President, with this amendment the United States Senate has an excellent opportunity to restore public faith in the political system by enacting long overdue campaign finance reform. After cynically withdrawing the McCain-Feingold campaign finance reform bill last winter, the Senate followed the lead of the House and passed a needed new law to limit the role of money in election campaigns.

The current system is a scandal, and I commend Senator MCCAIN and Senator FEINGOLD for their leadership in demanding that the Senate act on reform. The vast sums of special interest money pouring into campaigns are a cancer on our democracy. The voice of the average citizen today is scarcely heard over the din of lobbyists and big corporations contributing millions of dollars to political campaigns and buying hundreds of TV ads to promote the causes of their special interests.

Every Democrat supports the proposal before us. If enough Republicans join us, this reform will pass.

It is time to end special interest gimmickry in campaign advertising. Currently, special interests can run as many so-called issue ads as they wish as long as they do not specifically advocate a candidate's election. The American people aren't being fooled—they know that these are campaign ads in disguise and should be regulated accordingly.

Democrats also want to close the gaping loophole on soft money, which allows special interests to bypass legal limits on giving money directly to candidates. Big corporations and other special interests use this loophole to funnel money to candidates through the back door, by making so-called ''soft-money'' contributions to political parties and other political organizations that are spent to benefit candidates.

More than $250 million in soft money contributions played a part in the 1996 elections. McCain-Feingold proposal will ban this practice.

The fact is that phony issue ads and soft money contributions have created a climate in which our elections and our legislative agenda are determined more and more by how much money candidates can raise and less and less by issues of concern to families and communities across America. The public doesn't have to look any further than the Senate floor to see the effect big money has on the Republican legislative agenda.

For example, Republicans are determined to pass a bankruptcy bill bought and paid for by the consumer credit industry, despite the pleas of bankruptcy judges, scholars, and consumer groups.

Why is Congress moving so quickly to pass legislation that raises such grave concerns? Who benefits from the bill? Is it working families, the elderly, women and children? The answer is a resounding ''no.'' If you want to know who benefits from this legislation, just look at the corporate interests making soft money contributions—the consumer credit industry gave $5.5 million in soft money during the 1995–1996 election cycle. Common Cause reports that since 1995, Republicans in the House of Representatives have received more than twice the PAC and soft money contributions from consumer creditors as Democrats, and—not surprisingly—Republicans voted wholesale for the bankrtupcy bill. In the House of Representatives, the bill had the support of every Republican.

The tobacco industry's total PAC and soft money contributions are less than half of what the credit industry gave during the same period—but, it was enough for the Republican leadership to reject needed anti-tobacco legislation and prevent it from being enacted.

The Campaign for Tobacco-Free Kids reports that Senators who voted consistently against the tobacco reform legislation took far more money from the industry—four times more—than those who supported the bill. In the past ten years, Senators supporting the tobacco industry's position have accepted an average of $34,000, while those who support reform measures accepted about $8,000 in contributions.

The challenge of managed care reform is another example of the power that big corporations can wield against the interests of individuals and families in the political process. In the halls of Congress, big money from campaign contributors is drowning the voices of our constituents.

A year ago, in a private strategy meeting called to defeat the Patients' Bill of Rights, staff from the Senate Republican leadership exhorted insurance industry lobbyists to ''Get off your butts, get off your wallets.'' And lo and behold, the industry ingloriously responded.

In fact, Blue Cross/Blue Shield and its state affiliates have made $1 million in political contributions during the 1997–1998 cycle, with four out of every five dollars going to Republicans. They are also the number one PAC donors to leadership committees. They more than doubled their contributions during the 1995–1996 election cycle and 98 percent of the contributions were directed to Republicans.

According to the Center on Responsive Politics, managed care PACs—including the American Association of Health Plans, the Health Insurance Association of America, and Blue Cross/Blue Shield—gave $77,250 to leadership political action committees. All but $1,500 went to the Republican majority. As of July 1, these industry PACs have made $1.8 million in political contributions during this election cycle, and 70 percent of the money is directed to Republicans.

These same corporations have also funded a multi-million dollar advertising campaign of disinformation and distortion on managed case reform.

The same corporations profit by denying care to patients who have faithfully paid their premiums. These same corporations, with their crocodile tears, claim that patient protections will bankrupt them or force them to raise premiums by hundreds of dollars.

These same corporations are spending millions of dollars—taken from premiums paid by patients—on political campaign contributions and advertising to defeat the very legislation that patients need and deserve.

What did this significant investment buy? Just what they wanted. Inaction by Congress. Stonewalling. A ''just say no'' strategy. At the behest of their big donors and special interest friends, the Senate Republican leadership has delayed and denied consideration of the Patients' Bill of Rights for nearly a year and a half.

The choice is clear. Will the Senate stand with patients, families, and physicians, or with the well-heeled special interests that put profits ahead of patients?

It is clear that the majority of Senator Republicans are standing with the special interests. There is no mystery about what is going on. The Republican Leadership's position is to protect the insurance industry instead of protecting the patients. They know they can't do that in the light of day. So their strategy has been to work behind closed doors to kill the bill. Keep it bottled up in Committee. No markup. No floor debate or vote.

Bill Gradison, the head of the Health Insurance Association of America, was asked in a interview published in the Rocky Mountain News to sum up the coalition's strategy. According to the article, Mr. Gradison replied ''[t]here's a lot to be said for 'Just say no.' '' The author of the article goes on to report that:

> [a]t a strategy session . . . called by a top aide to Senator Don Nickles, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Opponents will rely on Republican leaders in both chambers to keep managed care legislation bottled up in committee.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protection legislation.

That is why the Republican leadership is trying to hide its tactics of delay and denial behind a smokescreen of parliamentary maneuvers and phony procedural justifications. They say we don't have time to debate managed care. They reject offer after offer from the Democratic leader, thereby continuing the stall of this critically important legislation. I say, the American people aren't interested in excuses. They want action. They want reforms. They want clean elections. This legislation will give it to them and it deserves to pass by an overwhelming majority of the Senate.

Mrs. MURRAY. Mr. President, this is the sixth year I have been a Member of the U.S. Senate. And this is the sixth year I can recall debating campaign finance reform. I have voted to pass campaign reform legislation in 1993, 1994, 1996, 1997, and now 1998. We actually passed a good bill in the Senate in 1993. Each time it has been killed off by filibuster.

Each time I thought, this is it. This is our chance to make some changes that the people of this country will notice and respect. This is our chance to restore a measure of faith in American democracy. While I've had my share of disappointments, today we are here again with a rare and valuable opportunity to actually get a bill signed into law.

Mr. President, it is critically important that we pass campaign reform legislation. The health of our democracy is not good. Yes, the economy is strong, crime is down, and people are generally feeling good about their lives. But there is an undercurrent that I find deeply troubling, and it's been building for the past two decades.

People simply do not like government. They do not trust government, and they do not feel like they are part of the process. They are losing faith and I think it would be terrible if we did not do something to re-invigorate peoples' interest in American democracy.

If any of my colleagues doubt this, just look at voter turnout rates and voter registration rates. People just are not participating any more, and it gets worse each year.

What exactly is the problem? Money, plain and simple. Too much money, having too much influence over our democratic process.

The campaign system is so clogged with money, there is hardly room left for the average voter. Political campaigning has become an industry in this country. In the last election, over a billion dollars were spent on federal elections alone. To what end?

That money—much of it undisclosed, from dubious sources—flowed into the political arena and dictated the terms of our elections to the people. Like water, it flowed downhill into campaigns all across the country. Some of it came out in the form of national party ads attacking candidates in the abstract; some came out in the form of issue-ads by interest groups trying to influence the outcomes. Some of it came out in the candidates' own TV ads.

It reaches the point where you almost cannot hear the voices of the candidates or the people anymore, only the voices of the dueling special interests. We do not know who pays for these ads, where they get their money, or what they stand to gain if their candidate wins. Yet they have found ways to have a huge influence over the election process.

Opponents of reform argue against the McCain-Feingold bill on free speech grounds. They argue politicians and political parties should be able to take money in any amount from anyone in order to make the case for their re-election. They believe that having more money entitles one to a greater influence over our campaigns and elections. I find this argument shocking, Mr. President. I find it profoundly undemocratic, and un-American.

The last time we debated reform, I told a story of a woman who sent my campaign a small contribution of fifteen dollars. With her check she enclosed a note that said, ''please make sure my voice means as much as those who give thousands.'' With all due respect, Mr. President, this woman is typical of the people who deserve our best representation. Sadly, under the current campaign system, they rarely do.

I have tried to live by my word on this issue. My first Senate campaign was a shoe-string affair. I was out spent nearly three-to-one by a congressional incumbent. But because I had a strong, grassroots, people-based effort, I was able to win.

Since then, I have worked hard to keep to that standard. I have over 35,000 individual donors. The average contribution to my campaign is 69 dollars. Nearly 75 percent of my contributions come from within Washington state. I firmly believe that's the way campaigns should be run: by the people.

We need more disclosure, not less. We need more restrictions on special interest money, not fewer. We need less money in the system, not more. We need to amplify the voices of regular people, instead of allowing them to be shouted down by special interests.

Mr. President, the opponents of reform miss the point. In America, money does not equal speech. More money does not entitle one to more speech. The Haves are not entitled to a greater voice in politics than the Have-nots. In America, everyone has an equal say in our government. That is why our Declaration of Independence starts with, ''We, the people.''

When this Congress started, I thought this might really be our chance to pass a bill. The public was paying more attention. The excesses of the last campaign season, brought to light through the good work of the Government Affairs Committee, made campaign reform a front-burner issue in every kitchen in America. More than one million signatures were delivered to the Capitol from people all over America who joined a nationwide call for reform.

A bipartisan group of Senators committed to reform worked overtime to craft a reasonable reform measure that makes sense for America. I think we

all owe a debt of gratitude to Senators MCCAIN and FEINGOLD for their work. They generated public support, made their case to the media, and pushed for the last few votes necessary to pass a bill. Well, the time has come to see if this is our chance to do the right thing.

Our like-minded colleagues in the other body did find the votes, and they did pass a good strong bill. The Senate has more than enough votes to pass the same bill on an up-or-down vote. All we need are eight more votes from the majority party to do the right thing for America. Mr. President, who will it be? Who will be the heroes on this vote? And who will let down the millions of American citizens who have grown sick, tired, and alienated from our democratic system?

Mr. President, I believe we have made this debate way too complicated. After all the maneuvering, the cloture petitions, the technicalities, the procedural votes, this issue boils down to one basic question: are senators willing to make some modest reforms to reduce the influence of big money in politics and encourage greater voter participation? Or are they more interested in protecting the current system, and the ability of parties and politicians to turn financial advantage into political advantage?

Are you for reform, or against it? Are you with the people, or against them on the need for a more healthy democracy? The votes we are taking today will show the answers to these questions.

Mr. CAMPBELL. Mr. President, today I add my voice to the on-going debate on the campaign finance reform bill that is before us once again. Let me say right up front, so that there is no confusion, I support, and I have always supported enforceable, reasonable, common-sense reform. Unfortunately, I don't believe the amendment offered by Senators MCCAIN and FEINGOLD before the Senate meets those standards, nor do I believe it would stand a Constitutional challenge. As I stated with my friend and fellow Coloradan, Senator ALLARD, in a joint editorial printed in the Denver Post back in October, ''real campaign finance reform protects the right to free speech under the First Amendment while guaranteeing the public's right to know through full disclosure.'' This amendment does not contain that kind of reform. The Constitution guarantees all Americans the right to freedom of speech and association in the First Amendment.

The Supreme Court applied those words to campaign spending in the landmark case Buckley v. Valeo to mean that money spent in favor or against a candidate is a form of speech, and therefore entitled to this protection. That decision has been reinforced over and over again. Given this ruling, I cannot believe that the Court, or the Founding Fathers, intended to impose a sixty- or thirty-day moratorium prior to elections on this right, as this amendment would do. I believe the Founders wanted Americans to have the unabridged right to speak their minds and show their support for candidates by using a collective voice, including showing support by making contributions to one candidate or another.

In order to have an educated electorate, money must be spent on spreading candidates' messages. In our free market system, advertising rates are determined by the industry. I would note that these days, there is hardly such a thing as a ''free exchange of ideas,'' as nearly all forms of communication cost money. The exchange of ideas and opinions is what allows the public to become informed about the candidates that are seeking office. But limiting the amount candidates can raise and spend severely limits the ability to spread information about their backgrounds and opinions, and only harms citizens. I cannot understand why this amendment targets some forms of spreading these messages while allowing others to continue unchecked. Doesn't that signal to the American people that the First Amendment only applies to speech that is printed, and not speech that is broadcast?

I would note that my colleagues and I have been under tremendous pressure this session to pass this particular legislation. But until we have found a solution that answers all the Constitutional concerns that have been raised, I am reluctant to act on this particular measure. As was stated in an editorial that appeared in my state's Rocky Mountain News, this ''particular piece of legislation would have betrayed several of the nation's most important principles, not the least of all is its guarantee of free political speech.'' I wholeheartedly agree with this sentiment.

Thank you, Mr. President. I yield the floor and ask unanimous consent that the text of this editorial be printed in the RECORD.

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

THE MCCAIN-FEINGOLD FRAUD

As those of you with the radio on last week probably know, Sen. Ben Nighthorse Campbell has been the target of an ad campaign by a coalition that supports something known as the McCain-Feingold bill, a campaign finance reform that died last Thursday in the U.S. Senate.

Various local journalists also joined the crusade, in one instance publishing Campbell's office phone number as a service to readers who wished to complain about his failure to support the bill.

But, in fact, that particular piece of legislation would have betrayed several of the nation's most important principles, not least of all its guarantee of free political speech. Under one of its provisions, for instance, groups focused on particular issues would be prohibited from mentioning the names of candidates in advertisements as elections drew near.

Can anyone with any understanding of the First Amendment honestly believe that Congress can constitutionally prohibit any organization of Americans from saying any politician at nay time it chooses?

The American Civil Liberties Union has correctly identified one probable result of McCain-Feingold: ''to shut down citizen criticism of incumbent officeholders standing for re-election at the very time when the public's attention is especially focused on such issues.''

The truth is, McCain-Feingold would probably have fixed very little on its way to hampering democratic discussion. It would not have become easier—and might well have become harder—to challenge an incumbent, especially if you happened to be a third-party candidate. For that matter, the most publicized campaign spending scandals of the past year involved activity that was already illegal. If the bill had been enacted, politicians probably would have figured out ways to circumvent it—and the Supreme Court probably would have declared it unconstitutional.

Sure, the present system is not pretty to look at. Politicians work constantly to raise money for their campaigns, and special interest groups are forever trying to influence legislation with their donations, usually by helping those who have helped them in the past. One possible reform is full, instant disclosure of contributions so that voters can themselves determine whether candidates are in danger of being bought.

Give people liberty, and their political system is going to be messy. Taking away some significant portion of that liberty is too high a price for cleaning things up.

Mrs. BOXER. Mr. President, I strongly support the McCain-Feingold amendment to reform the federal campaign finance system.

It is clear that a majority of the United States Senate supports the McCain-Feingold amendment. I urge senators to stop filibustering this extremely important matter, and let us pass the plan and send a bill to the president.

I want to explain what the amendment does and the kinds of abuses of the system that it would prevent.

First, it bans unlimited ''soft money'' contributions, which are contributions to national political committees like the Republican and Democratic National Committees.

Under current law, ''soft money'' contributions are unlimited and virtually unregulated. This means that a corporation with an interest in legislation pending in Congress—such as an oil company—can give hundreds of thousands of dollars to the national political parties in an attempt to influence the outcome of the legislation.

The McCain-Feingold amendment would shut down the special interest money machine by imposing limits on contributions to the national political parties.

Second, the McCain-Feingold amendment bans attack advertising disguised as ''issue ads'' by corporations and unions within 60 days of an election. The amendment also requires others—individuals and nonprofit organizations—to disclose their contributors and expenditures for these ads.

Current law allows anyone to launch vicious attacks against candidates and not disclose their true identity or the sources of their contributions, as long

as the ad doesn't say ''vote for'' or ''vote against'' the candidate.

For example, a group of tobacco companies can get together, form a phony organization called ''Citizens for Good Government'', and have that ''organization'' spend millions of dollars for television ads attacking a congressional candidate who supports tougher tobacco laws. And those companies never have to disclose what they did.

This isn't just a hypothetical: In my own state, outside special interest groups regularly spend millions of dollars attacking California congressional candidates, often leaving those candidates mere spectators in their own election campaigns.

The amendment prohibits corporations and unions from buying these stealth attack ads, and anyone else—individuals and nonprofit organizations—has to disclose what they are doing.

Third, the amendment fixes a major problem in the law governing ''independent expenditures'', which are efforts on behalf of a candidate by someone not affiliated with that candidate's campaign.

Under current law, a political party can make ''independent expenditures'' on behalf of a candidate at the same time it is making expenditures that are coordinated with the candidate's campaign. Mr. President, this is an absurd situation! Clearly, a political party can't—at the same time, with the same political operatives, from the same office—be both ''independent of'' and ''coordinate with'' a political campaign!

The McCain-Feingold amendment allows a political party to do only one or the other: If the party makes ''independent expenditures'', it can't also make ''coordinated'' expenditures for the campaign.

Finally, the amendment requires faster and more complete disclosure of contributions to campaigns.

Mr. President, for these reasons, I urge my colleagues to vote for cloture on this amendment and move to passage so that we can send a bill to the president and make these changes in our campaign finance system.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. In light of the fact we have limited time, I ask that any time that is open here, a quorum call time, be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I confess, I was not particularly attentive. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent request was that any quorum calls be charged exclusively to the time under the control of the Senator from Kentucky.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. 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. FEINGOLD. 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. FEINGOLD. I ask that the time be equally divided with regard to the quorum call.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FEINGOLD. 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. WELLSTONE. 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. WELLSTONE. I ask my colleague from Wisconsin whether I can speak for 10 minutes.

Mr. FEINGOLD. I inform the Senator from Minnesota, we only have a total of 16 minutes remaining. Mr. MCCAIN would like some time. If the Senator would like to speak for 3 minutes.

Mr. WELLSTONE. That is fine.

The PRESIDING OFFICER. The Senator from Wisconsin is to be advised that he has 11 minutes, 45 seconds remaining. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, I had a chance to speak yesterday for about half an hour, so let me summarize this way:

First of all, I thank Senator FEINGOLD who I think has just emerged, really, as a leading reformer before the U.S. Senate for his work, along with Senator MCCAIN. This is a bipartisan effort, and I, frankly, think it speaks to the core issue.

What I tried to say yesterday on the floor of the Senate is that as I think about a whole range of questions, over and over and over again, I come back to the fact that too few people have way too much wealth, power, and say, and too many people are just locked out. The polls show people want to have faith in our political process, people want to believe in what we are doing, but the conclusion that many people have reached is that if you pay, you play, and if you don't pay, you don't play, and that, basically, the same investors pretty much control both political parties; they control the political process.

So many people in Minnesota and across the country have reached the conclusion that when it comes to their concerns about themselves and about their families and about their neighbors and about their communities, that their concerns are of little concern here in the corridors of power.

I can't think of a better thing for us to do than to pass this piece of legislation. The Shays-Meehan bill passed in the House of Representatives. That was a very important victory. We now have an important vote on the floor of the Senate. There is an effort on the part of those who are opposed to reform to block this. That is what this is all about. We have a majority support on the floor of the U.S. Senate. I hope that other Senators will step forward and support this important piece of legislation, this important amendment offered by Senator MCCAIN and Senator FEINGOLD.

As a Senator from Minnesota, a good government State, a progressive State, a State that cares about clean money and clean elections, a State that believes integrity in the political process is the most important thing that we can focus on, this piece of legislation, this amendment is the most important amendment that we will be voting on during this Senate.

I hope my colleagues will vote to end this filibuster and support this legislation.

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

Mr. FEINGOLD. Mr. President, in light of the fact that we have very limited time remaining, I ask that any time under subsequent quorum calls not be charged against our time.

The PRESIDING OFFICER. Is there objection? As a Senator from the State of Minnesota, I lodge an objection.

Mr. FEINGOLD. Mr. President, I am about to put in a quorum call. I am going to ask unanimous consent that we be able to use our remaining time near the conclusion of this debate. We have how much time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has control of 8 minutes, 40 seconds.

Mr. FEINGOLD. I ask unanimous consent that we be permitted to use that time just prior to the end of the debate.

The PRESIDING OFFICER. Again, as a Senator from the State of Minnesota, I have to object. I can equally divide—objection is heard.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Sean O'Brien, who is an intern in my office, be granted the privilege of the floor today.

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

The PRESIDING OFFICER. Who requests time?

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

The PRESIDING OFFICER. The Senator does not have control of the time. Who seeks time? The Senator has control of time on the floor.

Mr. FEINGOLD. I suggest the absence of a quorum and ask that it be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, I wonder if the distinguished proponent of this bill from Wisconsin, Senator FEINGOLD, would be willing to yield some time. Does the Senator have any additional time?

Mr. FEINGOLD. Precious little. I can yield the Senator 2 minutes of our remaining 8 minutes.

Mr. BUMPERS. My speech will be much better than sitting in a quorum call. I thought I might get more time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Mr. President, I came over to express my very strong support for campaign finance reform. From the time I ran for Governor in 1970 until 28 years later—this very moment—I have abhorred the system of financing campaigns in this country. One of the reasons—not the main reason, but certainly one of the reasons I decided not to seek reelection this year was because I detested going out and raising money.

Let me also say that it is reaching the point in this country where the cost of campaigning goes up every single year—and there is no end in sight.

Right now the Attorney General is conducting a 90-day interim period investigation on whether or not the DNC coordinated a 1996 campaign with the President of the United States. The same thing is going on with the Vice President. And the same thing will go on forever until we change it, and change it dramatically—soft money, hard money, issue ads, attack ads.

I close, Mr. President, by saying I consider not only the method of financing campaigns in this country ominous, quite frankly, I consider it rotten to the core.

I also want to say to the American people——

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

Mr. BUMPERS. Thirty seconds?

Mr. FEINGOLD. I yield the Senator 30 additional seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. Anybody who believes that a democracy can survive when the people you elect and the laws you pass depend on how much money is given for the cause are daydreaming. It is dangerous to our system. It is dangerous to our democracy. I plead with my colleagues to vote for cloture on this matter.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, under the unanimous consent agreement, the vote is scheduled for the hour of 1:45?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. This side has used all but 8 minutes of its time, and the other side has not used a significant amount of its time because there is an hour and 15 minutes approximately between now and when the vote is scheduled.

What we are trying to achieve here is, one, allow the debate to continue, and, two, allow the proponents of the legislation the opportunity to continue the debate.

I thought that this whole debate was being conducted in an atmosphere of comity. When I have been in other debates here on the floor of the Senate and there has been no one to speak in opposition or in favor of a particular amendment, then those who wanted to speak were allowed to speak.

If we are going to depart from that, Mr. President, OK. But I am asking unanimous consent, one, that the last 20 minutes be equally divided, 10 minutes on each side, but also I am asking unanimous consent that if there are no speakers in opposition to the legislation, that speakers in favor of the amendment be allowed to speak rather than just throw the Senate into a quorum call.

The PRESIDING OFFICER. Is there objection?

In the Chair's capacity as a Senator from Minnesota——

Mr. MCCAIN. Could I make one addition? I ask unanimous consent to add one addition to that. That is, when Senator MCCONNELL returns, and if he or any of the opponents wish to use their time, they clearly would be allowed to do so.

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

Mr. MCCAIN. I thank the President, and I thank my colleagues for their cooperation.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Under the unanimous consent agreement, I understand, as long as there are not opposition speakers present, that we can go forward without that being charged against our remaining time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Thank you, Mr. President.

In light of that, I wonder if the Senator from Minnesota has any additional remarks. I am prepared go forward, if he does not.

Mr. President, we have heard a lot of criticism of our bill during this debate on constitutional grounds. The Senator from Kentucky said once again yesterday something that he has said many times. He expressed his opinion that there is ''absolutely no way'' that our bill will be held constitutional by the U.S. Supreme Court. And obviously I disagree with that analysis.

Our bill has been carefully crafted to be consistent with the Court's decision in Buckley v. Valeo. The only way to find out who is right, of course—because you cannot call up the Chief Justice and ask him for advice or his opinion—the only way is by passing this bill, and allowing a court challenge to take place. I and other supporters of the McCain-Feingold bill are ready to defend this bill in court, and I sincerely hope that we will have a chance to do so.

The Senator from Kentucky does have one group on his side that does specialize in the first amendment, the American Civil Liberties Union. And he is fond of reminding us that the ACLU, ''America's expert on the first amendment,'' as he likes to say, opposes our bill. Let me say, I have a great deal of respect for the ACLU in many areas. In fact, I may have agreed with them on more issues over the years than the Senator from Kentucky. But I think it is worth pointing out two things with respect to the ACLU's position on campaign finance reform.

First, the ACLU is on record many times as opposing the Court's decision in Buckley that limitations on campaign contributions are constitutional. In other words, the ACLU disagrees with the Court's ruling in Buckley. The ACLU believes, for example, that limitations on soft money donations to political parties would be unconstitutional. But that is an opinion that is by no means in the mainstream of constitutional thought.

In fact, as we have noted many times over the last year, we have a letter signed by 127 law professors who wrote to Senator MCCAIN and to me and gave their opinion that a soft money ban would be fully consistent with the first amendment and the Buckley decision and therefore would be constitutional.

Senator MCCONNELL once said it would be easy to find 127 law professors of his own to say that soft money cannot be banned, but so far no such letter has ever materialized. Senator MCCONNELL has been completely unable to come up with a list of constitutional scholars that would suggest that we cannot ban soft money, and I doubt that he ever could.

Second, there is a serious split within the ACLU itself. One of the most interesting and significant developments in this whole debate occurred just this past June during the House debate on campaign finance reform when a group of former leaders of the ACLU released a statement on their opinion of the

constitutionality of the House version of the McCain-Feingold bill.

Mr. President, this isn't just one, if you will, disgruntled former leader of the ACLU. This statement was released by nine former leaders of the organization. They include every living person who has served as president, executive director, legal director, or legislative director of the ACLU for the past 30 years, except for one person who is currently in Government service and is not free to express his opinion.

That is quite a thing—all of those former ACLU officials indicating they do believe that this bill is constitutional. Let me just read from the letter of June 19, the statement of persons who have served in the American Civil Liberties Union in leadership positions supporting the constitutionally of efforts to enact reasonable campaign finance reform. They say:

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and we continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

Later in the letter the same individuals said,

. . . even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the ''soft money'' loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation to the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words ''vote for'' or ''vote against''. We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called ''issue advertisements'' that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

These individuals conclude by saying:

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents of reform should no longer be permitted to hide behind an unjustified constitutional spokescreen.

I ask unanimous consent that the full statement of these nine former members of the ACLU be printed in the RECORD.

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

JUNE 19, 1998.

STATEMENT OF PERSONS WHO HAVE SERVED THE AMERICAN CIVIL LIBERTIES UNION IN LEADERSHIP POSITIONS SUPPORTING THE CONSTITUTIONALITY OF EFFORTS TO ENACT REASONABLE CAMPAIGN FINANCE REFORM

We have served the American Civil Liberties Union in leadership positions over several decades. Norman Dorsen served as ACLU General Counsel from 1969–1976 and as President of the ACLU from 1976–1991. Jack Pemberton and Aryeh Neier served as Executive Directors of the ACLU from 1962–1978. Melvin Wulf, Bruce Ennis, Burt Neuborne, and John Powell served as National Legal Directors of the ACLU from 1962–1992. Charles Morgan, Jr., and Morton Halperin served as National Legislative Directors of the ACLU from 1972–1976, and 1984–1992, respectively. Indeed, except for one person currently in government service, and, therefore, not free to express a personal opinion, we constitute every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director during the past 30 years, with the exception of the current leadership.

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

We believe that Buckley v. Valeo, the 1976 Supreme Court case that makes it extremely difficult to reform the current, disastrous campaign financing system, should be overruled for three reasons. First, the Buckley opinion inappropriately treats the spending of money as though it were pure speech, no matter how high the spending limits may be. But such an approach ignores the long-established Supreme Court rule that when speech is inextricably intertwined with conduct, the conduct may be regulated if it threatens to cause serious harm. While we agree that unreasonably low spending limits would unconstitutionally impinge on free speech, the Buckley Court failed to recognize that there is a compelling interest in defending democracy that justifies reasonable spending limits. Reasonable spending limits would free candidates and officials to concentrate on substantive questions of public policy, instead of spending excessive time raising campaign funds. Reasonable spending limits would also free candidates from becoming trapped in an arms race mentality, where each candidate is forced to continue raising money, not because they wish to, but to prevent being outspent by an opponent.

Second, the Buckley opinion makes an untenable distinction between campaign contributions, which may be subjected to stringent government regulation, and campaign expenditures, which are virtually immune from regulation. The bright-line distinction between contributions and expenditures is neither analytically nor pragmatically defensible. By upholding limits on the size and source of campaign contributions, while preventing any effort to limit the demand for campaign funds by capping spending, the Buckley Court inadvertently created a system that tempts politicians to break the law governing campaign contributions in order to satisfy an uncontrollable need for campaign cash.

Third, the Buckley Court erred in refusing to permit the establishment of reasonable spending limits designed to avoid unfair domination of the electoral process by a small group of extremely wealthy persons. Instead of ''one person-one vote'', the Buckley decision has resulted in a regime of ''one dollar-one vote'' that magnifies the political influence of extremely wealthy individuals and distorts the fundamental principle of political equality underlying the First Amendment itself, causing great harm to the democratic principles that underlie the Constitution.

It is our hope that the current Supreme Court, confronted with the unfortunate practical implications of the Buckley decision, and the serious flaws in its constitutional analysis, will reconsider the decision, and permit reasonable legislative efforts to reform our campaign financing system.

Moreover, even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the ''soft money'' loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation of the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words ''vote for'' or ''vote against''. We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called ''issue advertisements'' that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents or reform should no longer be permitted to hide behind an unjustified constitutional smokescreen.

Norman Dorsen, Jack Pemberton, Aryeh Neier, Melvin Wulf, Bruce Ennis, Burt Neuborne, John Powell, Charles Morgan, Jr., Morton Halperin.

Mr. FEINGOLD. Mr. President, I think this is a very significant letter that undercuts this, frankly, false notion that the soft money ban and some of the other key provisions in our bill are unconstitutional.

I am delighted now we have worked out the logjam on time and that the distinguished Senator from Arkansas is here to continue his remarks on this issue.

Mr. BUMPERS. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to lead off with one of Mo Udall's great statements: Everything that needs to be said has been said but everybody hasn't said it. So I want to get my two cents in before we vote on this measure this afternoon.

A moment ago, I said everything about this issue I feel strongly about, except for one thing: While I strongly support this legislation, I also believe that the ultimate solution to this problem is public financing. Unhappily, I will no longer be a member of this distinguished body when this Country and Congress finally comes to its senses and realizes that until we go to public financing, our democracy is simply not going to work. I am reluctant to make an admission today, but I have always prided myself on standing up for things that oftentimes were unpopular but I felt strongly were right.

I say to my colleagues, that I believe that one of the things that has sustained me is the reputation of having taken a tough stance from time to time. But since I announced that I would not seek reelection last June, and as I have walked on the Senate floor to vote, I have pondered how much the freedom of not running for reelection has influenced my vote. Now, that being said, I have cast many unpopular votes that have irritated the people of my State, on such subjects as the Panama Canal Treaty, and partial-birth abortion. However, after I announced I wouldn't run again, I have asked myself, How would I vote on this if I were up for reelection and knew I had to raise $3 or $4 million?

I believe there isn't a person in this body who can truthfully and frequently say they are willing to take on interest groups. After all, we are supposed to be servants of our constituents. But oftentimes there are interest groups back home we are trying to satisfy because they have a block of votes. We might vote their way. Even if we vote our conscious, the public can never be sure our votes were untainted.

The second thing that influences our vote is how our support or opposition will affect our money supply. I saw a comparison in the paper this morning of two PACs, of House and Senate leaders and the amount of money that certain individual groups gave those leaders for their PACs. Staggering amounts of money. I don't care how altruistic it is for ''Mr. Smith Goes to Washington,'' it is foolish in the extreme to argue that this is a free speech debate. Mr. President, 94 percent of the people who run for office in this country win if they have more money than their opponents. A lot of good men and women are defeated every year in this country because they are not incumbents and they can't raise money. The people who give the big bucks don't like to give their money to challengers because they start out behind and usually stay behind. Of the 33 Senate races this year, I daresay there will be very, very few changes, in any, of those seats. In almost every instance, the candidate who has the most money and spends the most money will win the election.

Sometimes I think about debates. I have the first amendment that we will consider on the Interior bill when we go back to it this afternoon. It is mine, and it is one that the mining industry of this country doesn't like. It is an environmental issue. I will make all of the arguments that I have made on this floor time and again, not only on that amendment but the whole issue of the 1872 mining law, which has been out of date for over 100 years now. God gave us one planet, only one. We don't get a second chance. Incidentally, I have always argued that the No. 1 problem in the world, of course, is population, but you can't argue that here because the first thing you hear is that somebody has converted it into an abortion argument. So we continue to neglect the No. 1 problem in the world; namely, the growing population of the planet. I saw a bumper sticker the other day that said, ''Help save the planet, kill yourself.'' Clearly, that is a pretty draconian way to save the planet. We ought to be talking sensibly about population growth, as we have been regarding campaign finance reform.

I can go on and on about this, and will continue to do so until the taxpayers of this country understand that this is not an issue of free speech. If the American people buy this argument, they are essentially saying, ''I'm willing for somebody else to have more free speech than I do because they have more money.'' As we all know, about 90 percent of the people in this country can't afford to contribute and don't contribute.

I had a few more remarks, but I understand the Senator from Georgia is pressed for time. I now yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the suggestion by the Senator from Arkansas. I have to depart in a few minutes, so he may choose to continue his remarks at that point.

Let me say that I respectfully disagree with the comments we just heard from the Senator from Arkansas, as does the Supreme Court of the United States. I am comfortable that if every member of the Founding Fathers were here today, they would rise up in a loud chorus. The first amendment to the Constitution, in the Bill of Rights, makes it absolutely and abundantly and succinctly clear that there shall be freedom of speech. It doesn't define that somebody has this big a bucket and somebody has something else. It doesn't say a newspaper has the right to say anything it chooses, but some other kind of company will be constrained and managed by the Government.

Of all the things that I believe the forefathers were most concerned about, it was the management of expression, the management of speech. They were very careful. They were going to protect the American citizens' right to assemble. Until the late 1700s, in Great Britain two people could not get together in a club or in an association. Why? Because the government was afraid of people coming together. They might think up ideas; they might want to talk about them. So they said there will be freedom of speech, there will be freedom of the press, there will be a right to assemble, and there will be a right to petition the government—they didn't say it, but without fear. These four things are in the first amendment of the Bill of Rights. They are probably, to this day, the core of the American Constitution.

This has been tested over and over, and the Supreme Court has said that expression costs money. If you are going to have a town hall meeting, you have to rent the town hall. If you want to covey a message to a large audience, you can't go door to door; you are going to have to do it in a television ad or a newspaper ad. By the way, what is the difference between a corporation that publishes a newspaper or runs a television station and a corporation that makes tractors? Does one have a higher standing? Not under the Constitution. The outfit that makes tractors can spend money and express themselves just like a newspaper. Heaven help us if we ever come to the point where the only institution in our country that has freedom of speech is the media. If everything a political person does or a Government official does is only interpreted by the media, heaven help us. I used to say, if you are for the Government managing what people say, you better know the manager. You better know the manager.

This whole issue is dominated by the subject of freedom of speech. I heard the distinguished Senator from Kentucky say many times that if this ever became law, it won't last. The Supreme Court will strike it down, which is probably the case, but it ought not to become law. It ought not to become law. Anybody reading the rulings of the Supreme Court understands very clearly that expression and financing expression are one and the same and cannot be separated.

The last institution in the world that the forefathers would have ever wanted to manage speech is the Government. In fact, if you look at the Constitution from top to bottom, it is designed to protect us from Government—our own Government. They fought a revolution over this. They knew well what was happening in Europe. They looked over and saw what was happening in Ireland and said that is not going to happen in America. Of all the language in the Constitution, the most carefully crafted language for which there can be no question about its interpretation is the first amendment of the Bill of Rights. Freedom of speech shall not be abridged.

This legislation does that. It abridges and begins to manage who can say what, when they can say it, and how much of it they can say. And any Government official ought to be very wary of a situation where one group of Americans can say anything they choose, at any time, with any intensity, and another group of Americans can only say what somebody else decided they should say, when they should say it, and how much.

Mr. President, I could never support anything like that, as frustrated as we all get. Every American, at some point, has been affronted by freedom of speech. It has been frustrating to them to hear what somebody says or how they express themselves. I have been and everybody else has been. But better to suffer the frustration than to give that liberty to somebody to manage speech. America would never be the same.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just conclude my remarks by reiterating something I said earlier about the issue of free speech. We all know that the difficulty is a constitutional one because the courts have ruled that this is a free speech issue. But it can be overcome. It can be overcome with the McCain-Feingold bill. It can be overcome with public financing. There are all kinds of ways to amend the way we finance campaigns in this country without violating free speech. But let me just ask my constituents—no, let me ask my colleagues—no, my colleagues have already made up their minds. Let me ask the American people: Do you think we have a nice, democratic, fair system of electing Members of the House and Senate when some fat cat can give a candidate $4,000; he and his wife can give a candidate $4,000—$2,000 for the primary, $2,000 for the general. I ask you, how much can a working man making $10 an hour on an assembly line give? The question answers itself. If he has a wife and two kids, he can't give anything. I don't care how much he may love a candidate; he is not in a position, at $10 an hour, to be making political contributions.

The second question: When a candidate gets $4,000 from a fat cat—when legislation is being considered in the U.S. Congress, who will get the candidate's attention? The poor stiff with a wife and two children to feed, educate and clothe and who is trying to make a living? How much attention is he going to get compared to the guy who gave $4,000? Now, that is an illustration that is palpably clear to everybody.

Herman Talmadge, one of the great Senators who served here, had a lot of sayings in making speeches. He said, ''If you want your audience to pay attention, you've got to throw the corn where the hogs can get to it.'' You have to say it so people can understand it. What I just said is understandable. It is essentially as much a one-line description of what this debate is about as anything I can conjure up.

The guy that gave $4,000 gets a lot of free speech, and a lot of the free speech he gets goes right into the ear of the Senator or the Congressman that got the $4,000. And when the phone call comes into the office from the poor guy making $10 an hour, with a wife and kids, because he wants a passport or because he knows a friend from Bolivia that is being mistreated under the immigration laws, do you know where his phone call goes if it is answered at all? It goes back to the staff. Where does the call go from the guy who gave $4,000? You and I both know where it goes. It goes directly into the office of the Senator. Do you call that free speech? Do you call that a democracy?

It is impossible to keep up with the campaign finance laws as they are written today. One of the things AL GORE is charged with is making a phone call from his office to solicit money.

I am not going to say anymore about that because everybody here understands that. The President is under investigation now under a 90-day sort of determination by the Attorney General as to whether or not in 1996 his campaign coordinated some ads with the Democratic National Committee.

Today my side is going to lose. The way we finance campaigns is going to continue exactly as it has been since the memory of mind runneth not, and investigations of either Democrats, or Republicans, or both will continue. It is impossible to level the laws of this country, and in this very hostile partisan environment.

Sometimes I think about offering a resolution in the Senate saying it is the sense of the Senate that there are some Democrats who have not yet been investigated and we want to know why.

We will continue to lose this debate until the American people wake up not only to the corruption of the financing laws of the country, but to the fact that their democracy is disappearing right under their nose.

It is so difficult at times to get people to focus on something that is a little bit complicated. They don't understand. Since it doesn't really relate to them, they just do not want to be bothered.

Republicans—I will hand it to them. They are zealots. Rain or shine, they go vote. My party—we have to ride in the sunshine. In all fairness, I have to say that we represent a lot of people who do not own automobiles. They oftentimes don't have ways to get to the polls, unless some of that campaign money is given to drivers to go out and get them and bring them in.

I saw a poll that showed that 71 percent of all Republicans say they are going to vote, and about 60 percent of the Democrats say they are not going to vote. Unless that figure changes, I can tell you what this election is going to do. I assume the President has to take some responsibility for that. I just do not know. He is my friend, and that is a separate subject. We will deal with that later.

But even absent the Starr report, absent Monica Lewinsky, we had a plateful for the American people to ingest. Part of that plateful is corruption, which is, in my opinion, as threatening to the Nation as the Kenneth Starr report is.

I suspect this country is in a bit of a funk today. I haven't looked at the market yet. It started off down this morning. I think that is all the result of people being upset and depressed—and, is the country leaderless? How is this all going to come out? Is it going to take 5 or 6 months to get this resolved? All of those things.

Tonight, when you listen to the news, that is all you will hear. Tomorrow night, when you listen to the news, that is all you will hear.

And here is something that goes right to the heart of whether we survive as a democracy, or not. Frankly—I hate to condemn the public—they are not paying attention. Every poll shows it. What is the most important thing to you? Campaign finance is about tenth on the list. Democrats keep trying to make it a big issue, trying to get people to pay attention to it, and in all fairness, seven or eight Republicans. But how can you expect them to when they hear absolutely nothing on the evening news but Monica Lewinsky and Kenneth Starr's report. As I say, I am not condemning the American people. That is just the way we are made. That salacious stuff is a lot more exciting than talking about campaign finance reform, which is complex.

Mr. President, I have said all that I want to say, and all that I need to say. But I especially wanted to put in the part about free speech.

It is so tragic that everybody here knows who is getting the free speech, and everybody knows whose voice is not heard because of the way we finance campaigns. I say that we ought to go to public financing. That way every person in this country who is a taxpayer would know that his vote was as important as anybody else's. His voice would be as important as anybody else's. As long as it is the richest and the wealthiest people who determine the outcome of elections in this country, where do you think we are headed? I will leave that question with you.

I yield the floor.

I suggest the absence of a quorum.

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

The bill 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. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I am pleased to rise today to express my

concerns about the pending McCain-Feingold amendment.

Since the beginning of the 105th Congress, I have heard from Minnesotans on a variety of important issues such as high taxes and the future of social security. Despite the public outcry by my constituents to address these issues important to America's working families, I am very concerned that the Senate is again debating a proposal to regulate political speech.

I commend Senators MCCAIN and FEINGOLD for their deeply held views that the only way to restore the public's trust in their government is to reform the system for financing our federal campaigns. As someone who has heard first-hand of the public's growing mistrust of their government, I strongly agree with their belief that the people's trust in their government should be restored and their participation in our democracy encouraged.

However, I respectfully disagree with their approach to the passage of new campaign finance laws.

By the way, these new laws become even more restrictive on who can be involved, what they can say, and how they can be a participant in the public policies of this country.

The people's faith in the Government can be restored, I believe, by encouraging greater enforcement of our existing campaign finance laws, rather than going out and trying to ignore the laws that were broken, and passing new laws that again would only silence those Americans who wish to have their voices heard.

Each time the Senate has considered a version of the McCain-Feingold proposal, Minnesotans have contacted me in large numbers not in support of its passage but out of great concern for its potential impact upon their first amendment right of free speech guaranteed by the U.S. Constitution. Moreover, they have demanded that Congress focus more on the allegations of campaign finance irregularities during the 1996 campaign cycle rather than passing new campaign finance laws. In other words, not to brush over those laws that were broken or those who broke those laws and try to camouflage this by saying all we have to do is pass new campaign finance laws and everything will be fixed. That is like trying to pass new laws every day to take care of old problems. We need to get to the source of the problem.

In this regard, I am encouraged by Attorney General Reno's recent decision to initiate a 90-day investigation of whether President Clinton's involvement in Democratic National Committee campaign advertisements in 1996 circumvented election laws. And the Attorney General should also be commended for continuing the Justice Department's investigation of whether Vice President GORE unlawfully raised campaign contributions from the White House, and the activities of former White House Deputy Chief of Staff, Harold Ickes, during the 1996 campaign cycle.

Current law works if we enforce it. Despite the modifications that proponents of McCain-Feingold have made to improve support for this initiative, my views on its basic premise have not changed. Similar to the previous versions of this bill, this proposal will discourage rather than promote greater participation in the democratic process. They always talk about big money and how that controls the process and how we should be encouraging and what we should be doing to encourage more people, those $10-an-hour workers who we have heard about in the Chamber today, to become a voice no matter how small, and to participate in the political process. The way they can do that is through PACs, political action committees, and that is where a lot of people with little incomes can put their money together to have a stronger voice in how their government works and how it operates, and we should encourage that, not discourage it.

Most fundamentally, the McCain-Feingold proposal continues to be based upon the belief that there is too much money spent on American elections—too much money. About $3.50 per person per year is spent on campaigns, totally, in this country. That is less money than we spend on a Value Meal at McDonald's.

I remember talking to somebody about the United Nations. We spend about $3.81 per person per year supporting the United Nations, and everybody thinks we get a great deal out of that. But yet we spend less money per person to support our way of government in this country, and somehow they say that is spending too much money. So the whole political process in this country is worth less to the supporters of the McCain-Feingold bill than our support perhaps, say, for the United Nations. I think we need to support this form of government and encourage more people to participate, not to close the door and say that this is how you can participate or we are going to manage what you say, how you say it, when you can say it, and who can afford to say it.

If we accept this assumption, then Congress has decided to assert questionable authority to suppress the rights of Americans to become involved in the political process and suppress the rights of many Americans to have their voices heard.

As my colleagues know, the belief that there is government justification for regulating the costs of political campaigns was rejected by the Supreme Court in the landmark case of Buckley v. Valeo. The importance of conveying the ideas of those who seek office to the electorate is critical and was upheld by the U.S. Supreme Court in Buckley. And in Buckley the Court declared that ''a restriction on the amount of money a person or groups can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.''

That is from the Buckley v. Valeo Court decision. They label this bill as an effort to protect and preserve democracy. They say that democracy is disappearing because of this. But this bill would not protect free speech. It would only limit free speech. I would like to ask those watching today that if you can restrict the speech of one American today, whose speech can you restrict tomorrow? Are you going to give the government this much control and say, well, let's do it today to protect this process, but in doing this we are going to have to take away some of your freedoms? We are going to have to impose restrictions. We are going to manage those who want to participate in the political process. And if we can do that today, who is going to come tomorrow and say, well, let's squeeze these restrictions a little more? And then who is going to come the next day and say, well, let's squeeze these restrictions a little more? And pretty soon we are going to take the ability of free speech, to participate in our political process, away from Americans. And then who is going to have a voice? Is it going to be the media, the newspapers, television? Are they going to be the ones that define my campaign or Senator MCCAIN's campaign or maybe Senator FEINGOLD's campaign? I think we need to have that freedom.

For these reasons, I remain concerned about the core provision of the McCain-Feingold bill which continues to place, again, questionable new restrictions upon the ability of national parties to support State and local party activities as well. We should not pursue a suspect expansion of government control of national parties; rather, recognize that political parties enjoy the same rights as individuals to participate in the democratic process.

For nearly two decades, political parties have been allowed to raise money for party building and similar activities without limits on the size of contributions. Additionally, the Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, in which the Court found that Congress may not limit independent expenditures by political parties, makes it questionable whether these restrictions would be constitutional.

We have a responsibility to the American people to help restore their faith in government. However, this cannot be accomplished by placing new and expansive restrictions on the communication of ideas or the issue of free speech. And above all else, we should not use violations of existing laws that have raised a lot of this concern and ire of Americans over campaign financing—those violations of existing laws should not be used as an argument today to suppress our right of free speech.

I thank the Chair. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, no one has been more active in the vineyards of the first amendment than the Senator from Minnesota. I thank him for his important contribution to this debate and his astute observation that to the extent the parties and groups are quieted, the voices are enhanced on the other side, or that is anybody's voice that is not quieted is necessarily enhanced by that action, and in particular the fourth estate, our friends in the press, who love this issue, would have a dramatic increase in political clout as a result of the quieting of the voices of so many other Americans.

So I thank my friend from Minnesota for his observations.

Mr. GRAMS. I thank the Senator.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, the fundamental notion underlying the McCain-Feingold bill is that politicians should be allowed to control all of the political speech in proximity to an election except for that by the press. The press would be free and unfettered in engaging in issue advocacy, in endorsing candidates, and doing anything it wanted to under the first amendment at any time, up to and including the last 60 days before an election. I do not dispute that. I think they should have that right. But I find it disingenuous at best—absurd, the more you think about it—that the press would like to quiet the voices of others.

First, they would like to quiet the voices of the parties by eliminating so-called soft money. Mr. President, ''soft money'' is a pejorative term for non-Federal money. This is a Federal system. There are State elections, there are local elections; the two great national parties frequently care who gets elected Governor of Arizona or who gets elected to the city council in Phoenix. The notion that the Federal Government should federalize the two great national parties is absurd, inappropriate, and unwise.

In addition to that, it would provide for the Federal Election Commission the power to supervise every election in America. In other words, we would federalize the entire American political system. This kind of notion of Federal power grabs and the quieting of voices also applies to what the McCain-Feingold bill seeks to do to individuals and groups.

Under this bill, it would be very difficult if not impossible for individuals to express themselves, or groups to express themselves, within 60 days of an election. ''Quiet those voices, too,'' the politicians say. So we will quiet the parties by making it impossible for them to involve themselves in State and local elections, and make it impossible for them to engage in issue advocacy, constitutionally protected speech, and we will also reach over to the issue advocacy of everybody else and we will make it impossible for them to criticize any of us within 60 days of an election.

This is a great idea for incumbents. We all would like to control our elections, and this would sure give us a way to do it. We would not have to worry any longer about those nasty interest groups that don't like our voting records going out there in the last 2 months before an election and saying bad things about us; we would shut them up. We wouldn't have our political party coming in to defend us or, for that matter, the other political party coming in to attack us; we would shut them up.

In short, we would just sort of hermetically seal the environment for 60 days before an election, with the exception of the New York Times, the Washington Post, USA Today, and all the other folks who would still be free—as they should be free—under the first amendment to have their say at any point in the course of a year, including the last 60 days before an election.

Mr. President, this is terrible public policy—terrible public policy—disguised as some kind of positive reform. The good news is, we are not going to pass this bill, but if we had passed it, the issue advocacy restrictions on outside groups would certainly not survive the first Federal district court in which it landed, and I guarantee you, it would land there very, very quickly. When something is so clearly and obviously unconstitutional, it seems to me that the Senate ought not to pass it.

With regard to the political parties, why in the world, Mr. President, should we prevent the political parties from engaging in issue advocacy? Everybody else in America will be able to do it, because I guarantee you, the restrictions on independent groups in this bill would be struck down. There is not a serious constitutional lawyer in the country who doubts that.

Everybody would be free to have their say in the last 60 days before an election: Outside groups, because the restrictions on them would certainly fall as unconstitutional; the newspapers, because no one really wants to shut them up. We don't frequently like what they have to say, but they have a right to say it. But the political parties are conceivably taken off the playing field—the one entity in American politics that, for example, is willing to support challengers, those trying to come from nowhere to get elected. It is not easy to be a challenger. The one entity out there willing to support challengers is the political parties. We ought not to be making them weaker, we ought to be encouraging them to be strengthened.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 50 seconds remaining.

Mr. MCCONNELL. I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator for yielding.

Sometimes the wrong debate happens at the wrong time, and the debate that we have heard on this floor for the last several days, in my opinion, is the wrong debate for a lot of reasons. We shouldn't be talking about changing laws, but enforcing the very laws we have.

I think all of us watched as the Congress decided to change campaign laws a good number of years ago to make them much tougher and tighter, to create reporting thresholds, and to make sure that the public was well aware what went on in the campaign business of our country and in the fundraising business of our country.

Several of our colleagues have already spoken today about the ongoing investigations into campaign finance abuses. Those abuses didn't happen because the laws were inadequate. It doesn't mean that you are going to get character change all of a sudden because of a myriad of new laws that this Congress might pass.

Now the spin machines are using the issue of campaign finance reform to suggest that the entire system is crooked and corrupt. Mr. President, and American citizens, that just ''ain't'' so. There are some people in the system who have chosen to corrupt it, but the campaign system we have today is alive and well, as it should be. Most of us play by the rules, and the rules are tough, and they are exacting. The reason they ought to be is to assure the right of all political candidates to speak out and to make sure that the American public can have, as they should have, the proper access to the political process.

The votes that are going to occur on this floor in the next few moments are absolutely critical. I am frustrated by many of my colleagues who stand up and suggest that the political system that we have today is a corrupt system. It has been corrupted by some, and those who are corrupting it are under investigation today. But clearly it is a system that works—it works very well—reporting to the public, as we should, what is the right and responsible thing to do, particularly at a time in our history when confidence has been shaken in some of our institutions.

It is absolutely imperative that we do not put new restrictions into the ability of the politician, the public person, to communicate with his or her

constituents in an open and frank manner. Existing law allows that. I don't think we need to be tampering with our first amendment or suggesting in some way that we can make it a lot better. We just simply need those few who corrupt the system to abide by the laws as they are currently written and currently administered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has 30 seconds remaining.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Idaho for his contribution to this debate and the other Senators who spoke on our behalf during this discussion. This is a very important issue affecting the first amendment and the rights of all Americans to speak in the political process. I am confident that the motion to invoke cloture will not succeed.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin controls the time.

Mr. FEINGOLD. Mr. President, I yield such time as the Senator from Arizona requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first, let me begin by thanking all those who have fought so very hard to pass campaign finance reform, both within this body and without. I specifically mention by name the measure's cosponsors: Senator THOMPSON, Senator SNOWE, Senator COLLINS, Senator LEVIN, Senator LIEBERMAN, and Senator JEFFORDS. All have expended great energy to keep this issue before the Senate.

Also, I again thank my colleagues in the House, Congressman SHAYS and Congressman MEEHAN. We would not be doing what we are doing today if it had not been for their signal and unpredicted victory.

Most importantly, I thank my partner on this 4-year journey, the Senator from Wisconsin, RUSS FEINGOLD. His work on this issue has been outdone by none. His efforts are tireless, and he deserves great praise for bringing us to this point today. Together we have worked to do the bidding of the majority of the American people. We worked to pass legislation that is supported by majorities in both Houses, although a minority has continued to thwart our efforts. But time is on our side.

Yesterday and today, I have quoted previous debates on this subject. One fact that is clear in every one of these debates is that, with persistence, we will prevail. I hope we prevail today. If we do not, I will be back to offer campaign finance reform legislation again and again and again. Neither I nor the Senator from Wisconsin will relent. The will of the American people, their desire to see what they perceive as a corrupt election system cleaned up, cannot be perpetually ignored. The public wants us to act.

Low voter turnout—and we will perhaps see the lowest voter turnout this century, this November—is ample proof of the growing cynicism of the electorate. That cynicism, if left unchecked, will grow to contempt and shake the foundations of this great Nation. Let us not procrastinate further. Let us confound public cynicism and accede to the country's wishes today.

The Senate was conceived by our Founding Fathers as an institution that acts deliberatively. Certainly we have seen this occur on this matter. But it was not conceived to block indefinitely the will of the people. Many significant matters have been slowed or stalled in this body. Many have taken years to pass. Campaign finance is undoubtedly one of those subjects. But to repeat myself yet again, this body will act and pass campaign finance reform. If not today, then soon. It will happen. Delay is not resolution, merely postponement of the inevitable and thus pointless.

Until we recognize the futility of procrastination, the money chase in this hallowed Capitol, the debasement of the White House, the selling of trade missions, the never-ending series of fundraising scandals that leads the public more and more to believe that elected officials only represent monied special interests will not end.

Congress can and must and will change this system. If we do not act, there will be more scandals, both parties will be further tainted by this system, no one will be left unscathed, and that fact will force this body to do what is right.

When do we as a body come to realize that something must be done? And to my Republican colleagues: When will we realize it was our ideas, not our fundraising prowess, that got us to power? The American public granted us the majorities in both Houses because, I would argue, our ideas were superior to those of the opposition. Our ideas represented what a majority of Americans felt and believed. We do not need to fear a new campaign finance regime so long as we continue to best represent the public interests. And because I so strongly believe that fact, I appeal to my Republican colleagues to support cloture and allow us to move forward on this matter.

Finally, Mr. President, let me close by again putting my colleagues on notice. If we cannot move forward today, we will soon. To those who will proclaim the issue dead, nothing—I repeat, nothing—is further from the truth. As long as I am privileged to serve in this great institution, we will revisit campaign finance reform again and again. We will revisit the subject until it becomes the law of the land. We will revisit it because the will of the majority over time always prevails. And we will revisit it because it is the right thing to do.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. How much time is remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

Let me take this opportunity to thank all of the cosponsors and all the supporters of this bill, especially the senior Senator from Arizona who came here with the idea for this legislation I guess it is now 4 years ago.

I thank everyone for their efforts in the past but, more importantly, for their continued efforts in the future, including this year, on trying to finish the job. So I have a feeling of gratitude, not only for what we have done but for what we will accomplish before we are done.

Let me take the very brief time I have just to refer to a statement by the Senator from Idaho which I think really sums up this whole issue. He just got done saying on the floor that the current campaign system is ''a system that works very well.'' He said, ''The campaign finance system is alive and well, as it should be.'' That is what the Senator from Idaho said.

Well, if you agree with that statement, I guess you will want to vote against cloture. But that is not what the American people believe. They think this system is broken. And it is not just a few people who are corrupting the system, it is the system that is corrupt, and we have to do something about it now.

So, Mr. President, I urge my colleagues to vote for cloture. The time has come for the additional eight Senators to allow the majority of both Houses of the Congress to send this bill on to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator has 1 minute remaining. Does he wish to yield the time?

Mr. FEINGOLD. I reserve the time.

I yield the remaining time I have to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the struggle for life for campaign finance reform is going to be determined by a test of wills between the bipartisan majority that believes in it, reflecting the will of the American people, and the minority that will attempt to filibuster this bill to death.

The supporters of campaign finance reform need not withdraw, should not withdraw, and I believe and hope will not withdraw the bill if the filibuster survives this cloture vote. It will then be up to the filibusterers to continue the filibuster. Hopefully, over time they will see that the American people are determined to change a system which is not only corrupt but has a corruption which permeates and undermines public confidence in our democratic electoral process.

I thank the Chair and yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate

the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending campaign finance reform amendment:

Trent Lott, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Wayne Allard, Rod Grams, Larry E. Craig, Kay Bailey Hutchison, James M. Inhofe, Richard G. Lugar, Mitch McConnell, Jeff Sessions, Rick Santorum, Don Nickles, Dan Coats, and Lauch Faircloth.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3554 to S. 2237, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—52

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—48

Abraham	Faircloth	Lugar
Allard	Frist	Mack
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Coats	Hatch	Sessions
Cochran	Helms	Shelby
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Smith (OR)
D'Amato	Inhofe	Stevens
DeWine	Kempthorne	Thomas
Domenici	Kyl	Thurmond
Enzi	Lott	Warner

The PRESIDING OFFICER (Mr. ROBERTS). On this vote, the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized in morning business for 1 hour.

The Senator from Florida is recognized.

Mr. FEINGOLD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. FEINGOLD. Mr. President, upon the conclusion of the time of the Senator from Florida, what is the regular order?

The PRESIDING OFFICER. The pending business will be the Interior appropriations bill.

Mr. FEINGOLD. Will the current amendment, the Feingold amendment, be the pending business?

The PRESIDING OFFICER. That will be the pending question.

Mr. FEINGOLD. Thank you, Mr. President.

The PRESIDING OFFICER. The distinguished Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Thank you, Mr. President. Mr. President, I ask unanimous consent that Delia Lasanta, a congressional fellow, Mary Jo Catalano, and Luis Rivera, interns in my office, be allowed floor privileges for the duration of this 1 hour of morning business.

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

NATIONAL HISPANIC HERITAGE MONTH

Mr. GRAHAM. Mr. President, today I rise to honor Hispanic Americans.

National Hispanic Heritage Month is celebrated every year from September 15 to October 15.

This month-long observation, established in 1968, is now a celebration of the history and achievements of Hispanic Americans.

During the August recess, among the many visits I made throughout my state, I had the opportunity to once again visit the historic city of St. Augustine.

A visit to St. Augustine is always very special but this time it was more so because accompanying me on this trip were my triplet granddaughters. I took advantage of this occasion to teach my granddaughters about the rich and wonderful history of St. Augustine, of Florida and of our Nation. And they taught me something about the thrill of seeing castles and historic sites for the first time through the fresh eyes of a 3-year old.

Hispanic presence in what is now the United States began long before our Nation existed.

In 1513, Juan Ponce de Leon sailed from Puerto Rico to the east coast of Florida.

A Spanish explorer, Ponce de Leon is best remembered as the discoverer of Florida and for his early attempts to colonize in 1521.

He was also the first Governor of Puerto Rico which today is home to 3.8 million U.S. citizens.

In 1565, Pedro Menendez de Aviles, another Spanish explorer, established St. Augustine, the first permanent European settlement in what is now the United States. This settlement predated the Jamestown colony in Virginia by more than 40 years.

When he reached the shores of La Florida, Menendez de Aviles and his crew celebrated with a feast with the Native American Indians of the region, by bringing red wine, roast pig and garbanzo beans. Thus began another part of our rich Hispanic heritage.

Nearly 300 years later, the United States was rapidly developing and experiencing its first 50 years of democracy. Hispanic Americans played their role in that development.

The first Hispanic American to serve in the Congress was Joseph Marion Hernandez, who was elected in 1822 as a Delegate to the U.S. Congress from the territory of Florida. Today there are 5,170 Hispanic elected officials nationwide, 81 of them proudly serving in my State of Florida.

Of the 18 Hispanic Members of the 105th Congress, two are from Florida, Congresswoman ILEANA ROS-LEHTINEN, who in 1989 became the first Hispanic woman Member of Congress and her fellow Cuban-American Congressman LINCOLN DIAZ-BALART.

Today Florida is an example of the rich diversity of this country, as we have residents from all the Spanish speaking countries of the world.

Sadly, many of these residents came to this country from countries such as Cuba and Nicaragua seeking refuge from persecution and denial of basic human rights which they were denied in their homeland.

These residents hold a strong patriotic fervor for their new land in the United States equally with their hopes of restoring liberty and democracy to their former home in Cuba. They will return to a democratic Cuba with their experience in the United States being a significant contribution, whether they are there on a permanent or a temporary basis, to the restoration of that island nation, which has suffered so long under autocratic rule.

The latest Census Bureau figures now estimate that the U.S. Hispanic population nears 30 million, representing 11 percent of the total population of the United States.

The Bureau also estimates that by the year 2005 Hispanics will be the single largest minority group in this country.

Hispanic Americans have achieved notable success in every aspect of our society.

It is important to highlight the level of entrepreneurial spirit that Hispanic Americans bring to the work force, leading to economic growth for all Americans. According to the Small Business Administration, the largest growing sector of small businesses are owned by Hispanic women.

Hispanic owned businesses have grown three times faster than the average of all business growth in the United States.

Hispanic Americans have played, and will continue to play, a key role in our country's future.

The commitment of Hispanic Americans to this country's ideal of freedom and democracy have never faltered.

Hispanic Americans have volunteered and served this country with distinction in every branch of our nation's armed services and their sacrifices on the field of combat are ample evidence of their patriotic commitment.

The fact that there are forty-two Hispanic Congressional Medal of Honor winners is a most eloquent testimony of this commitment to freedom and democracy.

In March 1997 Senator LARRY CRAIG and I, along with a bi-partisan colaition of our colleagues introduced S. 472 to provide the nearly 4 million U.S. citizens of Puerto Rico with a congressionally sanctioned plebescite to democratically vote on their future political status.

On more than one occasion I have spoken of our moral commitment to answer the legitimate request for self-determination by our fellow citizens who are residents of Puerto Rico.

On July 25 of this year, Puerto Rico commemorated the 100th anniversary of the arrival of U.S. Major General Nelson Miles and his troops on Puerto Rico's shores. On that historic occasion 100 years ago, General Miles declared that the United States came, to use his words, ''bearing the banner of freedom * * * the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold.''

One hundred years after those valiant actions and eloquent words, the U.S. citizens of Puerto Rico continue to wait for the fulfillment of that promise of justice and humanity. For the last century, they have been denied the most fundamental right of a free people, the right to choose their own political destiny.

One of the most fundamental principles of our nationhood was expressed in the Declaration of Independence when our forefathers wrote:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

That, Mr. President, is what our Founding Fathers wrote over 200 years ago. Now the challenge we face in 1998 is whether we are prepared to live by those principles of consent of the governed.

Today I am here to ask, what better way to honor all Hispanic Americans, to commemorate their sacrifices and contributions to our great Nation, than to provide the U.S. citizens of Puerto Rico with their long frustrated dream of political self-determination?

Earlier this year, our colleagues in the House passed a bill authorizing a plebiscite, a plebiscite to initiate self-determination. The Senate has closely examined this issue through a series of hearings and workshops conducted by Energy Committee Chairman MURKOWSKI. After careful and exhaustive deliberations, Senator MURKOWSKI has drafted a bill which simply authorizes a self-determination process for Puerto Rico. Senator MURKOWSKI's bill is straightforward; it is fair; it recognizes and respects Puerto Rico's local political dynamics and delivers the much-needed congressional endorsement of this process.

We have before us a rare opportunity, an opportunity to support democracy in action. Senator MURKOWSKI's bill should be given full consideration before the adjournment of this Congress. This is an issue that will not go away. The historic significance of the U.S. Congress acting to give the people of Puerto Rico the reality of what General Miles spoke in his eloquent words of justice and humanity 100 years ago is an opportunity that we should not let pass. It is our historic opportunity and responsibility to our fellow citizens to honor Hispanic-Americans by providing self-determination to the U.S. citizens of Puerto Rico. Let us make 1998 memorable not because it is the 100th anniversary of U.S. troops landing in Puerto Rico but, rather, because this is the year and this is the Congress which commemorated Hispanic Heritage Month and honored all Hispanic-Americans by keeping its promise of democracy to the U.S. citizens of Puerto Rico.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of newspaper editorials in support of self-determination for the U.S. citizens who are residents of Puerto Rico.

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

IT'S UNDEMOCRATIC TO DENY AMERICAN CITIZENS A VOICE

One hundred years ago, during the Spanish-American war, the U.S. troops who took over the Spanish colony of Puerto Rico were enthusiastically greeted by most of the islanders. After all, the United States of America represented liberty and democracy to the world; the future of Puerto Rico looked bright, indeed.

A century later, Puerto Rico are American citizens, but they are not allowed to vote in presidential elections or to elect voting representatives to Congress.

Puerto Ricans have fought and died under the American flag in every war since 1917 and are eligible for the military draft, yet they have no voice in selecting the president or the Congress that could send them to war.

Under a government of the people, by the people and for the people, it seems unfitting that the United States has never formally consulted the 3.8 million American citizens of Puerto Rico on their future. Oh, a few elections have been held within the commonwealth, but the voting process, the wording of the ballots and the results have never been recognized by Congress.

For years, Puerto Rico has requested that Congress at least sanction a vote to officially gauge the opinion of the people: Do they wish to remain a commonwealth, become a state, or achieve separate sovereignty? For years Congress has given no answer.

This year, such legislation has been approved in the House of Representatives, and its life or death resides in the Senate, specifically in the hands of Senate Majority Leader Trent Lott.

If the majority of Puerto Ricans wish to continue their island's status as a commonwealth, with limited rights and limited responsibilities, so be it.

But, if a majority selects statehood as a goal—after weighing the positives against the negatives of federal income taxes and stiffer industrial regulation and taxation—then Congress should also weigh the positives and negatives and make a decision. Only Congress can decide; a territory cannot make itself a state.

Under the bill, if most Puerto Ricans favor statehood, a lengthy period of negotiations—spanning a period of up to 10 years—on possible statehood would begin. Only after all terms are agreed upon could Congress even consider legislation to admit Puerto Rico as a state.

Lott has shown little interest in bringing the bill to the Senate floor. He seems to think that Americans have little interest in it. But 3.8 million American citizens are vitally interested. After 100 years, they deserve to have their voices heard.

LITERACY UNLOCKS THE WORLD OF WORDS

Tucked inside The Sun Herald today is a Newspaper in Education publication celebrating International Literacy Day. To that end, the special section contains tips for teachers and parents.

Among the tips for teachers, we would like to stress the second one: Teach children where they can find readily available reading materials. That goes hand-in-hand with the second tip for parents: Get a library card and use it with your child.

For a child to think that reading is worth the effort—and in the beginning, reading can be an effort—that child should have something he or she thinks is worth reading. Since preferences will vary from child to child, a library is the best place to take a child to unlock the world of words.

When a child picks out what he or she wants to read, the odds are considerably greater that it will get read.

Certainly a parent can and should build on a child's selections by reading to the child. But if a child isn't curling up with a book, it may be because he or she doesn't have a book of his or her own choosing.

[From the Clarion-Ledger, Sept. 7, 1998]

PUERTO RICO SHOULD BE ALLOWED SELF-DETERMINATION

Proposals to allow Puerto Rico to pursue statehood may not be a high priority with most Americans, but it should be.

There is no more American an issue than that of allowing a group of American citizens—yes, Puerto Ricans are U.S. citizens—the right of self-determination to pursue statehood or whatever they may wish.

Bills soon will be before Congress to do just that. The bills are ''process'' bills, not statehood bills. The bills would provide a process to ask Puerto Rican voters their preferences. They could choose to be a commonwealth, a process that would lead to statehood or independence.

If statehood is selected, there would be lengthy period of negotiations, up to 10 years, when terms and conditions would be decided.

There are many reasons why it would be good for Puerto Rico to enter the union. As for economics, Puerto Rico's economy is about $42 billion, slightly ahead of New Mexico. The U.S. spends some $10 billion a year in economic subsidies there. That would be reduced some $3 billion. But the potential growth is there, too.

If admitted, there would be no reason for other states to lose representation. Seats in Congress could be expanded.

But the reasons transcend economies and politics.

Puerto Ricans have fought in every U.S. war this century, and have died in greater percentage according to population. The ''blood tax'' has been paid.

As many as 80 percent participate in elections there (compare that to American's lazy attitude about their ballot rights), but cannot vote for the commander and chief who may send their sons and daughters to war.

Americans should cheer at the prospect of a new state because it reminds everyone of the importance of the American ideals of freedom and self-determination.

Puerto Rico has earned that precious right.

[From the New York Times, Mar. 9, 1998]

A CHOICE FOR PUERTO RICO

In a historic move, the House narrowly passed a bill last week to give 3.8 million Puerto Ricans the right to vote on whether the island should retain its current commonwealth status, seek statehood or become independent. The United States-Puerto Rico Political Status Act, sponsored by Representative Don Young of Alaska, requires that a vote be held on the three options by the end of this year. If either statehood or independence receives a majority, the President and Congress would be asked to develop a transition plan, and give final approval to a status change within 10 years. If none of the options receive a majority vote, the current status would be unchanged and another referendum would be held within 10 years.

Both the Republican and Democratic platforms have long supported Puerto Rican self-determination. Yet Congress has repeatedly failed to give islanders a say on their political status. With House passage of the bill, its future now depends on Trent Lott, the Senate majority leader, who has been unenthusiastic about the issue. The Senate would dishonor democratic values by shelving this bill.

Puerto Rico was acquired by the United States 100 years ago as part of the spoils from the Spanish-American War. Its residents are American citizens who have been subject to the draft and Federal laws. But they do not pay Federal income taxes, do not elect members of Congress and cannot vote for President. This diminished status does have support among islanders who worry that statehood would jeopardize the island's distinctive heritage.

But language issues and other important questions can be addressed when Puerto Ricans debate their choices. The proposed bill would allow them to decide their future with the assurance that Congress would not ignore the result. In a 1993 nonbinding plebiscite, 48 percent of Puerto Ricans voted for commonwealth status, 46 percent for statehood and 4 percent for independence. A majority may still prefer commonwealth status, and even if islanders vote for statehood or independence, Congress would be able to manage the transition. In any case, the Senate would be wrong to prevent political self-determination for American citizens when it supports that right for people elsewhere in the world.

[From the Washington Post, Feb. 23, 1998]

AMERICANS WITHOUT FULL RIGHTS

Congress is getting serious about Puerto Rico's political future for the first time since the United States picked up the island territory in an imperial war with Spain 100 years ago. By a carefully launched bill that may reach the floor early in March, the House would set up a process to let Puerto Ricans choose their future status from among the current ''commonwealth'' statehood and independence options. This would not be no straw poll. The bill would define the details—financial, political, linguistic—of the statehood option favored in Puerto Rico. It would lock the United States into a 10-year transition to put statehood, or another choice, into effect.

The bill, sponsored by House Resources Chairman Don Young (R–Alaska), cleared his committee 44 to 1. He anticipates serious debate and substantial approval. It could be a great day for democracy. But it also could be a difficult day. There is concern over the polticial lineup of the two senators and six congressmen who would go to a new state and over which states would have to forfeit six seats in the House. There is argument over whether new tax revenues would, as sponsors claim, wash out new social-program costs.

But the hot issue is language. There is support among Puerto Ricans to retain their Spanish-language heritage. Some in Congress, however, would make Puerto Rico the battleground for an attempt to legislate English as the official language of the United States. The Young bill undertakes to deal with this question chiefly by providing for use of English in the courts and other official venues, while increasing and improving English-language training in the schools. This seems sensible. A strict official-English policy ignores that Washington never asked Puerto Rico to embrace English when it took over the island and when it sent its sons to fight in American wars. Such a policy also ignores the extent to which the United States by practice and culture is already a considerably bilingual nation. Alarms of creating an ''American Quebec'' are a spillover from the official English debate.

Puerto Ricans always could get the language of their preference by independence. But that option has never risen above a few percentage points. This makes Congress's definition of statehood crucial. To put statehood on the three successive referendums the bill calls for but then to burden the option with a provocative English requirement is unfair. It thrusts upon the island's 3.8 million residents a choice between political empowerment and cultural identity. For decades American political leaders have held out Puerto Rican statehood as an option. It would be a mockery to load it up with unneeded political accessories the first time it began to look real.

A commitment to common rights, responsibilities and ideals—not a dominant language—bonds Americans. A commitment to democracy should drive Americans to ensure Puerto Ricans full and equal rights as American citizens. It has been, after all, 100 years.

[From the Orlando Sentinel, July 19, 1998]

CLARIFY PUERTO RICO'S STATUS; CITIZENS OF THE ISLAND DESERVE THE OPPORTUNITY TO MAKE A CHOICE, WHETHER THEY DECIDE TO REMAIN A COMMONWEALTH, EMBRACE STATEHOOD OR SEEK INDEPENDENCE.

U.S. Senate Majority Leader Trent Lott says there's not enough time to consider the issue of Puerto Rico's status before senators head home in October.

That's not persuasive. After all, the U.S. House of Representatives managed to do that in a matter of days, approving it in March.

But even more important would be the symbolism of giving Puerto Ricans a voice in determining their own form of government. One hundred years ago this month, the United States occupied that island during the Spanish-American War.

Puerto Rico now holds U.S. commonwealth status, which allows it self-government but with obligations to the United States. That means, for instance, that Puerto Ricans pay taxes to their government but not to the U.S. Treasury. At the same time, they hold U.S. citizenship.

It's time that Puerto Rico's status is clarified definitively, whether the choice is to remain a commonwealth, embrace statehood or seek independence.

Thus the Clinton administration was right last week to push for swift action in the Senate.

Self-determination stands as one of this nation's most important ideals, stemming from the America people's struggle to chart their own political course more than 200 years ago.

Puerto Ricans also deserve that right.

A plebiscite in Puerto Rico five years ago merely whetted the appetite of people for a substantive vote. The plebiscite—a glorfied opinion poll—underscored the intensity of the debate over Puerto Rico's future. Voters mostly sided with two options—commonwealth and statehood—with commonwealth receiving slightly more support.

The House bill would allow an official plebiscite, presenting Puerto Ricans with the three choices mentioned above.

If the option of commonwealth were chose, of course, it would be automatic because it would mean keeping things as theya re now.

Much more work would be required if voters were to choose independence or statehood. Statehood would be the most complicated, with the United States having the final say.

The job of working out the details of transition plan would fall to President Bill Clinton and the Congress. That plan then would be presented to Puerto Rican voters. The series of negotiations and votes could take years to unfold.

The process will take even longer, though, if the Senate doesn't get off the dime. Florida Sen. Bob Graham, who supports the plebiscite, argues that the votes are there, that it's just a matter of getting the Senate to vote.

But that means overcoming a big obstacle—Mr. Lott. He appears not terribly interested in Puerto Rico, which is probably the real reason it is being crowded off the Senate's agenda.

Mr. Lott should reconsider. His position, which places him between Puerto Ricans and self-determination, creates ill will and delays an overdue decision.

Mr. GRAHAM. Mr. President, I yield such time as is to be utilized by the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank my colleague and friend, the Senator from Florida, Senator GRAHAM.

I, too, rise in observance of Hispanic Heritage Month, noting that there could be no better way to note the importance of our Hispanic heritage and this month of observance than to deal with the reality of the political status of Puerto Rico.

In 1841, President Harrison said, ''The only legitimate right to govern is an express grant of power from the governed.''

Those words were deemed so important to our Republic, so basic to our system of government, they became a part of the architecture of the Capitol itself. The history of our country is about the expansion of democracy and

the enfranchisement of people. The very purpose for founding this Nation was to ensure that our people would have control over their own destiny and choose their own Government. Through the generations, this maturation process has included the enfranchisement of women, African-Americans, and eventually to all people over the age of 18.

The democratic process was probably never better exercised or no firmer commitment made than when this Congress established an orderly procedure to admit new States. That process committed to the people of our country that the process of enfranchisement and of self-government was not simply for themselves but other people who share our ideals, culture, and our geography.

Ever since 1898, the end of the Spanish-American War, we have shared a culture, a history, and a geography with the people of Puerto Rico. The people of the island of Puerto Rico have been subject to our laws and regulations, but they have been unable to vote for the very legislators who would govern them through their actions.

Puerto Rico is the unfinished business of American democracy. Having long since enfranchised all of our population, having extended our sovereignty into the Pacific Ocean and the Northwest, all that remains is the people of these few islands including Puerto Rico, the first and most important case that remains to be dealt with.

This is important not only to the 29 million Hispanic-Americans, it is important to all of our people, because it involves justice and fairness.

Earlier this year, Senators CRAIG and GRAHAM introduced the Puerto Rican Political Status Act. I was very proud to follow their leadership and be part of its drafting and its introduction. That legislation in similar form passed the House of Representatives in March. It would fully and clearly allow the people of Puerto Rico to follow the path of full democracy if they so chose. Unfortunately, the legislation remains in the Energy and Natural Resources Committee. While we are all grateful that the chairman has scheduled consideration of the legislation, in truth it is very late in the life of the 105th Congress. Each day that passes, every week that goes by, we increase the chance that the people of Puerto Rico will not have an expression from this Congress about the chance they may possess to enfranchise themselves and be heard through a recognized plebiscite this year.

Regardless of individual opinion of Members of this body as to what the judgment of the people of Puerto Rico might or should be, whether Members of the Senate support statehood or commonwealth or independence, the one thing I believe upon which we can all agree is that we have a responsibility, consistent with our own ideas, our ideals, our culture—a mandate of history to ensure that the people of Puerto Rico are heard.

What decision the people of Puerto Rico might make is their choice. Whether or not they have a choice is our obligation. There are 3.8 million people on Puerto Rico, with too long an association with our country to pretend this is not a historic problem. They are too many in number to conclude that it does not really matter. I urge the leadership of this Senate to ensure that this legislation dealing with the political status of Puerto Rico and its opportunity for a plebiscite come before this Senate before it expires.

I urge the people of Puerto Rico to proceed with their plebiscite and make a final and lasting judgment about their political status. The United States cannot allow itself to enter the 21st century in a great irony of history—that the product of the world's most important democratic revolution, the first people on the face of this Earth to rise up against colonialism and demand the right of the governed to express themselves, be a party to what is by any measure a postcolonialist political arrangement.

It is not simply that it is unfair to the people of Puerto Rico, it is wrong for the people of the United States. It is inconsistent with our history and it cannot endure.

I compliment Senator CRAIG and Senator GRAHAM for their leadership, and say how grateful I am to be a part of this truly historic effort.

I thank the Senator from Florida for yielding time.

Mr. GRAHAM. I thank Senator TORRICELLI. The Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me join my distinguished colleague from New Jersey in thanking our distinguished colleague from Florida, Senator GRAHAM, for bringing this issue to the floor today for comments. In addition, let me thank Senator CRAIG and Senator GRAHAM for their sponsorship of this bill. I wanted to add a few words, because this has been said so eloquently by these two Senators before me, but I would only add just a few thoughts.

We celebrate many things in America. We have many special days to commemorate many special individuals and events. We have many months that we set aside to celebrate all sorts of things that are important. This particular 30-day period from September 15 to October 15 is important because it recognizes the Hispanic community and allows us to celebrate together the great contributions that Hispanic-Americans have made to our country as a group and as individuals. They have made valuable contributions decade after decade and century after century, from explorers to pioneers to inventors to entrepreneurs to statesmen and stateswomen who have served our country so admirably. It would take me all day—all year—to stand up and enumerate all the many contributions. But that is what this month is about, to take a moment to recognize the great strengths that the Hispanic community brings to America. It's also to recognize that is in fact what makes our country so different, what makes it uniquely admirable, what makes it the strongest country in the world. It is our diversity and our respect for diversity that makes us so different.

In that light, we could give many emotional and moving speeches about these individuals and communities. But I frankly think, as one Senator, that actions speak louder than words.

One thing that we could do to take specific action that could express in no uncertain terms our acknowledgment of these contributions, our gratitude toward the Hispanic community, our acknowledgment that we all share responsibilities, obligations and duties equally to make this country strong and also to equally enjoy the protections of our Constitution and what our flag represents than to let Puerto Rico decide it's own political future. There would be no greater, or better, or more appropriate action than to pass the Craig-Graham bill for the status of Puerto Rico, to allow the people to make a choice between either commonwealth or statehood or independence; but, Mr. President, to allow them, when they make that choice, to know the details of what each of those choices will actually mean, to not be unclear.

So this is something we have to do together. The people of Puerto Rico have to vote. But this Congress—and the House has already recognized this by a vote of only one, but still a decisive victory, a victory in the House—must recognize that only those efforts are not enough for the people of Puerto Rico, but we have to act to have a bill with the definitions of commonwealth and statehood and independence, so the consequences of their choices would be clear to them and to us and to all the people that we represent. That is why it is important for this bill to pass, regardless of individual Members' feelings about what the outcome should be. Passing this bill would be the best action we could take.

I know my constituents are well aware that the 4 million citizens in Puerto Rico do not enjoy the right to vote in Presidential elections, although they do share the obligation of military service and the draft. They do not pay income tax, but they do pay other obligations. The situation needs to be clarified. We can do that by passing this bill and giving them a chance to vote so their responsibilities and duties and protections can become more equal in their alignment.

Finally, I reiterate that this group of patriots from Puerto Rico have fought and died for the United States in wars beginning, not just a few years ago, but since the Revolutionary War. For Louisiana it is especially significant, for our first Governor, Bernardo de Galvez,

led soldiers that included men from Puerto Rico in an effort to thwart the British in the territory of Florida, which extended from the State of my distinguished colleague, Senator GRAHAM of Florida, all the way to what is now Louisiana and the territory and State which we know in present day as Louisiana. So for our State there is a particular, emotional, long-standing attachment to this issue.

With all of what my colleagues have said—and I reiterate, we can give all the great speeches we want, but actions speak louder than words—in light of that, the truth of that, in the light of fairness and what is appropriate, I urge my colleagues to take this month to do something meaningful and real, something more than words, that could have a lasting effect on millions of Puerto Ricans and Americans, and the strength of our country.

Mrs. MURRAY. Mr. President, I am pleased to join my colleagues in calling attention to the celebration of National Hispanic Heritage Month.

The Hispanic community in my home state of Washington is the youngest and fastest growing of any ethnic minority group, yet its history is a long one. indeed, Washington was a part of Mexico until 1819. The many Spanish place names that dot the landscape are only part of the legacy of the early Hispanic explorers and settlers. Early Hispanic pioneers helped lay the economic infrastructure of the region, bringing commodities such as wheat and apples and livestock.

Today Hispanic Americans continue to play a pivotal role in our state's economy. The contributions of Mexican immigrants has been vital in the growth and continued success of our state's agricultural industry. Hispanic-owned businesses range from the mom-and-pop small business to large corporate concerns. Hispanic citizens, taking advantage of their many ties to Mexico and other Latin American nations, have helped to expand trade, our state's economic lifeblood.

The contributions of Hispanic Americans are not limited to economic ones. Hispanic Americans have risen to positions of leadership throughout the state. They occupy elected offices at all levels of government, including our state legislature and judiciary. Hispanic community activists have led the fight for social equality. The Hispanic community has also enhanced our state's cultural life. Spanish language newspaper and radio, Latin American cuisine and Hispanic customs and ceremonies are an integral part of our state's landscape.

The Hispanic community has mobilized to meet the challenges facing it. Community-based organizations throughout the state are working to create educational and economic opportunities and meet the need for housing, health and social services. Their efforts benefit not only the Hispanic community but the state as a whole.

Washington State's Hispanic community is a dynamic and vibrant one. I salute their many accomplishments and contributions. I encourage my colleagues to join me in celebrating the diversity that makes our country so rich by commemorating National Hispanic Heritage Month.

Mr. DASCHLE. Mr. President, Hispanic Heritage Month presents a unique opportunity to celebrate the history and achievements of nearly 30 million people of Hispanic descent living in the United States and Puerto Rico. Today, as we stand on the threshold of a new century, we look to the outstanding contributions of Hispanic Americans for inspiration and leadership.

We should also acknowledge Puerto Rico's 100 years of Social, Political and Economic Union with the United States. I strongly support the right of self-determination for U.S. citizens living in Puerto Rico. Citizens in Puerto Rico should have the opportunity to decide their political future, and have a right to political, social and economic equality.

America has always drawn strength from the extraordinary diversity of its people. Throughout our nation's history, immigrants from around the world have been drawn to America's promise of hope, freedom, and opportunity. These newcomers have shared their cultural traditions and values, contributed to our nation's economy, strengthened our shared belief in democracy and helped create a more fair and just society.

Earlier this year, the House of Representatives passed the ''United States-Puerto Rico Political Status Act,'' H.R. 856. The Senate version, S. 472, provides a congressionally recognized framework for U.S. citizens living in Puerto Rico to freely decide statehood, independence, or the continuance of the commonwealth under U.S. jurisdiction.

Hispanic Heritage Month provides us with a unique opportunity to again raise the debate of the Puerto Rico plebiscite. I cannot think of a better time to push this issue forward.

That is why I am joining today as a cosponsor of S. 472. This year, the Senate has an opportunity to grant the 3.8 million American citizens of Puerto Rico an opportunity to decide their own future. Such an election would be the first step in allowing these U.S. citizens an opportunity to exercise one of the most fundamental principles of a democracy—a government chosen by the people.

In recognition of this historic opportunity, I am hopeful that my colleagues will join with me as cosponsors of S. 472, and that the Committee on Energy and Natural Resources will mark up the bill quickly.

Mr. GRAHAM. Mr. President, I thank the Senator.

There are others of my colleagues who have indicated a desire to speak during this period for morning business. Unfortunately, none of them are here at this time. Therefore, I ask unanimous consent that the remainder of the time for these presentations on ''Hispanic Heritage Month'' be reserved until our colleagues who wish to speak are present.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I say to my friend from Kentucky, it is just for a unanimous consent request.

Mr. MCCONNELL. Mr. President, reserving the right to object.

Mr. REID. I will even tell the Senator what it is. I want to ask that during the pendency of the Interior appropriations bill that a congressional fellow in my office have the privilege of the floor.

Mr. MCCONNELL. I do not object, Mr. President.

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

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered. The Senator is recognized.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of the Interior appropriations bill, Scott Conroy be extended the privilege of the floor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

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

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT N. 3554

Mr. MCCAIN. I say to my friend from Wisconsin, I am not going to make any motion at this time. I just want to assure my friend from Wisconsin and others that we will not give up on this fight. We will continue this fight. But I also think it is important to point out that we got 52 votes, which was the same as the last time. I intend to work with friends on both sides of the aisle to try to get additional votes so we can make progress on this issue. Since that is not the case, it is my understanding that the majority leader will move off of this bill probably at this time.

I want to make sure that again we are not giving up this fight. We will continue. And sooner or later I am convinced that we will have the opportunity to prevail.

Mr. President, I yield——

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. MCCAIN. Mr. President, I have not yielded the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I express my appreciation to the Senator from Arizona for his willingness to continue this important fight. I understand that we may well be moving now to another piece of legislation, but I want to indicate that we will continue to move this amendment, to try to adopt this amendment. As I understand it, it will be the pending business on the Interior bill when it comes back, and we will certainly proceed accordingly.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I have not been involved in the debate over the last 2 days, but I want to say that we have had this debate and we have had this vote again because Senator MCCAIN felt it was important that it be considered further, especially in view of the House vote. But we have had that debate and we have had the vote, and the vote is the same. Nothing has changed. There is no consensus.

I still maintain that before we start changing the laws we ought to try to find out who broke the laws, how did they break the laws, why did they break the laws. We now have not one, not two, but three 90-day preliminary investigations of whether or not to go forward with the independent counsel on whether the President, the Vice President, and a Deputy Chief of Staff were involved in 1996 campaign violations.

It seems to me it would be wise to see what is going to happen there, find out what happened. I still don't understand why, if people broke the law, there are those who say, ''Oh, geez, what we need to do is change the law.''

Do we have some areas where we are going to have to take a look at the campaign laws as far as contributions, and where money can be raised, or how, what kind of money on Federal property? Yes, we are going to have to take a look at that, and I am going to work with Senators on both sides of the aisle who really want to have something done that is balanced and fair.

This is not the solution. This is not the time. Here we are 60 days before an election, 30 days before the end of the session. We are trying to do the Interior appropriations bill. We spent 2 days on campaign finance reform, and now we have threats that it is going to continue. I have been patient. I have tried to be cooperative. I appreciate the cooperation I have received. I do think now the time is right for us to move on to Interior, bankruptcy reform, and child custody, very important issues that need to be addressed.

I yield the floor.

Mr. MCCAIN addressed the Chair.

Mr. MCCAIN. Mr. President, I ask unanimous consent that before I make a motion to withdraw my amendment, the Senator from Wisconsin be recognized for 2 minutes and then I regain the floor.

Mr. LOTT. For debate only.

Mr. MCCAIN. Debate only.

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

Mr. FEINGOLD, Mr. President, I do understand that Senator MCCAIN intends to withdraw the amendment momentarily which he has been courteous enough to indicate to me. I just want to reiterate that we are going to continue with this effort, that the amendment will be offered again on this bill and, if necessary, other bills until the job is done.

The fact is we have not really had a real process in the last 2 days that we would expect on a bill like this. We have had talk intermittently, but each time this has come up, in September, October of 1997, in February and March of this year, and on this occasion, we have never been allowed the right to have the normal amending process that allows a consensus to be achieved. That is what was allowed in the House, and that is what lead to the passing of the Shays-Meehan bill. Until that kind of process, rather than the mere permission to speak, is granted, this is not the kind of process that we are entitled on an issue of this importance, so this will continue. It must continue. And our effort has bipartisan support of the majority of both Houses of the Congress.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Let me just make a couple of comments before I withdraw my amendment. As I said, we will not give up the fight. We need to have progress. We need to pick up a couple of additional votes, and it is important we make every effort to do so.

There would at least have been a vote at noon today on this issue, because a tabling motion was in order by the Senator from Wisconsin. The Senator from Wisconsin, for very legitimate reasons, chose not to have that vote. So we could have had everybody on record at least on the tabling motion.

I insisted the night before last that we have 2 full days of debate. I had rather harsh words exchanged between myself and the majority leader—which is very uncustomary for me to have, except on approximately a daily basis. But the fact is the majority leader agreed that we would have 2 full days of debate. Then I came in today to find that, for the convenience of a Senator or Senators on that side of the aisle, we had to have a vote at 1:45. There were many on both sides who wanted to debate this particular amendment, but we had to curtail it. Last night there were Members on this side as well as the other side who wanted to speak on this issue. Instead, the Senator from Massachusetts had to speak for 2 or 3 hours on minimum wage.

So, if we are really serious about this, I want to tell my colleagues on both sides of the aisle, then we ought to go ahead and debate it, and debate it fully. We reached the point before the vote at 1:45 that, even on this side, the seven Republicans who wanted to debate did not have sufficient time to do so, because rather than go late into this evening as I had envisioned, for the convenience of Senators on that side of the aisle we had to curtail the debate and have a vote at 1:45 today.

So I think it is important to point out that I do not believe the issue was debated as fully as it should have been, even though it has been done several times in the past. I urge, again, my colleagues to recognize there is one way we are going to get true, meaningful campaign finance reform, and that is on a bipartisan basis. My opening statement yesterday articulated three principles as to what brings about meaningful campaign finance reform, and one is bipartisanship. So I am reluctant—I am reluctant, without progress on this issue, to engage in a debate which could divert the Senate from other important issues of the day.

I want to point out one other reality, much to the sadness of almost everyone I know. Tomorrow's newspapers will probably not highlight the fact that we failed again on campaign finance reform. They will highlight the issue which has consumed all the oxygen throughout this town, and that is the firestorm concerning the scandal that is affecting the Presidency of the United States and the institution of the Presidency today.

So I hope we can move forward. I will never give up on this fight as long as I am a Member of this body. And I hope that we can make progress together. But let's do it in a meaningful way and

in a bipartisan way so we can make genuine progress.

Finally, I thank all the people who worked so hard to get this back up before this body. I thank Senator FEINGOLD. I thank all our friends on the outside. I thank everybody who has worked so hard in this effort. And we will prevail over time. But we will prevail, I believe, in a bipartisan fashion and not in one that exacerbates emotions on the floor of the Senate rather than working towards a common goal of bettering the electoral progress.

Mr. President, I withdraw my amendment.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

Mr. LOTT. Mr. President, I call for the regular order with respect to the bankruptcy bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer protection, and for other purposes.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

The Senate resumed consideration of the bill.

Mr. LOTT. Mr. President, I wish to speak on the subject of the bankruptcy bill. The managers of the legislation will be here momentarily.

I should note that we did call this issue up last Thursday, I believe it was, but we had difficulty in getting to the substance because the Senator from Massachusetts did not want us to get to the substance. He had an amendment he wanted to talk about.

But Senator GRASSLEY and Senator DURBIN did make some small statements at the end of the day on Thursday. I thought it was appropriate that we go back to the bankruptcy bill and that they be able to come to the floor and lay out the outline of this legislation and begin to get Members' attention focused on the bankruptcy bill itself.

Before I go to my own discussion about the importance of this bill, I want to report to the Senate that we did just have a bicameral majority leadership meeting, House and Senate leaders sitting down, talking about the people's business. We met for an hour. And while there are many in this city who are talking about the Starr report and how it is to be dealt with and how can it be done in a fair and bipartisan way, we met for an hour and we talked only about those issues that we need to address in the Congress this year.

We talked about the appropriations bills, and it is important that we get them through the process. We have now had 11 appropriations bills pass the House, 10 pass the Senate. We are trying desperately to get the 11th appropriations bill to begin to move here in the Senate; that is the Interior appropriations bill. So we will only have left in the Senate after Interior, the D.C. appropriations bill, and the Labor, HHS, Education, and other agencies and departments' appropriations bills—only two. I have urged the appropriators on both sides of the aisle, both sides of the Capitol, to work expeditiously. If we have issues that we just cannot agree on between the two bodies or between the Congress and the White House, set them aside. The important thing is to get the job done.

We also then talked about the importance of preserving Social Security, but allowing the people to get some of their hard-earned taxes back. Absolutely, before we leave this year, we should pass legislation to eliminate the marriage penalty tax. We should allow for the self-employed deduction. The American people don't really realize it, although I am sure they feel the pinch, the American people are being taxed now at the highest levels in years and years and years. They need some relief. Some of the money that is coming up here now, going into the surplus, certainly should go back to the people.

The administration cannot come up here and say: We want all this extra spending for what we consider emergencies, and that will not count against Social Security, but, by the way, if you allow for some tax cuts for the people who earned it in the first place, oh, by the way, you are taking that out of Social Security. That kind of argument, I don't believe, in this atmosphere, is going to sell this year.

But we talked about the fair way to do tax cuts. We talked about what we might want to do next year in terms of more tax cuts, across-the-board rate cuts next year, and how we can begin to make progress in preserving Social Security.

We also talked about the importance of keeping our commitment on the balanced budget last year, sticking to the caps. Yes, there may be some real emergencies we will have to address, but other than that, we need to stick to the caps we agreed to. We gave our word 1 year ago, and we ought to stick to it.

Then we talked about other issues. Higher education—we have a conference committee meeting this week. Hopefully, they will complete agreement on the conference report on higher education this week—certainly within the next few days—so that our children will have access to the colleges—community colleges and universities all across this country. We will get that done.

Mr. President, we talked about the importance of this bankruptcy reform. That brings me to this particular issue. This legislation is long overdue. We have a system now in America which encourages people to take bankruptcy and get out of their debts. We have a system that does not take into consideration that small businessman or woman, that furniture store that is run by the husband and the wife. They are trying to make ends meet. They are selling furniture on credit, and people who are supposedly buying that furniture are declaring bankruptcy or just walking away from what they owe and getting out of their debts. We need reform. This is bipartisan. It came out of the committee of jurisdiction by a wide margin.

I know Senator DURBIN, Senator DASCHLE, Senator GRASSLEY on this side, Senator HATCH—a number of Senators have worked on this legislation. We need to get it done. We are this close to having it go down because Senator KENNEDY wants to offer the minimum wage increase to bankruptcy reform. It is not related to bankruptcy reform, but he insists on it being added to this bill.

It is curious to me, why this bill? It could be to any other bill. Oh, no; he wants this one. I suspect it is because he knows that this is a bill that the leadership on both sides would really like to have. But he is willing to take down this very important legislation to be able to offer his minimum wage increase, even though we have had minimum wage increases the last 2 years in a row and I have had store owners, restaurant owners, self-employed individuals who have little small businesses who have come to me and said:

> OK, we made it the last time, but we are at the limit. We have had to let people go so we can make a living. We are working more hours. But if we have to go through two more, or three more, minimum wage increases, we are going to go out of business. At a minimum, we are going to have to lay people off.

But here is my attitude. If Senator KENNEDY will be reasonable and will agree to a time limit, he can offer his amendment and we will have a vote. But then I think we ought to be able to go on to the bankruptcy bill itself and complete the work with a reasonable time limit and amendments on that.

Some folks say you always want to limit amendments. If you limit a bill to 15 amendments, that is not what I would call a big limit. And I am not saying 15, but something reasonable so we can get bankruptcy done, so we can come back to Interior appropriations, let the Senator from Wisconsin come back again, you know, have something to say, have another vote on Interior appropriations involving campaign finance reform. But at what point are we going to say, ''OK, we played our games''? You have had your votes. We have had our votes on campaign finance reform. We have had votes on bankruptcy reform. We have had votes on national missile defense. We have had all these other votes. But at some point we have to say, ''OK, we have dealt with it, we made our point, and we are going to move on the people's business,'' whether it is the Interior appropriations bill or the next appropriations bill. I understand the plan on the D.C. appropriations bill is to offer a whole series of nonrelevant amendments on that bill.

When does it end? If we can come to some reasonable agreement on time—Senator DASCHLE and I talked last night; Senator DURBIN and I talked this morning, Senator GRASSLEY. I said, let's work out something on bankruptcy so that everybody gets a fair shot but we can get this bill done.

I will yield to the Senator if he has a question or comment.

Mr. FEINGOLD. I appreciate the comment. Let me indicate, as I indicated before, if the process of debating campaign finance reform would ever be permitted to involve the normal amending process, without even insisting on giving up the right to filibuster, that that is the critical element, because without that, we are not in a position here to do what was done in the House where there was a lot of debate over many months, but they were able to offer amendments. Here, as soon as we won on the Snowe-Jeffords amendment, it was over, there were no more amendments. This has happened three times now.

Mr. LOTT. I had an amendment on paycheck equity. If we add paycheck equity to the bill——

Mr. FEINGOLD. Which we debated.

Mr. LOTT. I would be much more inclined to favorably consider this legislation. For labor union members to have their dues taken from them and used for political purposes without their permission, I think that is a very, very critical point. That is part of what I am talking about. This bill is not balanced. It tilts the scale very definitely to your side of the aisle. Where is the fairness?

Mr. FEINGOLD. I say to the leader, that is what the amendment process is for. Your amendment came up and, quite frankly, didn't prevail. Our amendment came up and did prevail, and there were many other amendments and we just stopped. I recognize there may be another version of the Paycheck Protection Act that may prevail. My problem is that it stopped at that point, and that is not the normal procedure. That is what I am asking for, that everybody do their amendments, and at the end of the day, I know, unless you change your mind—and I recognize you don't need to—that we still need 60 votes, but to have the amendments, to have everybody's ideas presented and voted on, is what we are asking for here.

Mr. LOTT. Mr. President, I might say, the Senator from Wisconsin said, ''Well, we realize in the end we may not have 60 votes.'' In fact, some of the amendments that I would offer you would likely wind up being filibustered. You would. I have a long list of really interesting amendments that I don't think you would particularly like, but I like them a whole lot. So here is my point.

Mr. FEINGOLD. Mr. President, I say to the leader, I would be happy to try that process. We tried the poison pill, and it didn't work.

Mr. LOTT. Poison pill. These are not poison pills. They are very legitimate amendments. But here is the point: You acknowledge that at some point you have to have 60 votes. We went through this last year. It derailed the highway bill. We didn't get 60 votes. It came back this year, in an effort to be fair, to see if something had changed. We had votes. It got 52 votes. Then the argument was made, ''Well, gee, the House voted on a different bill, by the way, and things maybe have changed.'' We voted again. Things haven't changed.

How many times do we have to go through that exercise? The day will come when maybe really we can work in a bipartisan way on a bill that is fair to all concerned and we will maybe be able to bring it to a conclusion. I won't say that day won't come. I think it will, actually. The question is, When will that be and what will it be? And I am going to work on that.

Mr. FEINGOLD. I say to the leader, you have been enormously courteous. I want to make one more remark.

Mr. LOTT. I yield for one more comment.

Mr. FEINGOLD. I think it is essential for the country that this process—and I realize it is a difficult one—be completed this year because of the danger of what will happen in the year 2000 election. We cannot let another 2-year cycle begin with the corruption that already existed in the 1996 elections and the problems with this year's elections to not finish the job in whatever form it is, however we can reach a consensus. You and I know we reached a consensus on the gift ban. We sat down in a room, and we worked it out.

Mr. LOTT. If the Senator will recall, you were in the room, Senator LEVIN and I were in the room, and we made it work.

Mr. FEINGOLD. That is what I just indicated. When we sat down, we made it work. I suggest and make my plea to you: Let's sit down and try to work out something so that we can accomplish something in this regard to make the year 2000 elections look something better and different than the mess in 1996. That is my plea.

Mr. LOTT. Mr. President, I say to the Senator from Wisconsin, I appreciate your courtesy. You have always been courteous. You have always been very reasonable in the way you have approached everything around here. Maybe the day will come when we will be able to sit down and agree on something. I don't see it at this point. I think the timing is wrong. After all, 2000 is still 2 years off. You have 1999. We will see where we can wind up.

For now, I want to focus our attention on the bankruptcy bill itself. I see that Senator DASCHLE is here. I noted in his absence that we have Senators on both sides now trying to work out an agreement. I hope we can make some progress on that this afternoon or tonight and that we will go forward with the substance. I understand Senator GRASSLEY and Senator DURBIN will be coming over to, in effect, do their opening statements which they didn't really get to do last Thursday night. We will let them begin the bankruptcy bill while we see if we can work something out.

For Senators who may not be aware of it, I said last night while we filed cloture, it is my hope that we can work out an agreement, and we can vitiate that cloture vote tomorrow. But we do need to get something worked out so we won't have to go to cloture, because I think if we do have another cloture vote and it doesn't prevail, we really have to go on. I can't stand up here and say we need to go to Interior appropriations and then stay on bankruptcy beyond a reasonable period of time. But I think it is possible, because I know there is a lot of support on both sides of the aisle.

With that, Mr. President, I just want to say I will be working with Senator DASCHLE to see if we can work this out, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEVIN. Will the Senator withhold that for one moment so I can add one comment?

Mr. LOTT. I ask the quorum call be withheld, and I yield to the Senator from Michigan for a question.

Mr. LEVIN. Well, just for one brief comment, if I might, to the majority leader. I thank him for his comments. When the proponents of civil rights legislation were faced with a filibuster, they didn't succeed the first time to get the necessary votes, which I think then was two-thirds. They didn't withdraw the civil rights bill. Because they felt it was so important to the Nation that we pass that legislation, they decided that the filibuster, which is their right under the rules—it is not required that people who offer a bill or an amendment withdraw their amendment or their bill just because they are being filibustered.

The situation here is that there is a bipartisan group, a majority, who feel very, very strongly that this is a transcendent issue, that this is an issue which cuts across so many other issues, that the soft money loophole has undermined public confidence in a significant way in our elections.

I think it is important that everybody be straight with each other, and I think you have been straight with us and we have been straight with you. Senator MCCAIN and Senator FEINGOLD have worked on a bipartisan basis in a way which is really important for the Nation.

It is important that everybody understand that this amendment will be reoffered on the next appropriations bill because of the seriousness with which it is held on a bipartisan basis, and then folks who want to filibuster have that right, but folks who don't want to help that filibuster succeed also have rights to reoffer it. Those are the rights which will clash. That is why we are here to do this in a civil way. The majority leader has always

been civil in his dealings on this issue, as on all other issues.

I want to add both the statement that I have made and also to be very clear and be very straight with the leadership as to what the intent is, which is to reoffer this amendment on the next appropriations bill.

Mr. LOTT. Mr. President, if I might just respond briefly, obviously, Senators are entitled to offer amendments, and then other Senators are entitled to offer second-degree amendments. The Senator knows very well that cloture votes and filibusters are an important part of this institution. You may not like it, depending on which end you are on on that subject, whether you are on the receiving end, but it is there and it is an honored and a time-preserved process we use around here.

Also, the Senate sometimes works on an issue for years—years—before you get a consensus. I worked on telecommunications for 10 years. This year, and we got very little credit for it, but this year we passed the Workplace Development Act, a consolidation of job training programs. We worked on it for 3 years. We failed at the end of the last Congress to pull it out. We finally got it done, sent it over to the President, and because everything else was going on, it didn't even receive any notice. Sometimes consensus takes time.

Also, I have watched the Senate over a period of years on a number of issues, sometimes when Republicans were pushing them; sometimes when Democrats were pushing them. You reach a point where you say, ''I made my point for now; I'll be back, but now we are going to go on and do our business.''

We have 19 days left, assuming we are going to try to go out October 9, 19 days left in this session.

We still have important work to do, including a lot of bills on the issues that we agree on in a bipartisan way, and with only 19 days to accomplish them.

The Senator has his rights, but as majority leader and in the leadership we have to try to find a way to have those votes, but then to move on. So I am sure you understand. I understand where you might have to come from, and I hope you will understand what I would have to do under those conditions to try to keep the focus.

But the next 19 days are not going to be easy under the best of conditions. The Senate is expected to show decorum and restraint and dignity, and I know we are going to do that. We also have to reach out across the aisle and say, ''Can we find a way to work through these bills?''

I think the people will be watching us. We have to do a little preening. You have to make your positions clear, we have to make our positions clear, and then at some point we have to come together. We will not necessarily agree at the beginning on what the solution is to agriculture in America. But it is very important in South Dakota and in Ohio and Mississippi and all over this country. But at some point we are going to come together because this is a problem, a real problem, and we can find a solution.

So I hope that is the way that we will proceed. Make your points, on both sides of the issue—on both sides of the aisle—and then let us sit down and see if we can find a way to come to an agreement to do the best we can. It may not be all we want to do, or it may be too much in some cases, but I am prepared to work in that vein. And I am hoping, again, in spite of all the other distractions, that we can keep our attention focused. And I will try to help to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed with debate only on the bill before us, the bankruptcy bill, until 5 o'clock.

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

Mr. GRASSLEY. Madam President, I think that we need to consider once again the very important issue of bankruptcy. Senator DURBIN has cooperated very well in the subcommittee's work and the committee's work to bring the bill this far.

Why are we introducing a bankruptcy bill? Why do we need major bankruptcy reform? I think it is pretty simple that under the current system an individual can avoid paying the debts that he has incurred with few, if any, questions asked even if that individual has some ability to repay all or a portion of those debts.

This much too easy bankruptcy system encourages irresponsible behavior and costs businesses and ultimately consumers they serve millions of dollars a year, adding up to $40 billion a year in added cost to product and service.

They have to raise their prices to cover this. You, as a consumer, pay this. That is $400 for the average family—a hidden tax. You can see this being possible because individuals can declare bankruptcy under chapter 7 where debts are rarely repaid. Or there is the choice of chapter 13 which requires debtors to repay a discounted portion of their debts. And obviously—and this bill does that—Congress should encourage the use of chapter 13 where creditors will at least receive something, whereas under chapter 7 rarely anything.

Our bill imposes a means test for people who declare bankruptcy. If a person can repay all or some of their debts now, or even over an extended period of time, they will either have to file under chapter 13 or stay out of the bankruptcy system entirely. This will mean that the businesses which extended credit in good faith will not be left with absolutely nothing.

Our bankruptcy reform bill imposes a means test by letting creditors file motions under section 707(b) of the Bankruptcy Code. These motions would raise evidence concerning a debtor's ability to repay debt.

Under current law, creditors—the people with the most to gain or lose—are expressly forbidden from doing this. By opening the doors to creditor involvement, businesses can become masters of their own destiny.

Of course, in order to prevent abusive court filings—we don't deny that there can be some abuse of this privilege, but we have included penalties if a court dismisses a creditor's motion and determines that the motion was not substantially justified.

Our bankruptcy reform bill contains a unique feature which will provide important assistance to small businesses which may not be able to afford to press their case in bankruptcy court. The chapter 7 public trustees—these are the private individuals who administer bankruptcy cases and who are in the best position to know whether debtors can repay their debts—are allowed to bring evidence and motions to the bankruptcy judge. If the judge grants a motion to dismiss a bankruptcy petition or to transfer the case to chapter 13, the attorney for the debtor will be fined and the fine will be paid to the chapter 7 trustee as a reward, as an incentive for detecting an abuse of the bankruptcy system by a debtor and by the counsel for that person that owes money.

Thus, a well-informed cadre of bankruptcy trustees with a meaningful financial incentive will be empowered under this legislation to find debtors who could repay and get them into chapter 13 or out of the bankruptcy system entirely.

A recent survey of chapter 7 trustees indicated that over 80 percent of the trustees would use this power if it were given to them. Empowering chapter 7 trustees will help small businesses since the effect of transferring or dismissing a case will be that creditors will collect more and bills will be paid. There will be less of an incentive to go into chapter 7 willy-nilly if there is somebody looking over the shoulder to see that it has been done right. We then avoid those people who might be shady, those people who might be using bankruptcy as part of personal financial planning. Under this procedure, small businesses would need only to sit back and let the trustee seek his reward and would not have to spend a dime to litigate the case.

This is important legislation. It will help all consumers because it will help businesses collect debts that will otherwise remain unpaid and be passed on to the people who pay their debts and never declare bankruptcy. This bill is

about basic fairness. It is about time that Congress provides fairness for all consumers.

Madam President, I think it is very important that we consider on this latter point that I made about the trustees being able to review these bankruptcy cases, that we make very clear that this ought to encourage the bankruptcy bar, to some extent, to be very careful, whereas we feel some are not so careful now in its present environment of the last 20 years of counseling people into bankruptcy in the first place or into chapter 7 as opposed to chapter 13. I don't think a lawyer is going to want to take a chance on being penalized for putting somebody in chapter 7 that should have been in chapter 13; or even putting somebody in bankruptcy that shouldn't have been there in the first place. We feel that we need to get the bankruptcy bar back to the point where they are advising people; that in every instance a person might feel that they want to go into bankruptcy, that it might not be justified.

I yield the floor. I want to give my good friend, the Senator from Illinois, an opportunity to speak on this subject.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Madam President.

During the course of this debate on the bankruptcy bill, we will be talking about a number of aspects of this procedure. When you consider a nation of 260 million Americans, and I guess about 1.3 or 1.4 million each year file bankruptcy, the vast majority of people who may be watching this debate have no personal knowledge of the subject. Of course, some lawyers and people who are involved in credit counseling do, but, unfortunately for a lot of unsuspecting people, bankruptcy becomes a critical part of their lives. Senator GRASSLEY and I are attempting to change the bankruptcy code in a way that is fair, that will reduce abusive bankruptcies, but still allow the procedure to be available to those who truly need it.

Let me give an example of one of the amendments which I have offered, or will offer if given the opportunity, which I think tells an important story about bankruptcy; that is, the whole question about retirement funds. Creditors want those who file for bankruptcy to pay their creditors every penny they have, often including retirement savings. If you are 54 years old and you have some IRAs, some 401(k) plans that you are putting aside for your own retirement and then lose your job after 30 years due to a merger or downsizing, or if someone in your family—a spouse or a child—incurs major medical bills and you find yourself facing literally tens of thousands, maybe hundreds of thousands of dollars in debt and find you can't pay your bills, you may be forced into bankruptcy. What may be at stake is not only the money you have on hand, but the money you have saved for your retirement.

Under current law, if you filed for bankruptcy, they go after everything except the 401(k) plan. So if you put aside these individual retirement accounts or Roth IRAs thinking, ''Someday I will need this to supplement Social Security,'' you will be shocked to learn that the creditors—the hospitals and doctors or whoever it might be—are going to say, ''I'm sorry, but that IRA is now something that I can take away from you to pay off your bills.''

That is why I think this amendment which I am going to introduce is so necessary. Current law puts Americans with financial problems in a Catch 22 situation: Either declare bankruptcy and go into poverty in old age, or don't declare bankruptcy and live in poverty now with creditors harassing you because your current bills and health care costs sap your entire income.

This amendment that I want to offer to the bill, one of several, ensures that retirement savings survive a bankruptcy proceeding intact. The funds will be preserved to provide for your care and expenses in old age, rather than being paid to creditors who are unwilling to compromise when meeting this financial setback. It also provides that if you took a loan from your retirement savings, for example, to fund a downpayment on your house, you will have to pay yourself back by payroll deduction, uninterrupted by the bankruptcy.

I think there are reasons to support this amendment. It is a good indication of why some amendments are needed on this bill. Think about the gravity of this situation and challenge. The retirement savings of hundreds of thousands of elderly Americans are at risk in bankruptcy proceedings. In 1997, an estimated 280,000 older Americans—that is, age 50 and older; and I am included in that group—filed bankruptcy; though I didn't file bankruptcy. Almost one in five bankruptcy cases, 18.5 percent, involve one or both petitioners coming to court who are 50 years of age or older.

What are the top three reasons Americans give for filing for bankruptcy? Job loss, overwhelming medical expenses, and a creditor's refusal to work out repayment plans. Nearly 50 percent of older Americans declare bankruptcy because they lost their job at or about the age of 50. At this age, it is a tough situation to find another job that pays as well. It can be catastrophic to an entire family.

Parents may have kids in college, elderly parents to care for, a house that may need a new roof, and a family that may have overwhelming medical expenses. About 30 percent of older Americans filing bankruptcy due to family medical bills that are completely beyond their capacity to pay. You should not have to choose between your family's health and your financial security in your old age. One in ten older Americans files bankruptcy because their creditors have refused to work with them to pay their bills. One in fifteen older Americans files bankruptcy to save a home they are about to lose.

Young people really are protected by this amendment, as well, when retirement funds are set aside over a person's working career to provide them with privately funded care in their old age. My mother lived to the age of 87, and she always said time and time again, for years and years, ''I just don't want to be a burden on you and your brothers.'' She never was, but she was always worried about it. She saved carefully, so that there was money set aside, so that if something happened, she would be able to take care of herself and would not have to turn to us.

I think that is the feeling of many senior citizens who put aside savings in IRAs and 401(k) plans, so they can be independent and live a life that doesn't take away from their children.

But think about it. If something comes along, like a catastrophic illness, you have reached the limit on your health insurance policy, and all of a sudden debts are cascading around you and bankruptcy is the only option, you lose everything you saved—and independence is important to all of us, and particularly to those in their senior years.

Security in retirement can only be achieved through the accumulation of assets over a working lifetime. Retirement funds should not be at risk simply because of an unexpected layoff or medical problems, sending a debt-strapped family over the financial edge. I don't think this amendment is subject to abuse, because debtors can't really sock away money in a retirement account just before filing for bankruptcy. Retirement plan contributions are heavily regulated and limited by law and not subject to bankruptcy planning abuse. Debtors have been criticized for poor management skills, but they should be rewarded, not penalized, for making rational economic decisions, like preparing for retirement.

Who supports this amendment? The AARP, American Association for Retired Persons, National Council of Senior Citizens, the Profit Sharing 401(k) Council of America, the National Council on Teacher Retirement, and the New York State Teachers Retirement System, just to name a few.

My reason for explaining this amendment is that there is debate underway here as to whether we will allow amendments to the bankruptcy bill. This is an illustration of the type of amendment that I think is important, so that we make certain that this reform of the bankruptcy code recognizes the reality of life in America. We want to protect the retirement funds of those who have been careful enough to save, who could never even have anticipated an economic calamity such as I have described. We want to make certain that they are given a chance to come through bankruptcy not only

with dignity but with a chance to lead a good life.

There are other elements to be considered as well. I would like to address one or two of them before giving the floor back to Senator GRASSLEY of Iowa.

We have talked a lot about those who file for bankruptcy. I think it is important that this be a balanced discussion, so that we talk about those who, frankly, are using the credit system in this country to make a great deal of money. Credit cards are one of the most profitable areas of financial endeavor in America. Those who have taken a close look at the interest rates they pay on credit cards understand why. If you happen to be late in making a monthly payment and the balance is held over another month, sometimes the interest rates can be dramatic in comparison to what we pay for mortgages and other loans, like automobile loans. The interest rates, many times, on unsecured debt, like credit card debt, can be substantial.

Unfortunately, I don't believe many credit card companies or other financial institutions are as honest as they should be with American consumers. I will bet most of the people who are listening to this debate will open their mailboxes up today and find a preapproved application for a credit card. We know we are going to find them whenever we go home. If you look at it, you will understand that nobody has analyzed your credit situation. They have basically said: Here is another $100,000 in debt that you can run up if you like, at an interest rate that you may be able to pick out in the fine print on the back of the solicitation.

I visited a football game in Illinois last year where they were passing out free T-shirts to any student at the University of Illinois, Champaign-Urbana, who would take an official University of Illinois credit card. They ran out of T-shirts because the students could not wait to get them. Most of these students ended up with credits cards, most without much income. We don't want to limit opportunities, but we do want honest disclosure. At that particular football game, the credit card company offering this credit card had posted on a banner behind the little booth, ''Permanent introductory rate, 5.9 percent.'' Think about that for a minute. ''Permanent introductory rate''? How does that work? Clearly, at some point in time you are through the introductory period and into a new rate.

I think it is important that there be an honest disclosure of the interest rate people will be charged on credit cards, so that on the myriad—perhaps dozens—of credit card solicitations you receive, you can make the right choice, not just the come-on rate, the attractive 6 percent or something on the envelope. What are you really going to be charged as an interest rate?

I think the credit card companies owe it to us as well to send us, along with the credit card application, a worksheet so that people can say: Let me see, exactly where am I? How many debts do I owe? How much income do I have? Does this worksheet give me an indication as to whether I should go further in debt? I don't think that is unreasonable.

I also think the monthly billings we receive from many of the credit card companies are a mystery to try to figure out, what they mean and what it means if we make certain payments. For example, there will be an amendment offered here, I believe, by the Senator from Rhode Island, Senator REED, which will say that you cannot have your credit card canceled if you pay off the entire balance each month. Many people are surprised to learn that. They make the payment and say, ''I am a good customer.'' Obviously, they got their bill and paid it. But then the company says: ''We are not interested in your business anymore. If you are not going to carry a debt and pay us interest from time to time, or regularly, then we don't want you as a customer.'' They don't disclose that when you get the card. But you may find that out later on.

Also, if you look at the monthly statement, it says ''minimum monthly payment.'' Well, I think there are some obvious questions that should be answered when they say ''minimum monthly payment.'' If I make that minimum monthly payment, how many months will it take me to pay off the balance if I don't add another penny of debt? How much will I be paying in interest? Those are not unreasonable questions. I think the average consumer should have the answer right there on the monthly statement.

I looked at my own credit card recently just to see what the minimum monthly payment might result in. It resulted in my paying off the balance in a mere 60 months—5 years. That is paying off the current balance with a minimum monthly payment.

The time may come when an individual can't pay off the credit card on a regular basis. They may have a problem and fall behind. That is understandable where the minimum monthly payment may be the only thing they can come up with. I think we have to educate consumers so they don't fall into this trap.

There is another element here that I have learned during the course of this debate. Some people are surprised to know that once they have the credit card in hand and make a purchase, if you have a debt that they are trying to pursue in bankruptcy, the credit card company not only has recourse against you personally but has recourse against whatever items you purchased with the credit card. Surprise, surprise. You turned around and bought a television or a stereo with the credit card, thinking that that was the way you were going to own it, and you get into bankruptcy court and they say that the fine print in the contract says, ''We now own the television.'' I think that should be disclosed. People ought to know that going in. That is another example, in my mind, of the kind of activity that would lead to a more level playing field.

Those critical of the increases in filings for bankruptcy, I think, have some good cause for alarm. There are too many. If we can reduce abusive filings, we should. The average person filing for bankruptcy in America has an income of less than $18,000 a year and average debts of $28,000. So the people we find in bankruptcy court are not the wheelers and dealers and high rollers; they are folks in lower- to middle-income situations who have run into a mountain of debt that they can't cope with. I don't want to see this bill penalize those people. I want to make certain that we are careful that whatever we do does not stop them from coming to court and trying to finally discharge their debts and start again.

There is another element in this bill which I think deserves some consideration and discussion. It is called the homestead exemption.

Under a curiosity in the law, each State can determine how much we can have in a homestead exemption, which means if I go into bankruptcy court in my home State of Illinois and file for bankruptcy, they have decided by statute in that State that the maximum amount which I can claim as the value of my home—I can't recall the exact figure in Illinois, but it is relatively modest. Some States have gone off the charts. That is why we had a couple of instances where noteworthy figures—one a former commissioner of baseball, another a former Governor of one of our States—before filing for bankruptcy, moved to, in this case Florida, and in the other case Texas, and bought million-dollar homes which were exempt under State law. They took everything that they had and plowed it into the home and filed for bankruptcy. The creditors ended up with little or nothing. Thank goodness this bill, because of the amendment offered by Senator FEINGOLD of Wisconsin, is going to eliminate what I consider to be a clever loophole and an abuse in the law.

Should this bill that Senator GRASSLEY and I are working on pass the Senate, we will face a battle in conference because the House of Representatives eliminated that provision and allows each State to set whatever standard they want. I don't think that is fair. I think we ought to have a national standard. We shouldn't have people racing off to establish residency in some State to take advantage of a very generous homestead exemption. That is not fair to creditors. I hope that as a part of this debate we will preserve that important element in the law.

At this time, I reserve the remainder of my time. I yield the floor.

Mr. KYL. Madam President, about a month ago, the Administrative Office of the U.S. Courts released figures on nationwide bankruptcy filings for the

12-month period ending June 30. The figures clearly illustrate what has so many of us concerned—that is, that bankruptcy filings are becoming epidemic.

Filings for the 12-month period ending on June 30 totaled 1,429,451—an all-time high. Personal bankruptcy filings increased 9.2 percent from the same period in 1997.

Unlike other kinds of epidemics, this is one that can be avoided in many instances if credit is used wisely and people do not overextend themselves in the first place.

Certainly, extraordinary circumstances can strike any family, which is why it is important to preserve access to bankruptcy relief. No one disputes that there should be an opportunity to seek relief and a fresh start when truly extraordinary circumstances strike—for example, when families are torn apart by divorce or ill health. I suspect that creditors are more than willing to work with someone when such tragedy strikes to help them through tough times.

But there is growing evidence, Madam President, that more and more people who file for relief under Chapter 7 actually have the ability to pay back some, or even all, of what they owe. It is cases like that, where bankruptcy is becoming the option of first resort, rather than last resort, that led to the drafting of the bill before us today.

The Consumer Bankruptcy Reform Act, S. 1301, is the product of a number of hearings and months of deliberations. I would note that it enjoys broad bipartisan support, having been approved overwhelmingly by the Senate Judiciary Committee on a vote of 15 to 2. Similar bipartisan legislation in the House passed on June 10 by the lopsided vote of 306 to 118.

So what does this legislation do? Those with low incomes would continue to choose between Chapter 13 payment plans and Chapter 7 discharges, just as they do today. But to ensure that some people are not abusing the system, the bill requires bankruptcy courts to consider whether people who have higher incomes and the ability to pay a portion of their debt should be required to repay what they can under Chapter 13.

As it stands today, people with more modest incomes who live within their means are forced to subsidize wealthier individuals who abuse the bankruptcy laws. That is just not fair.

When people run up debts they have no intention of paying, they shift a greater financial burden onto honest, hard-working families in America. Estimates are that bankruptcy costs every American family an extra $400 a year.

Madam President, I want to stop at this point and single out three provisions of the bill for comment—provisions that were added in committee as a result of the adoption of amendments I offered. They represent what, in my view, are very modest, common-sense reforms of the bankruptcy system.

The first appears in Section 314 of the bill and provides that debts that are fraudulently incurred could no longer be discharged in Chapter 13, the same as in Chapter 7. Currently, at the conclusion of a Chapter 13 plan, the debtor is eligible for a broader discharge than is available in Chapter 7, and this superdischarge can result in several types of debts, including those for fraud and intentional torts, being discharged whereas they could not be discharged in Chapter 7. My amendment would simply add fraudulent debts to the list of debts that are nondischargeable under Chapter 13. It is as simple as that.

Let me take a few moments to share some of the comments that others have made on the subject. Here is what the Deputy Associate Attorney General, Francis M. Allegra, said about the dischargeability of fraudulent debts in a letter dated June 19, 1997: ''We are unconvinced that providing a (fresh start) under Chapter 13 superdischarge to those who commit fraud or whose debts result from other forms of misconduct is desirable as a policy matter.''

Here is what Judge Edith Jones of Fifth Circuit Court of Appeals said in a dissenting opinion to the report of the Bankruptcy Review Commission: ''The superdischarge satisfies no justifiable social policy and only encourages the use of Chapter 13 by embezzlers, felons, and tax dodgers.''

Judith Starr, the Assistant Chief of the Litigation Counsel Division of Enforcement of the Securities and Exchange Commission, testified before the House Judiciary Committee on March 18, 1998. Speaking about the fraud issue, she said: ''We believe that, in enacting the Bankruptcy Code, Congress never intended to extend the privilege of the 'fresh start' to those who lie, cheat, and steal from the public.'' She goes on to say:

> A fair consumer bankruptcy system should help honest but unfortunate debtors get their financial affairs back in order by providing benefits and protections that will help the honest to the exclusion of the dishonest, and not vice versa. It is an anomaly of the current system that bankruptcy is often more attractive to persons who commit fraud than to their innocent victims. Bankruptcy should not be a refuge for those who have committed intentional wrongs, nor should it encourage gamesmanship by failing to provide real consequences for abuse of its protections.

And she concludes:

> We support [the provision of the House bill] which makes fraud debts nondischargeable in Chapter 13 cases. Inducements to file under Chapter 13 rather than Chapter 7 should be aimed at honest debtors, not at those who have committed fraud.

A final quotation: The Honorable Heidi Heitkamp, the Attorney General of North Dakota, testified to the following before the House Committee on March 10:

> When a true ''bad actor'' is in the picture—a scam artist, a fraudulent telemarketer, a polluter who stubbornly refuses to clean up the mess he has created there is a real potential for bankruptcy to become a serious impediment to protecting our citizenry.

Furthermore, she says:

> We must all be concerned because bankruptcy is, in many ways, a challenge to the normal structure of a civilized society. The economy functions based on the assumption that debts will be paid, that laws will be obeyed, that order to incur costs to comply with statutory obligations will be complied with, and that monetary penalties for failure to comply will apply and will ''sting.'' If those norms can be ignored with impunity, and with little or no future consequences for the debtor, this bodes poorly for the ability of society to continue to enforce those requirements.

Madam President, I hope there will be no dissent to these anti-fraud provisions. Certainly, there should not be. Bankruptcy relief should be available to people who work hard and play by rules, yet fall unexpectedly upon hard times. Perpetrators of fraud should not be allowed to find safe haven in the bankruptcy law.

The second amendment I offered, and which has been incorporated into this bill, is found in Section 315. It, too, is simple and straight-forward. It says that debts that are incurred to pay non-dischargeable debts are themselves non-dischargeable. In other words, if someone borrows money to pay a debt that cannot be erased in bankruptcy, that new debt could not be erased either. The idea is to prevent unscrupulous individuals from gaming the system and obtaining a discharge of debt that would otherwise be non-dischargeable.

I want to emphasize that we have taken special care to ensure that debts incurred to pay non-dischargeable debts will not compete with non-dischargeable child- or family-support in a post-bankruptcy environment.

The third amendment of mine adopted in committee is reflected in Section 316 of the bill, and it is intended to discourage people from running up large debts on the eve of bankruptcy, particularly when they have no ability or intention of making good on their obligations.

Current law effectively gives unscrupulous individuals a green light to run their credit cards just before filing for bankruptcy, knowing they will never be liable for the charges they are incurring. That is wrong, and it has got to stop.

The provision would establish a presumption that consumer debt run up on the eve of bankruptcy would be non-dischargeable. The provision is not self-executing. In other words, it would still require that a lawsuit be brought by the creditor against the debtor. Many valid claims for nondischargeability are never filed, because the creditors do not have enough money at stake to justify the litigation costs. But if this provision achieves the intended purpose, debtors will not only minimize the run-up of additional debt, they will have more money available after bankruptcy to pay priority obligations, including alimony and child support.

Again, special care has been taken to ensure that we are only talking about debts incurred within 90 days of bankruptcy for goods or services that are not necessary for the maintenance or support of the debtor or dependent child. We want to be sure that family obligations are met.

Madam President, I want to discuss one other aspect of the bill before closing, and that relates to the many provisions that Senators HATCH, GRASSLEY, and I crafted to protect the interests of women and children.

Nothing in the original version of the bill changed the priority of, or any of the other protections that are accorded to, child-support and alimony under current law. If members of the Senate have not seen the relevant analysis done by Judge Edith Jones of the Fifth Circuit Court of Appeals, I will submit it for the RECORD now. I ask unanimous consent that it be printed in the RECORD.

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

U.S. COURT OF APPEALS,
FIFTH CIRCUIT,
Houston, TX, April 30, 1998.

Senator ORRIN G. HATCH,
Senator CHARLES E. GRASSLEY,
Congressman HENRY J. HYDE,
Congressman GEORGE W. GEKAS.

DEAR SIRS: To say that I am disappointed by recent public statements criticizing the Gekas and Grassley bankruptcy reform bills is not strong enough. The quotations attributed to Professors Elizabeth Warren and Ken Klee in U.S.A. Today, April 30, 1998, p. 1, are a blatant misrepresentation of the bills and current bankruptcy law. I think we all have a right to expect more expertise and candor from tenured professors at two of our nation's outstanding law schools than are displayed in these statements.

Let me explain the obvious errors and inconsistencies in their remarks.

First, neither of the pending reform bills would weaken current bankruptcy law's attempts to protect the interests of ex-wives and children of divorce. Current law protects them in the following ways. Section 507(a)(7) of the Bankruptcy Code, U.S.C. Title 11, denominates alimony and child support payments as priority debts, payable before ordinary debts of the debtor. Sections 553(c)(1) and 522(f)(1)(A) prohibit the use of exemptions or lien-stripping otherwise permitted by section 522(f) to 523(a)(5), (15), and (18) make alimony, child support, some property settlement payments, and some debts owed to public entities for those payments non-dischargeable in Chapter 7. Section 1328(a)(2) renders alimony and child support payment non-dischargeable in Chapter 13. Thus, current bankruptcy law affords special protection for marriage-dissolution claims.

Second, the Gekas/Moran Bill, H.R. 3150, would actually enhance these protections. One would think that Professors Warren and Klee would endorse these proposals if they are seriously concerned about ex-spouses and children. H.R. 3150 amends section 523(a)(5) to more broadly exempt from discharge divorce-related property settlements and attorney's fees. The bill also eliminates section 523(c), a provision which costs ex-wives a great deal of money by requiring them to litigate in bankruptcy court as well as family court over support and alimony payments. Finally, the needs-based requirement of H.R. 3150 does not kick in until priority debts, which as previously stated include those for alimony and child support payments, have been excluded from the debtor's income.[1]

Third, under current bankruptcy law, debts owed for purchases of ''luxury goods'' or certain cash advances obtained within 60 days of bankruptcy are presumed non-dischargeable if a creditor contends the debts were fraudulently incurred. Section 523(a)(2)(c). The House and Senate bankruptcy reform bills modestly extend the non-dischargeability presumption—and it is no more than that—to consumer purchases within 90 days of bankruptcy. The bills hope to discourage debtors from running up large debts while knowing that they are on the verge of bankruptcy. If the debtors take the hint from these bills, they will not run up their debts and will have more money available after bankruptcy to pay alimony and support obligations. Indeed, any ethical attorney rendering bankruptcy advice after the passage of this section would counsel his clients not to run up extraordinary consumer debts within 90 days of bankruptcy. Professors Warren and Klee must either think that this provision would not influence the conduct of ethical attorneys and debtors or that many or most debtors routinely run up debt just before they file bankruptcy.

Fourth, after this provision is enacted, consumer debts incurred within ninety days of bankruptcy will become non-dischargeable only if (a) debtors don't take the hint from the statute, (b) debtors run up consumer debts within 90 days pre-bankruptcy under circumstances that are fraudulent, (c) the amount thus run up on a particular creditor is large enough to make it worthwhile for that creditor to sue in bankruptcy court under §523(c)(1), and (d) a final judgment of non-dischargeability is actually entered. Professors Warren and Klee know very well that this non-dischargeability provision is not self-executing and requires a lawsuit by the creditor against the debtor. They are also aware that many valid claims for non-dischargeability are never filed, because the creditors do not have enough money at stake to justify the litigation costs.

Fifth, Professor Warren's criticism of the family-friendliness of these reform bills puzzles me. As a member of the National Bankruptcy Review Commission. I proposed to strengthen section 523(a)(5) to enhance the protections of former spouses and children in relation to property settlements, and Professor Warren offered no assistance or encouragement whatsoever. As Reporter to the Commission, moreover, Professor Warren set the agenda for the five Commission members who rejected my proposal.

Sixth, Professors Warren and Klee are apparently harping on one provision of comprehensive bankruptcy bills in hopes of defeating the entire reform effort. Surely, while that approach might be effective politics, it is not intellectually defensible for bankruptcy specialists who are members of the academic community. This complex, multi-faceted and much-needed bankruptcy legislation clarifies the bankruptcy law, makes it more uniform nationally, and will streamline the process. But Professors Klee and Warren are not attempting to be precise, only to be obstructionist.

I hope that the important debate over bankruptcy reform will proceed on an intellectual, not an emotional level.

Very truly yours,

EDITH H. JONES.

Mr. KYL. Even though current law is clear—and even though the original version of the bill made no change in the protections that it provides—concerns were expressed that provisions of the legislation might indirectly or even inadvertently affect ex-spouses and children of divorce. Assuming that critics were operating in good faith—and because our intent was always to ensure that family obligations were met first—Senators HATCH, GRASSLEY, and I crafted an amendment to remove any doubt whatsoever about whether women and children come first.

The Hatch-Grassley-Kyl amendment elevates the priority of child-support from its current number seven on the priority list for purposes of payment to number one—ahead of six other items, including lawyer's fees that are now afforded higher priority. Our amendment mandates—mandates—that all child support and alimony be paid before all other obligations in a Chapter 13 plan. It conditions both confirmation and discharge of a Chapter 13 plan upon complete payment of all child support and alimony that is due before and after the bankruptcy petition is filed. It helps women and children reach exempt property and collect support payments notwithstanding contrary federal or state law. It exempts state child-support collection authority from the automatic stay under bankruptcy law to ensure prompt collection of child-support payments. And it extends the protection accorded an ex-spouse by making almost all obligations one ex-spouse owes to the other non-dischargeable.

Despite the various protections we have laid out, I know that some will still contend that child-support and alimony could be placed in competition with other debts that are made non-dischargeable by other provisions of the bill. But if placing more debt into the non-dischargeable category were really harmful to the interests of women and children, critics would also object to an amendment that Senator TORRICELLI offered in the Judiciary Committee—an amendment that added tort judgments for intentional torts causing personal injury or death to the list of non-dischargeable debts. But the Torricelli amendment passed without objection in committee. As a society, we have decided that people who do harm to others should be held accountable for their actions. Senator TORRICELLI's amendment will do that, and I support it.

Let us keep several points in mind about the debts that are made non-dischargeable by the bill. First, even though they are made non-dischargeable, they are given a lower priority for payment than child support and alimony. The Hatch-Grassley-Kyl amendment makes that crystal clear.

Second, the debts made newly non-dischargeable by the bill include debts incurred by fraud, debts run up on the eve of bankruptcy by those with no intention or no ability of paying, and debts that are incurred to pay otherwise non-dischargeable debts. We are

[1] These descriptions of H.R. 3150 are based on the most recent version I have.

talking about abusive use of credit. Are those who still contend we have not gone far enough really suggesting that individuals who engage in fraud and other abusive credit practices should be allowed to have those debts erased or otherwise sanctioned by the bankruptcy code? I hope not.

When people run up debts they have no intention of paying—when people are allowed to walk away from fraud and other harm caused to others—they shift a greater financial burden onto honest, hard-working families in America, including those that depend on child support to make ends meet. As I indicated at the beginning of my remarks, estimates are that bankruptcy costs every American family an extra $400 a year. Bankruptcy reform can reduce that burden.

Former Senator Lloyd Bentsen, who served as President Clinton's original Treasury Secretary, wrote an excellent column about abuse of the bankruptcy code, and ask it be printed in the RECORD at the conclusion of my remarks.

Madam President, failure to pass bankruptcy reform this year would be unfair to the millions of Americans who play by the rules, work hard every day, and struggle to pay their bills.

This bill does not go as far as I would like, but in the interest of moving it to final passage in the relatively short amount of time before adjournment, I will support the bill in its current form. I hope my colleagues will join me in voting in favor of the legislation.

I ask unanimous consent that the article by former Senator Bentsen be printed in the RECORD.

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

GET TOUGH ON BANKRUPTCY LAWS

(By Lloyd Bentsen)

One of the most troubling financial contradictions of this decade of solid economic expansion is that while inflation has been low, unemployment down and personal income up, personal bankruptcies have been skyrocketing. Real per capita disposable income grew by 13 percent from 1986 to 1996, while personal bankruptcies more than doubled, hitting a record high of 1.2 million last year. This divergence between a healthy economy and rapidly rising bankruptcy filings is due to a relatively new phenomenon—the ''bankruptcy of convenience.''

This dramatic increase in personal bankruptcies has come with no corresponding growth in the traditional factors that correlate with bankruptcy—divorce, catastrophic health crises and job loss: The increase is driven largely by a federal bankruptcy system that discourages personal responsibility by encouraging people who can afford to pay down their debts to simply walk away from them through bankruptcy.

With growing frequency, bankruptcy is being treated as a first choice rather than a last resort, a matter of convenience rather than necessity. According to a Purdue University study, nearly half of the people who file for bankruptcy could repay a significant amount of their outstanding obligations, but instead choose to renege. Bankruptcies of convenience now constitute a significant and rising percentage of personal bankruptcy filings, and the cost to consumers from this trend is enormous.

When irresponsible spenders who can afford to pay all or part of their debt declare bankruptcy, consumers and other borrowers get stuck with the tab. It has been conservatively estimated that personal bankruptcies amount to a hidden tax of $408 per household personally, and it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

The ease with which a bankruptcy can currently be obtained irrespective of need is captured in a recent advertisement: ''Financial problems? Get instant relief. You may be able to keep everything—Payback nothing!'' The brazenness of this advertisement is indicative of how far bankruptcy laws have traveled from their original intent.

My former colleague Sen. Daniel Patrick Moynihan, Democrat of New York, coined an apt phrase for describing this and other similar lapses in societal responsibility. He called it ''defining deviancy down.'' To a growing number of middle class and fairly wealthy Americans, it is perfectly acceptable to treat bankruptcy as a financial planning tool, and to expect others to pay the price for debts that they choose not to honor—even if these obligations can reasonably be repaid over time. While, there is nothing wrong in legitimately admitting financial defeat by filing bankruptcy when one cannot repay debts, many people seem to be losing the justifiable sense of embarrassment Americans once felt in asking others to shoulder their burden.

Congress and the administration should act to stem the expensive and corrosive spread of bankruptcy abuse, while taking care to protect the ability of people with legitimate financial problems to enter into bankruptcy. The first step toward reversing this trend is a bill that Reps. Bill McCollum, Florida Republican, and Rick Boucher, Virginia Democrat, introduced Wednesday that would shield consumers and responsible borrowers from the costs forced on them by bankruptcy abusers in the form of higher costs or tighter credit.

The aim of the McCollum-Boucher bill is simple. It would reestablish the link between bankruptcy and the ability to pay one's debts. This is simply a matter of equity and responsibility, and this bipartisan bill should enjoy broad support. Over the course of the past two decades, the connection between financial means and bankruptcy has been severed by federal legislation, and by a change in social mores removing the stigma from filing bankruptcy. In 1978, Congress loosened bankruptcy standards to such an extent that one's financial condition is hardly a consideration anymore. At the same time, our society ''defined down'' the personal responsibility of borrowers to make good on their debts.

Now, it is the responsibility of the Congress to act to rectify this problem, it inadvertently helped to create two decades ago. In the Senate and as secretary of the Treasury, I worked with legislators from both parties to pass legislation that promotes habits that lead to financial self-sufficiency. Failure to legislatively stem the rising tide of bankruptcies of convenience, however, could endanger the progress made through these incentives for saving and investment. In addition to raising questions of fairness, imprudent use of bankruptcy laws could also produce an undesirable market response.

Both Democratic and Republican members of Congress, and the administration, have a duty to safeguard our growing economy. As an article in the August 4 issue of Fortune magazine noted: ''Eventually, a rising bankruptcy rate leads to tighter credit. Today's default rate is beginning to eat into some national lenders' profits, and some of them are already starting to pull back....Some restraint may be beneficial, but too much could mean a major credit squeeze.'' Our current level of economic growth cannot continue without sufficient investment and available credit. A rising tide of bankruptcies will sink all ships—and most hurt those who need credit most.

I am optimistic that Congress will address this burgeoning problem and firmly believe that the public supports change. Public opinion is running strongly in favor of tighter bankruptcy laws. Seventy-six percent of respondents to a poll conducted for the National Consumers League said that individuals should not be allowed to erase all their debts in bankruptcy if they are able to repay a portion of what they owe, and 71 percent said it is too easy to declare personal bankruptcy.

In the United States, we believe that through hard work anyone can become a success. America's bankruptcy laws reflect a fundamental element of our nation's entrepreneurial spirit. Their intent is to ensure a fresh start for those who try and fail, and they form an important thread in our social safety net. But when some people systematically abuse a system at great expense to the rest of the population, twisting the fresh start into a free ride, Congress must step in and tighten up the law to protect those who unfairly bear the cost. When it comes to bankruptcies of convenience, that time has come.

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

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

Mr. BIDEN. Madam President, I ask unanimous consent—I have the impression that this is all right with the majority and minority—that I be able to proceed as in morning business to speak on the situation in Russia for up to 30 minutes, or shorter if anyone comes to the floor and wishes to resume the business of the Senate?

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

CRISIS IN RUSSIA

Mr. BIDEN. Madam President, I rise today to discuss the political and economic crisis in Russia, which poses, to state the obvious, a grave threat to the security of the United States and the entire international order. The situation in Moscow is rapidly changing, so by the time I finish these statements today, Lord only knows, something may have happened in the meantime. Things are that fluid.

Although the situation is rapidly changing, in the wake of last week's summit, five basic trends seem to be clear. First, the Yeltsin era is about to end. Second, because of structural problems in Russia's political and economic system, there is no short-term fix to Russia's economic crisis. Third, an even greater danger than an economic meltdown is the total collapse of

the Russian political system, which would have catastrophic ramifications for the international security system. Fourth, in order to forestall such a collapse, the Yeltsin administration—or perhaps even a transition regime—will almost certainly take some immediate economic measures that will, at least temporarily, set back Russia's progress toward a free market economy. And, fifth, there is very little that the United States can do to affect this grim situation. It is fundamentally a Russian problem with deep cultural roots.

Madam President, President Clinton, in my view, was correct in going through with last week's Moscow summit. If he had canceled or postponed the meeting, I think it would have sent signals to the world that the United States had written off the reform effort in Russia which, despite the very serious recent setbacks, has nonetheless achieved a great deal over the past 6½ years. I might note, parenthetically, that it may have achieved enough to prevent a total reversion to despotism in Russia. But that remains to be seen.

Moreover, for all its built-in problems, the summit did produce a few modest agreements. Most important among them, as mentioned by others, was the agreement whereby the United States and Russia will each convert approximately 50 tons of plutonium withdrawn in stages from nuclear military programs into forms unusable for nuclear weapons.

The plutonium management and disposition effort will require several billion dollars, but I can think of no joint effort between our two countries that is more worthy of support.

As you know, Madam President, because you are well schooled in international relations and have spent a career in the House and the Senate dealing with these issues, the reason that an economy only the size of Holland is having such a profound impact on the rest of the world is because of the military danger that its collapse would cause. If the Russian economy collapses and causes societal and political instability, there are 15,000 nuclear weapons there that could fall into the hands of unreliable and perhaps unstable leaders in a fractured country. So the effort to deal with, for example, taking 50 tons of nuclear-grade material and rendering it incapable of being used in a military context seems to me to be well worth the buy, well worth the effort along the lines of the Nunn-Lugar bill in the destruction of nuclear capacity.

Despite this and a few other achievements, though, the summit could not, I regret to say, conceal the terminal condition of the Yeltsin Presidency. Watching film of the summit press conference was a painful exercise, for the Russian President clearly showed his infirmity. This medical condition, together with the nearly total absence of popular support for President Yeltsin and his government, makes a change in the near future seem inevitable.

Boris Berezovsky, the most prominent leader of Russia's new industrial tycoons—the power behind the throne—has already indicated in an interview that President Yeltsin's days in office may be numbered.

The structural problems in Russia's economy are simply too serious to lend themselves to an easy solution. Many factors have contributed to the sorry state in which the economy now finds itself.

The Asian financial crisis forced a general reappraisal of international lending in emerging economies. As investors retreated to safety, doubts about Russia's ability to protect the ruble became a self-fulfilling prophecy.

The 50-percent drop in worldwide crude oil prices within the last 18 months severely harmed Russia's hard currency earning capacity, weakening an important support for its currency and its ability to pay international debts.

But more fundamentally, Russia has been hamstrung by an inability to create the necessary preconditions for being a player in the international economic system. President Clinton outlined them in his usual lucid way in a speech to students in Moscow.

Russia must create a full-fledged rule of law with fair enforcement mechanisms. It must put into place modern taxation and banking systems. Investors, domestic and foreign, must have confidence that they will not have the rules changed in the middle of the game.

In return, Russians, especially the large Russian corporations, must pay their taxes so that the Government can get its fiscal house in order and will not have to resort to the printing press to cover its deficits. The Russian ''kleptocracy'' must end.

Madam President, I was speaking by telephone with one of the more prominent businessmen in my State about an hour before I came over to the floor. He is in the poultry business. He called to ask me what I thought about the current situation in Russia. He has several million dollars' worth of product in Kaliningrad. They have a rule there that if, in fact, it is not purchased within 90 days, it can be confiscated. So he has to decide whether to keep it there and run the risk of confiscation or get it out of there and try to market it someplace else. In his factory in Delaware he has an equal amount of product with Russian labels, which is poultry to be sent to Russia. He wanted to know what I thought was likely to happen, and so on and so forth.

As I talked to him—he is a very bright guy who has been doing business in Russia in earnest now for the last 4 or 5 years—I asked, ''What do they need most?''

He replied, ''I never thought I would say this as a conservative businessman. What they need most is the IRS over there.''

I said, ''Say that again?''

He repeated, ''What they need is the IRS over there.''

The truth of the matter is, one of the reasons their economy is in such horrible shape is that no one is paying their taxes. These are precisely the measures the International Monetary Fund has been urging on the Yeltsin government, but they remain largely unfulfilled.

The only thing worse than the Yeltsin government paralyzed by an economic meltdown would be a coup d'etat that installed an authoritarian government. It takes little imagination to contemplate the horrible dangers of a resentful, extremist regime that still possesses thousands of missiles armed with nuclear warheads.

Such a scenario, while still unlikely, is not beyond the realm of possibility, especially if Yeltsin's new candidate for Prime Minister, Yevgenii Primakov—who is almost certain to be confirmed by the Duma—is unable to rapidly stabilize the situation.

By tomorrow afternoon, I think Primakov will be confirmed by the Duma. In order to forestall a political catastrophe, I believe the Russian Government in the coming days will take economic steps that may, in the short run, avoid a revolutionary situation but in the long run will make it a heck of a lot harder for them to ever get their economic house in order.

These steps will probably include putting an infusion of currency into the economy through a large-scale increase in Government spending to pay the back wages of state employees, including the military, a process which, in fact, seems already to have begun.

Moreover, there will likely be some form of wage and price controls, foreign currency restrictions, and renationalization of some industries—all the wrong things to do. But in fairness to the Russians, I wonder if any of us were taking over that Government at this point, we would do anything short of that to avert a civil catastrophe. Such moves, we must realize, would likely doom Russia's chances of receiving the next payment of the $22 billion of the international support package negotiated just a month ago.

I believe in the long run Russia's march toward a free-market economy is inevitable, notwithstanding what I said, but some emergency measures may be a necessary short-term detour to avoid the kind of complete calamity that a coup d'etat or popular uprising would bring. I am not predicting either a coup or an uprising, but I believe that the Russian leadership will conclude that is a risk they wish not to take.

Unfortunately, there is very little the United States can do right now to influence events in Russia.

Despite the deteriorating international economic enviroment and the inevitable mistakes that have occurred as part of well-intentioned assistance efforts, I do not believe that the United States or the West in general should feel that they are responsible for the Russian collapse.

As I said on the floor last spring in the course of the Senate debate on NATO enlargement, we have wisely not repeated the mistakes made after World War I with respect to Germany. There is no parallel with Weimar.

Rather than imposing staggering reparations on a defeated enemy, the capitalist world has pumped $100 billion in aid, loans, and investments into Russia.

Rather than isolating Russia internationally as the victorious allies did with Germany well into the 1920s, we encouraged Moscow and welcomed her into a variety of international organizations.

We must confront the inescapable fact that the root causes of Russia's stunning descent into chaos lie in her own history and culture.

Centuries of serfdom and submission to foreign conquerors and autocratic tsars hampered the development of political democracy and a civic culture in Russia.

Then at the beginning of the 20th century, just when both—that is, a civic culture and a political democracy—were nonetheless beginning to emerge Russia was hit first by World War I and then by the Bolshevik Revolution and civil war.

I believe the 7 decades of communism that followed offer the best explanation of the current disarray in Russia.

The tangible devastating legacies of communism are well known: millions killed by Stalin's mad collectivization and purges, environmental degradation, and a massive deterioration in public health and life expectancy.

There is also a philosophical legacy that bears directly upon today's impasse. Marxism's basic tenet, the class struggle. Some scholars may disagree with me, and I am sure I will hear from them when I say this.

The entire political class now vying for power in Russia was taught to believe that economic class determines one's interest, that life is, in essence, a zero-sum game. If you, my opponent, win, that must mean that I lose.

Such a mindset stifles mutual trust and makes compromise in the political arena extremely difficult. The result is that democratic Russia has developed relatively few individuals who in the West would be called or could be called a ''loyal opposition.''

Last year on a visit to Moscow, I held lengthy discussions with several of the leaders who have been in the forefront of the opposition to Chernomyrdin.

The Communist Party leader Gennadii Zyuganov and the nationalist leader, former general Aleksandr Lebed, both struck me as intelligent, thoughtful men, but distrustful and conniving ones who put self before country.

Only Grigorii Yavlinsky, the leader of the Yabloko Party, seemed to be one who might fit into our category of the ''loyal opposition.'' I am told that he may be named First Deputy Prime Minister if Primakov is confirmed as Prime Minister by the Duma. That would be an encouraging sign. We will know by tomorrow or the next day whether that is true.

One can argue endlessly about what the United States might or might not have done to avert the current catastrophe.

But before we indulge in ''who lost Russia?'' finger-pointing, it is well to look at Poland, where western-style economic shock-therapy was applied, the population suffered but endured, and the country emerged immeasurably strengthened.

Lest one thinks this is a communist-era comparison of a giant and a midget, I would point out that Poland's nearly 40 million population is now in the same general league as Russia's, which is down to 147 million from the Soviet Union's 270 million.

More importantly, Poland's gross domestic product is approximately one-third of Russia's, so a fair contrast, I believe, can be drawn.

Poland's political culture and sense of nationhood were solid enough to support the wrenching, but necessary, economic reforms. Neither was present in Russia.

Perhaps the shorter period of communist rule in Poland than in Russia and the sense that communism had been an alien creed imposed upon the country were factors that mitigated the corrosive ideological effects of Marxism.

Whatever the ultimate explanation, the sad fact is that Russia's political culture, unlike Poland's, proved unable to provide the underpinning for successful economic reform thus far.

The fundamental problem, is not that Russia carried out too many democratic and capitalistic reforms too soon, but rather that it did not carry them out fully.

The Russians now bear the principal responsibility for sorting out their colossal problems. The United States should continue to offer encouragement and support.

Most importantly, we must keep our eye on the first priority of preventing the collapse of Russian democracy along with their economy.

(Mr. COATS assumed the Chair.)

Mr. President, you come from an agricultural State, larger but not unlike mine. I suspect in the coming days and weeks, there are going to be people who will agree with me, and maybe others already do, that one of the ways in which we can deal with Russia's problems in a positive way in the near term is by providing significant food aid, because shortly we may see significant shortages of food in Russia on the shelves.

The EU is already considering a significant food aid program. Maybe that is one of the things we can do in the short term to help stem the erosion of civic support for democracy in Russia. The point that has to be kept in mind is that we have a clear interest in Russian democracy, along with the emerging prospect of a Russian market economy. But it ultimately rests with the Russians, and they have some very, very tough decisions to make.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. If the Senator from Massachusetts would withhold just a moment.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, asks unanimous consent that the debate on the pending bankruptcy bill continue in status quo until the hour of 6 p.m.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a short while ago I was informed that the majority leader was looking for amendments to the bankruptcy legislation and also mentioned my name during that discussion. I am quite prepared to call up our amendment at the present time, Amendment Number 3540, and move for consideration of that amendment.

The majority leader indicated—I am getting the transcript—that he was prepared to enter in a time agreement on this amendment, and that he was inviting amendments to the bankruptcy bill. I am here on the floor now prepared to move ahead, and I am also willing to enter into a reasonable time limit. Therefore I am constrained to object given what the majority leader has stated.

The PRESIDING OFFICER. Objection is heard.

The Chair, in its capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, objects and announces that very shortly someone from the leadership of the Republican side will be appearing on the floor to discuss this issue with the Senators.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I hope to have an opportunity to talk about the economy and agriculture and what is happening in my State.

I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, reluctantly objects to the Senator's request and asks the clerk to call the roll.

The bill clerk proceeded to call the roll.

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

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

I ask unanimous consent that debate on the pending bankruptcy bill continue in status quo until the hour of 6 p.m.

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

Mr. LOTT. Let me say, Mr. President, I indicated to the Senator from Massachusetts that I think we have an agreement worked out in a fair way to handle his amendment with regard to minimum wage, but we are still having to work to see if we can get something agreed to on the bankruptcy reform bill. I understand that may take some considerable time yet, but Senator GRASSLEY is working on it, as well as Senator DURBIN and others who have been in contact with the White House.

I think a good-faith effort is underway. If it can be worked out in 3 hours, that would be magnificent. We would have the vote on Senator KENNEDY's amendment and we could go to the bankruptcy issue and have votes and get this issue completed. If we can't get the agreement worked out on bankruptcy reform, then we would have a cloture vote tomorrow as is scheduled, and we would go on to other issues. I am sure Senator KENNEDY will then offer his amendment on something else. That is where we are now. Everybody is working in good faith. We will hope for the best.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MINIMUM WAGE AMENDMENT

Mr. KENNEDY. Mr. President, I thank the leader for his explanation. As I mentioned earlier, I am prepared to enter into a reasonable time agreement for this amendment. But I do want to give the Senate the opportunity to express itself on this amendment because it is of such vital importance for so many millions of Americans who depend upon the minimum wage for their survival, and who have seen, over the past several years, a decline in the purchasing power of the minimum wage.

I will just take a few moments now to continue some of the thoughts that I expressed last evening. I see that Senator WELLSTONE wants to address some of the needs of his own State. I will not take much of the Senate's time now. But I will either take additional time this evening when the Senate concludes its business, or at other opportunities, because this is an issue of great importance.

Mr. President, I pointed out last night what has happened to the purchasing power of those who earn the minimum wage. Even with the increase I propose, which is 50 cents in January of next year and 50 cents the following year—even if we are successful, the purchasing power of those at the lower economic levels will still be substantially lower than it was during the 1960s, 1970s, and the early 1980s.

This is at a time of extraordinary economic prosperity—the greatest prosperity we have had in this country, with great economic growth, and low inflation, a budget that is balanced, and an increasing surplus. The real issue is: Are we going to reward work? Are we going to say to men and women who work 40 hours a week, 52 weeks a year, that they are going to be out of poverty in the most powerful Nation in the world, with the strongest economy in the world? That is something that I believe is very basic, very fundamental. It is an issue of fairness, and an issue that will not go away. That is why those of us who support it are going to be persistent in insisting that we are going to have a vote on the issue in these next several days. Because we are not permitted to have a freestanding bill, we have to use an amendment strategy so the Senate can address this issue. But address it the Senate will.

Last evening, Mr. President, I pointed out and responded to 2 of the arguments that are constantly made in opposition to an increase in the minimum wage. The first argument is that it adds to the rate of inflation. I also pointed out last night that we have the lowest rate of inflation of any time when the Senate has considered an increase in the minimum wage since the end of World War II.

The second argument is that raising the minimum wage increases unemployment. Last night I pointed out that we have the lowest unemployment rate of any time we have considered an increase in the minimum wage since the end of World War II.

These two claims are continually offered by opponents of an increase in the minimum wage. But they do not hold water. The facts belie those claims.

Other issues have been raised, Mr. President. One was, what will be the impact on small businesses? A recent survey by the Jerome Levy Institute for Economics shows that 90 percent of small businesses said the last increase in the minimum wage had no impact on their hiring or employment decisions. Only one-third of 1 percent said they laid off workers. If the minimum wage were increased to $6 an hour, fewer than 3 percent said they would hire fewer employees or lay off existing workers. Over 90 percent said they anticipated no ill effects from such increases.

That data has been substantiated by the Small Business Administration, which pointed out that, in 1997 alone, industries dominated by small business created 60 percent more jobs than did industries dominated by the large firms. Last year, over 1.2 million new jobs were created in the sectors dominated by small businesses, which often are those that pay minimum wage to their workers.

This data contrasts starkly with the rhetoric from the National Restaurant Association, the National Federation of Independent Business, and other naysayers. Those groups continue to cry ''wolf'' about the impact of raising the minimum wage. They should ask their members what really happened after the last increase, before they try to feed Senators the same empty arguments.

These interest groups do not speak for all small businesses in the country. 115 small businesses from across the country have joined the Campaign for a Fair Minimum Wage. They come from 16 States and the District of Columbia, and they include restaurants, retail stores, banks, investment firms, publishers and communications companies.

These firms understand that raising the minimum wage is good for employers as well as employees. Fair pay for workers improves productivity and reduces turnover. That is extremely important.

Another point I want to mention, Mr. President, is what is happening to living standards for low-income Americans, including minimum wage workers. Many low wage workers are desperate for this kind of assistance. Nationwide, soup kitchens, food pantries and homeless shelters are increasingly serving the working poor—not just the unemployed. According to a U.S. Conference of Mayors study in 1997, requests for emergency food aid increased in 86 percent of the cities surveyed, and 67 percent of cities cited low-paying jobs as one of the main causes for hunger.

Here we have individuals who are making the minimum wage and don't earn enough to keep themselves and their children out of soup kitchens. This is powerful evidence about what is happening to the working poor. The purchasing power of these workers has declined, as I discussed last night. This is more dramatic evidence about the significant increase in working poor families who are forced to rely on soup kitchens and charities. This is something that the mayors understand. This is something the mayors have indicated is of increasing concern to all of them. We have an opportunity to do something about that for families who are making the minimum wage, and that is an additional reason for this increase.

Mr. President, we can also look at the effect of the increase that I am proposing—the two 50-cent increases that will bring the minimum wage to $6.15 in the year 2000. But that amount translates to just $5.74 in purchasing power in the year 2000, even if we go ahead.

Now, what else is happening to wages in our country? Salaries and bonuses paid to executives have never been higher, Mr. President. In April, the Wall Street Journal surveyed executive

pay at 350 of the country's largest firms. The median CEO salary and bonus in 1997 was $1.6 million, or $770 an hour. The CEO takes less than 2 days to earn what a minimum wage worker earns in a full year.

The same groups that complain about an increase in the minimum wage are the ones that have made dramatic increases in the payment of their officials, Mr. President. On the one hand, they say, ''We can't afford to pay a 50 cent or $1 increase in the minimum wage''; yet, they are able to afford millions more in salaries and stock options to their executives.

Over 170 groups have joined the Campaign for a Fair Minimum Wage. They include religious groups, such as the American Friends Service Committee, the Union of American Hebrew Congregations, the United Methodist Board of Church and Society, the United States Catholic Conference—and dozens more.

Women's organizations are also represented: the American Association of University Women, the National Committee on Pay Equity, the National Partnership for Women & Families, the National Women's Political Caucus, the Older Women's League, and many others.

Civil rights groups also support the Campaign. These groups and others understand that the minimum wage is a civil rights issue—a partial list includes the American-Arab Anti-discrimination Committee, the Asian American Legal Defense Fund, the NAACP, the National Council of La Raza, the Rainbow Coalition, the Southern Christian Leadership Conference, and many more.

Trade unions have joined the Campaign, too. Virtually every union member earns more than the minimum wage, thanks to union representation at the bargaining table. But that hasn't stopped the AFL–CIO, AFSCME, the Communications Workers, the Steel Workers, the Service Employees and other unions from strongly supporting this increase. They believe that every working American deserves a decent wage, and they are working hard to achieve that result.

Mr. President, we will continue to consider the issues that have been raised in past debates on the minimum wage. We are eager to debate these issues on the floor of the U.S. Senate and give the membership an opportunity to vote on this issue.

As I have mentioned, and will continue to say time in and time out, this is an issue of fundamental fairness and decency. It is a real reflection of the kind of values which this institution has.

This is a women's issue because the majority of minimum wage workers are women. It is a children's issue because many of those women have children.

It basically is a fairness issue. And we are very hopeful that we will have the opportunity to debate this and have a decision on this issue in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER FOR MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that at 6 p.m. there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

THE MINIMUM WAGE

Mr. WELLSTONE. Mr. President, let me, first of all, say that as we go into this debate—and I am pleased to be joined with Senator KENNEDY; I have spoken about the importance of raising the minimum wage—I look forward to having the opportunity to debate this with colleagues.

I guess I have reached the conclusion—I think this is sort of the common ground with the Chair—that the best single thing we can do in the Congress, in the House and the Senate, is to do everything we can to enable parents to do the best by their kids, or a single parent to do her or his best by children. I really do believe that this means many different kinds of things. But one of them certainly is to try to make sure that people have a living wage. I think it is terribly important.

I think it is a value question. I look forward to the debate. I will be out on the floor with my colleague, Senator KENNEDY, and others as well.

CRISIS IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I want to talk for a moment, or for a little while here, about what is happening in the Midwest. I had thought that perhaps this afternoon I would have an opportunity as a Senator from Minnesota to join my colleagues from other Midwestern States with an amendment that would speak to the crisis in agriculture. That didn't happen this afternoon.

For those who are watching this debate, now that there is an attempt to work out an agreement on this bankruptcy bill with a potential cloture vote tomorrow, it doesn't look like we will be able to introduce this amendment, at least today. But I do want to just say to colleagues—I know that a number of us will be on the floor tomorrow—that my top priority as a Senator from Minnesota is to bring to the floor of the Senate, with other colleagues, an amendment that would really make a difference in the lives of family farmers in my State.

Mr. President, we have an economic convulsion in agriculture. There is tremendous economic pain in our rural communities.

Many farmers and their families are just leaving their farms now. They are doing it quietly. It is not so much like the mid-1980s where you really saw a lot of farm rallies and marches and whatnot. That may happen. That may not happen. I don't know.

I know that when I go to farm gatherings—whether it be in Fulda, MN, or in Granite Falls, MN, or Crookston, MN, it is quite unbelievable with the number of people that come.

The fact of the matter is that with farmers now receiving somewhere like $1.42 for a bushel of corn, there is just simply no way—or $2.15 for a bushel of wheat—they can't cash-flow.

My friend, the Presiding Officer, is from the State of Indiana. And he knows something about this issue.

You can be the best manager in the world. You can't make it. If you are not a huge conglomerate, then you have more of a family farm operation, which really ranges in terms of numbers of acres of land. But the important part of it is that it is entrepreneurship. The people that work the land live there. These are the people that are in the most trouble.

For those of us who are from the Midwest—in a way, I approach this debate with a sense of history, because I think in many ways this is sort of one of the last regions of the country where you have a family farm structure in agriculture.

Mr. President, what I want to say to colleagues, understanding full well that we will not be able to do this on the bankruptcy bill, though I must say to my colleague from Iowa, a very good friend, that there is unfortunately a very direct correlation between what is happening, as he well knows, to family farms in our State and bankruptcy.

If we can't do this amendment that will speak to the farm crisis on the bankruptcy bill, then the very next vehicle that comes to the floor—the very next bill—we absolutely have to have an amendment out here.

We may have some different views about what needs to happen. But I will tell you that the amendment that I see which must be brought to the floor first and foremost is we are going to have to remove the caps on the market assistance loans. We can do other things as well and allow a 6-month loan extension. Corn right now is capped at $1.89 a bushel. This would get it up to $2.00, $2.20, $2.25. Wheat is capped at $2.58. This would get it up to $3.20. This would be the single most important thing we can do, along with providing indemnity payments that we have all been talking about.

We passed this before we went on recess. It is going to have to be more by way of financial assistance, given what is happening to a lot of farmers in the South as well, because of weather conditions. And in our State, in northwest

Minnesota, it is also scab disease. But we have to do those two things.

Mr. President, I want to say to colleagues that I don't feel like time is neutral. In many ways, I feel like as a Senator from Minnesota that I am confronted with the urgency of now. I am trying to say to myself, ''You are here as a Senator. What is the best thing you can do?''

We have a bankruptcy bill. We can't put this amendment on the bankruptcy bill. But the next bill that comes to the floor next week, or the end of this week, we are going to be out here with an amendment that speaks directly to this farm crisis. We have to. It would be like not being a Senator from your State not to do this. I think every Senator on this floor, Democrat and Republican, understands this. I hope that we will have this amendment in the Chamber no later than the beginning of next week, if not tomorrow, although I am not quite sure how we are going to proceed on this bankruptcy bill. And if not that, there will come a point in time where probably the best thing I can do, if we are completely shut out—and I hope this won't happen—will be to come to the floor and filibuster, just basically stop everything.

I don't think that will happen, but there is no way, there is no possible way, that I can go back home to the State of Minnesota and look in the eyes of a lot of people I really love and believe in without having made an all-out fight. We have only, what, 3 weeks left.

So my appeal to colleagues is, look, it is getting hard to find the time to do some of what we think are our priorities. I wanted to see us out on the floor with this amendment today. That is not going to be possible as we try to work out something on the bankruptcy bill.

It is a bitter irony for me to see ''bankruptcy bill.'' My gosh, that is what is happening in my State. That is what is happening all across greater Minnesota right now. People cannot make it. We cannot do the amendment on the bankruptcy bill. But whatever the next bill is, I guess at the beginning of next week we will have this amendment out here. I know how strongly Senator DASCHLE from South Dakota feels about this. This is his State, agriculture. There are other Senators from the Midwest who believe just as strongly, Democrats and Republicans.

But I just want to say to Minnesota and to my colleagues, there is no way in the world that I can see us adjourning without taking action. There is just no way. It would be just impossible to go back into greater Minnesota to meet with people in communities and say, ''Well, we had too busy a schedule. It was too difficult to find a 'vehicle'.'' No one knows what you are talking about—vehicles. I said it 5 minutes ago: ''We are looking for a vehicle.'' No one knows what that means. But just to try to say to people in Minnesota, ''We only had a few weeks, and there was too busy a schedule; there were many important appropriation bills that we had to pass; there was no way to find the time,'' people would say, ''Aren't we a priority?'' They would say, ''Paul, aren't we a priority?—$1.40 for a bushel of corn, $2.50, $2.60 for a bushel of wheat. What about us? What about our children? What about our families? What about our communities?''

So, again, move the caps on the market assisted loans and allow a 6-month extension. You have to get the price up. It is price, price, price. There is no substitute for getting the price up. If we can debate this, I don't even want to have an acrimonious debate. Those who thought that the Freedom to Farm—which I always called the ''Freedom to Fail''—bill was an important piece of legislation, call it a modification, just a modification. We still have a loan rate. We just cap it at a very low level. Call it part of what we do by way of disaster relief, by way of emergency assistance, because this is an emergency. This is a disaster. The record low prices are a disaster. It is an emergency because people are not going to be able to continue to stay on their farms.

What people are asking for in Minnesota, in my State, is not anything more than a fair shake. They are just saying give us an opportunity to have a decent price in the marketplace.

Let me tell you, the grain companies will do just fine, but these family farmers will not. This ''Freedom to Fail'' bill has been a disaster in and of itself. We have to at least come back and have some kind of modification, some kind of safety net, some kind of way that farmers can get a better price. We also have to make sure that we get these indemnity payments out to people. People need the cash assistance so they can keep going.

Mr. President, those are the two major provisions. There will be other provisions as well in an amendment we will bring to the floor, but I cannot see any way to postpone action on an agriculture farm crisis relief amendment any longer.

We have been talking about this. Everybody is trying to figure out what are going to be the electoral connections, how is this going to fit into the elections, and so on and so forth. I will tell you, I think those of us from these States don't feel that way; we have to get something done. I do not think any proposal is credible unless you can get the price up. It all starts with getting the price up for family farmers.

There is a whole lot going on in Washington right now, I guess. None of it should make anybody here, regardless of party, all that happy or all that pleased. But I can say without any exaggeration whatsoever, believe it or not, that in Fulda, MN, or Granite Falls, MN, or Crookston, MN, or in all sorts of communities in Minnesota where a lot of wonderful people who work so hard live, for them the focus is on being able to stay on their farm.

The focus is whether or not the Senate and the House of Representatives are going to respond to their pain, whether or not we are going to provide them with some relief, whether or not we are going to do anything about this crisis. It cannot be done in Indiana or Minnesota at the State level. You cannot affect price at the State level. You could put together at the State level some different credit relief packages and all the rest, but you cannot affect the price. You have to remove the cap on the loan rate. You have to get the price up. You have to give these people a chance to get a decent price in the marketplace. You have to do that. First and foremost, you have to do that. We cannot wait any longer.

So I don't know whether my words tonight are so much sort of talking about substantively what any number of us are going to bring out as an amendment—there are a lot of my colleagues in the Midwest I know who are going to be out here with this amendment led by Senator DASCHLE—or whether what I am trying to say is, look, I don't want to have people angry at me next week or the week afterwards, but I tell you, if we don't get an opportunity to put this amendment on a piece of legislation, then I am just going to come out here and talk for hours and hours and hours. I will just start talking about families, and I will start translating this into terms. I have done it before on the floor of the Senate.

There is no issue I feel more strongly about. I don't really care how much is swirling around Washington, DC, and all the other stuff that people are going to be talking about, all of which I know has to be discussed and talked about, I guess, up to a point, although I think it ought to be proved. I think ultimately we are all going to have to make some decision about this, so we ought to wait and see what the facts are.

But I tell you, right now, for me, this is the issue. This is the issue for a lot of people all across Minnesota. And I am not just saying it to give a speech. It is just true. They do not have any future for themselves and their families unless we take some action. We are going to have to do that. I feel stymied that we cannot do it on the bankruptcy bill. It seems that there is a very logical connection to record low farm prices and bankruptcy. But if not this bill, if not tonight, if not Friday, then next week we will bring this amendment to the floor and we will have a debate and we are going to pass a farm crisis relief amendment. And then we are going to get it through the House. And the House and the Senate are going to agree, and there is going to be credible, substantive farm crisis relief legislation that will make a difference.

If we keep getting shut out and there is just no way to do it by way of bills, then I am just going to come out and filibuster.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. ABRAHAM addressed the Chair.

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

Mr. ABRAHAM. Mr. President, we have reached the time set aside for morning business. 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. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. The Senate is in morning business. The Senator has that right. Without objection, the Senator will be recognized to speak as in morning business for 20 minutes.

THE CHILD CUSTODY PROTECTION ACT

Mr. ABRAHAM. Mr. President, at present, it is our expectation tomorrow morning to be voting on cloture on a motion to proceed forward on S. 1645, the Child Custody Protection Act. It is my hope that tomorrow we will find 60 votes so we might proceed to debate that issue. The fact is, we have not had an opportunity here on the floor to have much debate about this motion to proceed, or about the issue itself, so I would like to take the time today to begin to acquaint our colleagues with this very vital piece of legislation.

Mr. President, the Child Custody Protection Act would protect State laws requiring parental involvement in a minor's important decision whether or not to undergo an abortion.

If the minor's home State has a parental involvement law this legislation would make it a Federal offense to transport that minor across State lines to obtain an abortion, unless the parents have been involved as that law requires, or the requirement has been waived by a court.

By protecting existing State laws this legislation would help protect parents' rights and the health and well-being of teen-age girls facing unexpected pregnancy.

I know, Mr. President, that the abortion issue has been strongly debated in this Chamber and, indeed, throughout our country. But I believe we all should be able to agree on the need for this legislation. Whatever one's position on the underlying issue of abortion, the protection of parental rights, of valid State laws, and of our daughters' health and emotional well-being demand that we prevent non-parents and non-guardians from circumventing State parental involvement laws.

The rationale behind this legislation is simple, Mr. President: States that choose to institute parental involvement requirements deserve to have those requirements respected.

Mr. President, 85 percent of Americans surveyed in a 1996 Gallup poll favored requiring minors to get parental consent for an abortion. Americans quite reasonably believe that no teen should be left to face an unexpected pregnancy alone. As the Supreme Court noted in H.L. versus Matheson, ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature.''

I believe the American people share this realization, and also realize that parents are almost always the ones most willing and able to provide their daughters with the guidance and support they need in making the life-changing decision whether or not to undergo an abortion.

Thus it is not surprising that more than 20 States have instituted parental involvement requirements.

These laws are on the books. They have been held constitutional, and they have the support of a strong majority of the American people.

Unfortunately, parental involvement laws are being circumvented and undermined by non-parents and non-guardians taking pregnant, minor teens across State lines for secret abortions.

This is a significant problem. The abortion rights Center for Reproductive Law & Policy reports that thousands of pregnant girls are taken across State lines by adults to obtain secret abortions.

Indeed, a veritable interstate abortion industry seems to have grown up.

Abortion clinics in States without parental involvement laws are advertising in States that do have these requirements. The advertisements inform anyone who cares to know that the clinics will perform abortions on minors without parental notification or consent.

Many people are attracted by these advertisements, and the results can be tragic.

During the hearing on this bill, the Judiciary Committee heard from Joyce Farley. Mrs. Farley told us how her 12-year-old daughter was given alcohol, raped, then taken across the State lines, by the rapist's mother, for a secret abortion. Understandably, Mrs. Farley was of the view that the abortion was undertaken to destroy evidence of her daughter's rape by a 17-year-old neighbor, who committed the act.

Mrs. Farley's daughter was understandably frightened and embarrassed. She did not immediately tell her mother of either her rape or her pregnancy.

Her rapist's mother took advantage of this situation. Without telling Mrs. Farley, she drove the girl from her home in Pennsylvania, which has a parental notification law, to New York, which does not. She took the girl to an abortion clinic, lied on the forms, claiming to be the girl's mother, and waited while the girl underwent an abortion. The rapist's mother then dropped Mrs. Farley's daughter off 30 miles from her home.

This poor girl was bleeding and in pain. When she got home, Mrs. Farley asked her what was wrong and eventually was told about the abortion. She then called the New York abortion clinic and was told that the pain and bleeding were normal—to be expected. She was told to increase her daughter's medication.

Luckily for her daughter, Mrs. Farley is a nurse, so she knew that this advice was dangerously wrong. As it turned out, the abortion was incomplete and this young girl, now just 13, had to undergo another procedure to complete the abortion.

Mrs. Farley was understandably very upset at what had happened to her daughter. She also was upset at what had, and what had not, been done about it.

The man who had gotten her daughter pregnant eventually pleaded guilty to statutory rape. But the rapist's mother, who claimed she was just ''helping out'' by taking a by-then-13-year-old rape victim across State lines for a secret abortion, may receive no punishment at all.

The Pennsylvania Supreme Court has just accepted for review her challenge of Pennsylvania's prosecution of her under State law. She charges that Pennsylvania exceeded its constitutional authority. Moreover, courts, legislators and prosecutors face great difficulty in situations like this because it is unclear which State's laws should apply.

The actions of the rapist's mother were arguably legal in New York, even though Pennsylvania has made them illegal within that State. It is this classic conflict of laws problem that the Child Custody Protection Act would address.

Mr. President, Mrs. Farley deserves better protection than she currently receives. Her daughter certainly deserves better protection, and parents and teens all across America deserve better protection against this kind of interference in the most important and most private decisions people can make.

Any parent with minor daughters—and I have two of my own—should be concerned about what happened to Mrs. Farley, and especially what happened to her daughter.

State parental notification and consent laws exist to protect girls from predators. They also exist to protect families.

Today, any child is at significantly increased risk of drug abuse, crime,

poverty and even suicide. That is why it is crucial that we help States that want to protect the rights of American parents to be involved in important decisions affecting their children. Only by being a part of their lives can parents provide their children with the guidance they need and maintain the mutual trust necessary to teach them how to lead good, productive lives.

Parents also are almost always the people best able to support their daughters in facing an unexpected pregnancy. Bruce Lucero, a physician who has performed over 45,000 abortions and who also supports this legislation, explains the situation this way:

> Parents are usually the ones who can best help their teen-ager consider her options. And whatever the girls' decision, parents can provide the necessary emotional support and financial assistance.

What is more, Lucero argues, a girl who avoids telling her parents about her pregnancy too often will wait too long, then have to:

> Turn to her parents to help to pay for a . . . riskier second-trimester abortion. Also, patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications. And a teen-ager who has an abortion across state lines without her parents' knowledge is even more unlikely to tell them that she is having complications.

This is why we must help States that want to protect families from the consequences of secret abortions. Children must receive parental consent for even minor surgical procedures. Indeed, Mr. President, many schools now require parental permission before they will dispense aspirin to a child.

The profound, lasting physical and psychological effects of abortion demand that we protect States that guarantee parental involvement in the abortion decision, and that means seeing to it that outside parties cannot circumvent State parental notification and consent laws with impunity.

Our families deserve this protection, our State laws deserve this protection, and most especially our daughters deserve the protection provided by the Child Custody Protection Act.

I would like at this point to simply outline the provisions of the bill.

To begin with, the legislation adopts each relevant State's definition of a minor. It would deem transportation of a minor across State lines in order for that minor to obtain an abortion, in abridgement of parental rights under a State's parental involvement law, to be a misdemeanor Federal offense.

The legislation defines this abridgement of parental rights as the performance of an abortion on the minor without the parental involvement that would have been required if that minor had stayed in State.

The Federal offense applies only to the non-parental, non-guardian adult who so transported the minor. The minor who obtained the abortion and her parents are specifically exempted from civil and criminal liabilities.

Further, in this legislation ''parent or legal guardian'' includes an individual standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides. In this way the bill addresses the situation of children living in the care of their relatives and other unique situations.

The legislation also includes as an affirmative defense to the misdemeanor prosecution or civil action, that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that the minor had obtained appropriate consent or notification.

Anyone convicted under this legislation would be subject to a fine or imprisonment not to exceed one year, or both.

As I have said, Mr. President, this is a narrowly crafted law, intended specifically to aid in the enforcement of already existing, constitutionally valid State laws requiring parental involvement, or judicial waiver of that requirement, in any minor's decision whether or not to undergo an abortion. It is a modest law that does not seek to change States' underlying laws regarding abortion. It simply seeks to see to it that existing State parental involvement laws are protected from improper evasion and circumvention.

I am aware, however, that there are a number of arguments floating around this Chamber and elsewhere against this legislation. It is to these arguments, each and every one of which I believe is clearly inaccurate or irrelevant that I would like to turn.

First, some people have argued that this legislation is not constitutional on the grounds that it puts an improper, undue burden on the constitutional right to abortion.

This is simply not true. The Supreme Court has long upheld most State laws requiring parental involvement in minors' abortions against challenges of this type. The Child Custody Protection Act would only apply where the State has in place such a constitutional State law. A Federal law that simply helps enforce State laws that themselves do not violate the right to an abortion cannot itself violate that right.

Continuing on the issue of constitutionality, it has been argued that the Child Custody Protection Act violates the constitutional right to travel.

But this argument misconstrues this legislation, the Constitution, and the constitutional right to travel. The courts have never held that the right to travel limits Congress's power to regulate interstate commerce.

The right to travel limits States' powers to discriminate against newcomers and out-of-State residents.

It does not limit Congress' power to protect State laws by prohibiting people who would circumvent them from using the channels of interstate commerce or travel.

Presumably that is why nobody has doubted the constitutionality of the recently enacted Deadbeat Parents Punishment Act, which makes it a felony for anyone to travel in interstate or foreign commerce with intent to evade a support obligation to a child or spouse. Like the Child Custody Protection Act, it is constitutional because Congress is free to withdraw the channels of interstate travel from those seeking to evade valid State laws.

Next, at a level only one step removed from constitutional issues, some have put forward the argument that this legislation would undermine the ability of States to serve as ''laboratories of democracy'' in our Federal system.

What this argument overlooks is that in a Federal system there will always be conflicts between the laws of different States.

And Congress has a responsibility to help resolve these conflicts in the interests of interstate commerce, and in the interest of maintaining fair and full application of the laws.

What is more, it makes sense to handle the problem in this way because these conflicts are frequently resolved in favor of application of the law of the State of residence over the law of the State where some part of the conduct at issue has occurred.

In particular, it has long been an accepted tenet of our Federal system that the State with primary policy making authority with respect to parent-child relations is the State where the parent and child reside. The Child Custody Protection Act essentially simply reinforces this well-established rule.

Finally, I have heard from a number of sources the complaint that this legislation is unfair because it would not allow grandparents or other close relatives to stand-in for absent or abusive parents.

Frankly, I find this complaint somewhat puzzling because there is nothing in the Child Custody Protection Act that in any way interferes with the proper role of grandparents and other close relatives in any child's upbringing.

Parents, close relatives and, I might add, close friends, can and should play a role in helping minor girls face an event as important as an unexpected pregnancy.

If the pregnant girl for some reason, including abuse, cannot talk to her parents on her own, her other relative or friend should help her go through her State's procedure for bypassing parental notification, or, if it is possible, intervene on her behalf with the parents.

In this way, caring relatives can make a positive difference in a girl's life.

Like most Americans, I firmly believe that most children would be lucky to have grandparents and other close relatives involved in their lives. But I do not believe that most parents would want other relatives to unilaterally take over their primary role in raising their children.

In my view, States with parental involvement laws were wise to have enacted them, for the sake of parental rights, and especially for the sake of our daughters' health. The legislation before us fulfills the Federal Government's duty to protect these State laws from widespread circumvention through interstate travel. Far from undermining our Federal system, it upholds it in a manner fully consistent with the constitutional rights of everyone involved.

A number of politicians, including President Clinton, have promised the American people that they would work to make abortions ''safe, legal and rare.''

The Child Custody Protection Act addresses an important question of legality. It will protect State laws from those who would break them. It would uphold the rule of law and the important role States and State laws play in our Federal system.

But an abortion conducted in violation of parental notification laws is not legal, even if performed in another State.

Earlier I quoted Bruce Lucero, a doctor who once owned an abortion clinic, in which he performed some 45,000 abortions over the course of 15 years.

Dr. Lucero remains, in his words ''staunchly pro-choice.'' Dr. Lucero also supports this legislation.

I hope my colleagues on the other side of the abortion issue will heed the warning he gave recently when he said:

> Too often, pro-choice advocates oppose laws that make common sense simply because the opposition supports or promotes them. The only way we can and should keep abortions legal is to keep them safe. To fight laws that would achieve this end does no one any good—not the pregnant teen-agers, the parents or the pro-choice movement.

Mr. President, this laws does make common sense. It will protect the health of pregnant teen-agers, and it should have the full support of the Members of this body, whatever their views on the underlying issue of abortion. It was passed in the other Chamber by an overwhelming margin. It passed the Senate Judiciary Committee and, in my view, it deserves to pass by a similar margin in the full Senate.

I urge my colleagues to vote tomorrow in support of cloture on the motion to proceed to debate this issue.

In closing, let me just say this, Mr. President. As I looked through the CONGRESSIONAL RECORD at the summation and discussion between the majority leader and Democratic leader yesterday, I was a little bit confused. I at least read the Democratic leader's statement to suggest he is of the opinion that the vote tomorrow might in some way shut off consideration of amendments and debate on this issue, but that is not the case, and I want to make sure our colleagues are aware that tomorrow's vote is simply on the motion to proceed, to permit us to begin discussing this legislation.

It is not a motion for cloture on the substantive underlying bill and, indeed, virtually all of the amendments to this legislation that were brought in committee will still survive a motion for cloture on the underlying bill because they were germane amendments at that time and would, according to the Parliamentarian, remain germane, even if we were to have cloture invoked on the substantive legislation.

For that reason, I hope our colleagues will think this issue—the question of whether or not we will allow strangers to circumvent State parental notification and consent laws and take children across State lines for the purpose of secretive abortions—that we should at least allow this issue to be debated here in the Senate.

For that reason, I hope we will be able to invoke cloture on the legislation. And once we do that, we can have a good and thorough debate and discussion, and then pass this legislation so that families like the Farley family can be protected in the future and so that the children of America can be protected in the future and so that the families who live in States that have taken the action of passing parental involvement laws can be confident that those laws do mean something and that we in Washington are willing to support those laws and make sure that those laws are in fact enforceable.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

STATUS OF OPERATIONAL READINESS OF U.S. MILITARY FORCES

Mr. McCAIN. Mr. President, only 8 years ago we went to war in the Persian Gulf as the most combat-ready force in the world. The value of that preparedness was clear. We won a massive victory in a few weeks over one of the largest armies in the world and we did so with remarkably few American and allied casualties. We were able to end aggression with minimum losses of civilian life and were even able to greatly reduce the casualties of our enemy. Today, our enormous preparedness, impressive military force, is beginning to evaporate.

In spite of the efforts of our services, armed services, we are having significant problems again that remind me of the very difficult period during the 1970s when the Chief of Staff of the U.S. Army came before the Congress and said we had a ''hollow army.'' We are losing the combat readiness and edge that is an essential aspect of deterrence, defense, and the ability to repel aggression.

It is true that we have heard many reassuring words to the contrary from the administration. The fact is, however, that we are ''going hollow.'' We are losing our ability to get there ''fastest with the mostest,'' and the indicators are all too clear the moment we look beyond superficial indicators and the normal rhetoric of budget testimony.

Mr. President, I have heard firsthand accounts from commanders in the field and in the fleet on the deteriorating status of the operational readiness of the U.S. military forces, including the availability of resources and training opportunities necessary to meet our national security requirements. Although the upcoming year's budget makes some strides to reverse 5 straight years of underfunding for both short-term and long-term modernization, I have serious concerns about the future state of preparedness of our units and our men and women in the military.

The tangible evidence of this trend is contained in the words of nearly all the military witnesses who have testified this past year before the Senate Committee on Armed Services as well as before our House counterparts. Their statements do not reveal a single reason why we are going hollow or a single set of answers as to how these problems can be solved.

Each service has a unique mix of readiness problems and has made different tradeoffs. At its core, however, is an alarming lack of concern on the part of the administration that repeatedly acts without regard for the most basic requirements for maintaining Armed Forces essential for our national security and promoting our national interests. The repeated and deliberate failure to match requirements, as set forth by the National Command Authority, with resources adequate to the task, compounded by the White House's unwillingness to budget for ongoing contingency peacekeeping and humanitarian operations, has over time clearly degraded military preparedness.

Not to be ignored is the role of Congress in exacerbating this situation through its exceedingly damaging practice of wasting scarce financial resources on programs for strictly parochial reasons. That practice was harmful when we were adding to the administration's budget request in the context of the 1997 balanced budget agreement. And that harm is magnified manyfold.

Mr. President, I have spoken many times of the wasteful spending practices embodied in the defense appropriations bill, and I will not go through the details again now. But the fact is that a lack of a Base Closing Commission commitment, the lack of a commitment to a balanced force, the continued unnecessary and unneeded funding for especially our Guard resources, and our inability to somehow make the transition to the post-cold-war requirements of a military that is ready to move anyplace in the world on short notice, is absolutely deplorable. And as I indict the administration, Mr. President, the Congress also bears enormous responsibility for our failure as well.

In spite of the highest readiness funding in our history, we are having preparedness and readiness difficulties. Some recent examples noted by experts

are—and I quote a memorandum dated August 20, 1998, from General Bramlett, Commander-in-Chief of Forces Command, to Army Chief of Staff General Reimer. General Bramlett wrote:

. . . we can no longer train and sustain the force, stop infrastructure degradation, and provide our soldiers the quality of life programs critical to long term readiness of the force . . . we cannot operate within current funding levels and have the viable fighting force we want to project into the next century. Operation and maintenance funding levels are no longer sufficient to ''make it happen'' and avoid serious long-term negative impacts to the force. Commanders of Fort Lewis, Stewart, and Bragg [all installations home to major contingency ''first-to-deploy'' units] report units will drop below authorized training levels in the fourth quarter of fiscal year 1999. This threatens our ability to mobilize, deploy, fight, and win. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

Mr. President, let me repeat: ''Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.'' Mr. President, I want to remind you, these are not my words but the words of General Bramlett who is the Commander-in-Chief of Forces Command and contained in a memorandum to the Chief of Staff of the Army.

Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

We must have additional funding for FY 99 and beyond.

Mr. President, I ask unanimous consent that the entire memorandum from General Bramlett to General Reimer be printed in the RECORD.

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

DEPARTMENT OF THE ARMY, HEADQUARTERS UNITED STATES ARMY FORCES COMMAND,

Fort McPherson, GA, August 20, 1998.

MEMORANDUM FOR CHIEF OF STAFF, UNITED STATES ARMY, 200 ARMY PENTAGON, WASHINGTON, DC

SUBJECT: FY 99 FUNDING ASSESSMENT

1. The FORSCOM commanders have recently completed their review of resource requirements against their FY 99 funding distribution. My guidance was to maintain training (go-to-war) readiness at the expense of infrastructure and Quality of Life (QOL) if they could not balance the requirements of all three. They have done their best to implement this guidance, but we can no longer train and sustain the force, stop infrastructure degradation, and provide our soldiers the QOL programs critical to long term readiness of the force. Commanders remain fully committed to supporting force readiness, but we cannot operate within current funding levels and have the viable fighting force we want to project into the next century.

2. We can provide trained and ready units in FY 99, but we anticipate some drop in reported readiness levels as the year progresses. Our BASOPS accounts have only marginal funding levels, and Real Property Maintenance (RPM) accounts are nearly depleted at many of our installations. The OMA funding levels are no longer sufficient to ''make it happen'' and avoid serious long-term negative impacts to the force. These insufficient funding levels are further degraded by refined TRM cost factors, by the inability to achieve the programmed efficiencies, and by the increased funding for contracting support. Our flexibility is further hampered by stovepipe funding for specific programs that have become a larger percentage or our total budget.

3. Despite considerable efforts to conserve scarce training resources at the expense of QOL and infrastructure, unit readiness will be degraded. Commanders at Forts Lewis, Stewart, and Bragg report units will drop below ALO in the fourth quarter of FY 99. This threatens our ability to mobilize, deploy, fight, and win.

4. In FY 98, we mortgaged infrastructure and QOL to maintain training readiness. BASOPS and RPM were underfunded again, but with little migration ($18M) as we needed every dollar for training. Infrastructure maintenance and repair are now funded below survival levels. FY 99 marks the second consecutive year in which FORSCOM could not fund installation infrastructure repair beyond ''break and fix.'' The most critical unfunded repairs totaling $215M are: sewer and utility systems—$49M; barracks roofing/heading/and air conditioning repair—$59M; roofs on maintenance and ammo facilities—$10M; bridges and roads—$29M; training and operations facilities repairs—$7M; and other general facility repair projects—$60M. Of immediate concern is our inability to resource food service contracts which drives us to the associated alternative of possibly returning our soldiers to perform kitchen and dining facility attendant duties. Base Information management operations, the DOIMs, were hit especially hard. This account is down more than 30 percent from FY 98, severely affecting base automation, printing, and automation equipment accounts. Commanders state that shortfalls will ''render infrastructure, QOL, and BASOPS(−) non-mission capable.''

5. We fully understand that many of our unfunded requirements can only be realized with an increase in the overall funding level for the Department, and we continue to advocate that goal. As part of our assessment, we have identified those UFRs requiring funding by way of Funding Letter inserts as well as other critical UFRs to be worked through the year of execution. Those items requiring additional funds within our funding letter include: Food Services and Dining Facility Operations—$10.1M; AC/RC Support—$15.6M; AC/ARNG Integrated Divisions—$4.1M; Digital Training—$18.5M; Force Modernization—$18.6M; and Commercial Activities Studies—$3.2M.

6. Our Executive Agent role in the DCSC4 areas demands intense management as we act on the Army's behalf. To resource the requirements of these missions in FY 99 will require: an additional $26.3M in funding letter inserts for Long Haul Commo; $14.1M for sustainment of the new Command and Control Protect mission; and $1.7M for support of the Defense Red Switch Network. In addition, we request that Europe's portion be provided to them as was done in the POM.

7. AC/RC Support (Training Support XXI) continues to be significantly underfunded as we transition into the new Support to Operational Training Functional Area Assessment (SOT–AA) Integrated alternative structure. This structure will be fully staffed in FY 99 after a ramp-up year in FY 98. The funding requirement is inherently heavy in TDY, as observer/controllers/evaluators and other training assistance personnel must travel to the associated RC units and training sites. We are concerned about our ability to fully perform this growing mission. In addition, the new AC/ARNG Integrated Divisions that will begin to stand up provisionally on 1 October 1998 are unfunded in FY99. These shortages are particularly acute in the context of our stated commitment to the Total Army.

8. As we move toward fielding a digitized force, we need resources for robust digital training events and associated training infrastructure upgrades. Funding tails become major cost drivers as the Army moves from Advanced Warfighting Experiments (AWE) and applique to equipping and training the digitized force. Insufficient funding continues to delay modernization of many training support facilities. The TRM process needs to better resource training support infrastructure such as ranges, simulation facilities, transportation networks to/from/in and around ranges, targetry, and maneuver boxes.

9. My assessment is not good news. Funding has fallen below the survival level in FY 99. The commanders are concerned that they can not meet the daily challenges of the three imperatives of readiness: training, QOL, and infrastructure. Our commitment to doing our part in reengineering, creative training strategies, and best business practices has never been stronger. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk. We must have additional funding for FY 99 and beyond.

DAVID A. BRAMLETT,
General, USA,
Commanding.

Mr. MCCAIN. He ends up by saying:

My assessment is not good news. Funding has fallen below the survival level in FY 99. The commanders are concerned that they cannot meet the daily challenges of the three imperatives of readiness: Training, QOL [meaning quality of life], and infrastructure. Our commitment to doing our part in reengineering, creative training strategies, and best business practices has never been stronger. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

It is a very, very strong statement, Mr. President. I have been associated with the military all my life, and I have not seen quite that strong a statement or a stronger statement than that from one of our commanders in the field.

The Air Force's 1st Fighter Wing, with primary responsibility for the Middle East, has experienced a prolonged period of declining preparedness, as squadrons are forced to deploy at physically and mentally exhausting rates while spare parts shortages result in the cannibalization of fighters from one squadron to ensure another can deploy on schedule.

Naval aviators have stated to Armed Services Committee members and staff that the frequency of deployments has placed excessive stress on their personal lives, with the result that many are leaving the service for higher paying, less stressful jobs with the commercial airlines. That operational tempo is a direct result of the convergence of shrinking force structure and increased deployments to overseas contingencies.

The commander of the 3rd Fleet, Vice Adm. Herbert Browne, testified before the Readiness Subcommittee that the shortage of skilled personnel has resulted in crossdecking, which places enormous additional stress on those

personnel remaining in the service. ''Crossdecking,'' Mr. President, means when a ship comes back from a deployment, the personnel of that ship, rather than being allowed to come home, then move to another ship that is headed out on another deployment—an absolutely unacceptable practice.

During the same hearing, the commander of an Air Force fighter wing operations group testified that his unit's full mission capable rates have consistently dropped from 90 percent in 1993, to 80 percent in the 1995 time frame, down to 70 percent for the present.

Radar and jet engine mechanics told ABC News reporters of their growing frustration with shortages of spare parts to repair aircraft and of the exodus from the service of skilled mid-level maintenance people, with the result that aircraft sit idle and less skilled personnel are assigned vital maintenance and repair work. On the same broadcast, the commander of Air Combat Command stated that his command has ''suffered about a 10 percent to 12 percent decline in the average readiness of our fleet from day-to-day.''

In a June 1998 letter from Admiral M.G. Mullen, Director of Surface Warfare Division on the Chief of Naval Operations staff wrote to every surface warfare commanding officer soliciting ideas to turn around retention amongst surface warfare junior officers. In his letter he wrote, ''I can also tell you we are only retaining about 1 in 4 and we must keep 1 in 3 to develop the leaders our Navy needs.''

In a San Diego Union-Tribune article on September 2, 1998 during an interview with Admiral Clemins, Commander-in-Chief of the Pacific Fleet, it was reported that the Navy is short 18,000 sailors, forcing the Navy to send many warships including carriers to the Persian Gulf at a reduced level of readiness, specifically a C–2 rating, only the second highest level of readiness.

According to a 1998 article in the Army Times, the mission of the Army has increased by 300 percent since 1989, yet its active duty force has declined by 36 percent and its budget by 40 percent. These facts have resulted in a severe decrease in the level of operational readiness for the service and led former Assistant Vice-Army Chief of Staff of the Army Lieutenant General Jay Garner to describe divisions as ''hollow.''

Colonel Stephen E. Bozarth, Commander of the 388th Operations Group, testified before the Readiness Subcommittee that although the current experience level of the pilots of the Wing is 77 percent, it is expected to degrade over the next 18 months to approximately 50 percent. Such a loss in experience results in not only untrained personnel fulfilling necessary pilot positions but also an inadequate number of people to train these individuals. Moreover these losses necessitate that pilots who choose to remain in the service work longer and harder hours, thus creating a serious strain on morale.

Vice Admiral Browne also testified this year that inadequate fuel supplies are depriving pilots of strike fighter jets the flight hour training necessary for familiarization of the aircraft. Lack of such training will result in the substandard performance of these men and women in the multi-threat environment in which they currently operate.

The commander of the Air Warfare Center (AWFC), Major General Marvin Esmond, testified before the Readiness Subcommittee that those under his command have experienced a six month slip in skill improvement due to delays in specialized training. Such delays are a direct consequence of a lack of manpower. This loss in personnel has also required that the servicemen and women work 60–65 hours per week as well as 12 hour duty shifts.

Major General Ronald Richard, Commanding General of the Marine Corps Air Ground Combat Center, voiced concerns over equipment readiness to the Readiness Subcommittee. According to the general, a majority of his equipment is ''getting exceedingly old,'' a fact which has led to increased maintenance as well as excessive expenditure.

In order to understand the issues involved, it is necessary to understand just how difficult it is to achieve the level of military preparedness we enjoyed during Desert Storm. Military preparedness is the product of readiness and sustainability, the former referring to the ability of forces to go to war on short notice, the latter the ability to support them in the field. Preparedness is not just a matter of funding operations and maintenance at the proper level. It is not only a matter of funding adequate numbers of high quality personnel. It is not simply a matter of funding superior weapons and munitions, strategic mobility and prepositioning, high operating tempos, realistic levels of training at every level of combat, or logistics and support capabilities.

Military preparedness is all these things and more. A force begins to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technological edge in Desert Storm would have been meaningless if we did not have properly trained men and women. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

The preparedness problem within the military is compounded by both the ''can do'' attitude of the military and the history of military readiness reporting. On the one hand, our men and women in uniform have a history of making do, of adjusting to civilian decisions, and working out potential solutions even at the cost of assuming higher risks. An example of this is the continued practice of the Marine Corps to retread the tires of the humvees (HMMVV's) and five-ton trucks of the First and Second Marine Expeditionary Forces.

On the other, we have been very slow to modernize and integrate our various measures of effectiveness, to independently audit command reporting, and to adopt modern management information systems. Time and again, we have learned that our readiness measures are unrealistic or fail to anticipate real-world demands on readiness funds and budget cuts. Time and again, we have seen peacetime claims of ''can do'' turn into wartime realities of ''can't fight.''

Mr. President, in mid-July I sent letters to each of the Service Chiefs expressing my concern about the military's overall state of readiness. In order that I might gain a better understanding of current readiness and readiness trends in the military, I asked each Service Chief to provide detailed answers to questions by September 30, 1998, from all levels within the military and not just the typical Pentagon talk that we have become used to during the multitude of hearings that surround the defense budget cycle. In addition, I requested that the responses to the questions also include an assessment of National Guard and Reserve readiness. Mr. President, I intend to share these answers with my colleagues and make them widely available to the public. It is critical that not only Members of Congress, but all Americans should be fully informed on the state of our military so that they can participate in any discussions in the near future to add money to the defense budget and reprioritize critical resources within the military.

Very often, those who question the Administration's commitment to maintaining proper levels of military preparedness are accused of exaggerating the scale of the problem through the random marshaling of anecdotal information. These criticms, to say the least, are without merit. If a pattern of evidence cannot be seen as leading to a logical conclusion, then the basis for rational, objective intellectual discourse is thoroughly discredited. This ''anecdotal evidence'' increases every year, is discovered through visits to the field to meet with military personnel of all ranks, through congressional hearings, media reports and scholarly studies, and is beyond dispute.

My President, this will be as true in the future as it was during Desert Storm, and it has been true throughout the history of warfare. As Sun Tzu pointed out over 2,000 years ago, ''It is a doctrine of war not to assume the enemy will not come, but rather to rely on one's readiness to meet him. It is a doctrine of war not to presume that he will not attack, but rather to make one's self invincible.''

I make those statements concerning military readiness in the context of what is happening in the world today.

When you glance around the globe you find that there is a potential trouble spot in literally every continent of the world with the exception of the two poles and perhaps Australia. We find this situation in Kosovo with ethnic cleansing where our Secretary of State, several months ago said, and I believe the quote is accurate, ''We will not allow the Serbs to do in Kosovo what we prevented them from doing in Bosnia.'' The last time I checked, Mr. President, they were doing quite a bit of ethnic cleansing in Kosovo, and the situation continues to worsen.

In Iraq, we have gone from a position where our Secretary of State said we would respond with military force if Saddam Hussein refused to allow our U.N. inspectors access to any installation that they desired—would be met with military force. Now, according to Scott Ritter and other reports, the administration has been encouraging UNSCOM not to inspect.

The situation in Asia is serious. Riots are taking place in Indonesia as we speak. The nation that the World Bank a year and a half ago did a study on as a model nation for economic development, now had the privilege of seeing its President go on nationwide television in Indonesia and recommended that the Indonesian people not eat 2 days a week because of food shortages.

We have seen the administration surprised by the nuclear tests conducted by both India and Pakistan.

We have now apparently circumstantial evidence that technology was transferred to China, which either marginally or substantially, depending on which expert you talk to, increased the precision targeting capability of Russian ICBMs until recently, 12 of which were targeted on the United States of America—now are not—but in a matter of seconds could be retargeted.

Mr. President, I could go on. But the fact is that the world is a very tough neighborhood and requires a tough cop. The cop is now not on the beat and bad things are happening all over the world, which makes it even more likely that we may have to call upon the United States of America to again expend its blood and treasure somewhere in the world. The very least we can do is make sure that those men and women who we have to send somewhere are the best equipped and trained as we possibly can make them. What I greatly fear is that we may have to send them less than well prepared, less than ready, and less than well equipped, which then leads to the inevitable consequence of casualties that are unnecessary and tragic.

Mr. President, I intend to talk more on this issue. I think it is an important one. I also remind my colleagues that we—the traditional protectors of the military—have an obligation to address this issue as well as the administration. Mr. President, I thank the Chair for his patience and for presiding at this late hour.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I ask unanimous consent to proceed as in morning business for 10 minutes.

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

MILITARY READINESS

Mr. SESSIONS. Mr. President, I appreciate the remarks of Senator MCCAIN from Arizona. He is a true American patriot, an academy graduate, a former fighter pilot, a prisoner of war, a person who has been a leader in this body in matters of defense. A few days ago, a Senator from the other side, Senator LIEBERMAN, made a seminal address on the need for morality, integrity and honesty in public leadership, and by the President in particular.

Senator MCCAIN's remarks, in my opinion, are equally as important. He has said some things, as a conscience of this body, on defense matters that we ought to listen to, and I am hearing it repeatedly from people I know in the military services who are concerned about the erosion of our national defense. I join with him in those concerns. I appreciate him sharing it with us, and I hope he will continue to speak out in this body as eloquently as he does on these important issues.

CHILD CUSTODY PROTECTION ACT

Mr. SESSIONS. Mr. President, I rise today in support of the Child Custody Protection Act. Senator Spencer ABRAHAM of Michigan has previously spoken on this matter, just a few minutes ago. I have been honored to be a cosponsor of that legislation with him from the beginning and to participate in a number of different activities that he has led to try to call this legislation to the attention of the people of America, and to do what we can to see that it is brought up for a vote in this body, and to pass this legislation.

It appears to me that this legislation would be difficult for most anybody to oppose. The issue of abortion has divided our country for many years now. But the issue we are considering today is not whether abortion should be legal or not. The Supreme Court, in my opinion, erroneously took that issue away from the people, ripped it out as a matter for the democratic process, and decided and declared that the Constitution prohibits the limiting of abortions, except in certain circumstances.

But even the Supreme Court has made it clear that it is proper for a State to declare that an abortion should not be performed on a minor child unless the parents are consulted. Certainly, they have to be consulted about minor surgery—and they are consulted by their school principals and teachers if they are even given Tylenol. To perform an abortion without parental consent is a very dramatic interference in family and parental relationships that many States have decided to protect. Even our Supreme Court, which has ruled erroneously, in my opinion, in a number of different ways on this issue, has approved that.

We have now discovered that there is a problem. We have discovered that people are taking children across State lines, from one State where parents have to be notified—third parties are intervening in the family relationship and are taking children across to another State that doesn't have that law, for the purpose of having an abortion performed on them.

In my view, the right of parents to be involved in these major decisions affecting their minor children is a fundamental thing and ought not to be lightly transgressed. State parental consent and notification statutes are an important protection for fundamental parental rights. Let me say that the issue before us today is not whether States should have such laws—some do, some don't—the issue before us today is whether we will allow these important and clearly constitutional State laws to be circumvented.

The purpose of this bill is simply to preclude some third party from trampling on the rights of parents by advising a minor child to have an abortion, and then assisting them by taking them across a State line to a State where they can have one.

This legislation before us today would forbid a third party from transporting a minor child across the State line for the purpose of an abortion, without the parent's knowledge or consent, in order to evade compliance with the law of the State where the parent and child reside. This is hardly a radical or extreme proposal, and the bill is necessary. It is constitutional and it is carefully and narrowly drawn.

Senator ABRAHAM has done a superb job in drafting this legislation. He has listened to those who have expressed concerns about it, and he has constantly revised and improved it. It is an exceptionally fine piece of legislation, in my opinion.

Mr. President, let me say that I believe this bill is necessary. In the Judiciary Committee hearing we had, we heard horrible stories. One involved Joyce Farley's 13-year-old daughter and one involved Eileen Roberts' 14-year-old daughter. In both cases, these young girls were secretly transported across the State line by adults seeking to hide the fact of the pregnancy from the children's parents. In both of these cases, these young girls were taken from a State that had a parental consent statute to one that did not. In both of these cases, the young girls suffered serious complications from these legal, but botched, abortions.

Parenthetically, Mr. President, let me state that recently in the New York Times there was an op-ed piece by a former abortion doctor who, according to the first paragraph in the article,

had performed 45,000 abortions. He said that, for a number of reasons, parents ought to be involved in these decisions, and that parental notification laws are correct, and that the pro-abortion forces undermine their own efforts and their credibility when they oppose them. He pointed out that children should be consulting with their families for these kinds of situations.

And from a medical point of view, he pointed out that when a child is transported a long distance to a medical center to have an abortion, perhaps she has not had good adult advice as to whether or not that is a good doctor or clinic. When she goes there, she is then returned at a long distance to the home of her parents. Many times, he noted, there are complications. Parents need to be aware and to be watching the child to help her if complications occur. And he said return visits to the abortion clinic for checkups are little done when a child has a long distance to go back to the clinic. So for health and medical reasons, he believes that children ought to consult with and have the approval of their parents before they obtain abortions. Of course the laws of each of those States—and the Supreme Court rulings—require that there be an option for a child who is pregnant to go to court and get an order for an abortion without notifying a parent. So there is an option, required by the Supreme Court decisions.

Mrs. Farley testified that her daughter was taken out of state for an abortion by one Rosa Marie Hartford. Ms. Hartford was actually the mother of the 18-year-old young man whose statutory rape of the then-12-year-old girl is what caused the pregnancy. In other words, the woman was trying to cover up the criminal activity of her son. The son later pled guilty to statutory rape.

The attorney general for the Commonwealth of Pennsylvania testified concerning his efforts to prosecute Mrs. Hartford under state law for interfering with the custody of a minor. Those efforts may or may not ultimately prove successful. Attorney General Fischer testified concerning the difficulties of pursuing such a case under state law, and strongly recommended passage of this bill.

This issue does not involve a few isolated cases. An attorney for the Center for Reproductive Law and Policy, has acknowledged this. Attorney Kathryn Kolbert stated, and I quote: ''There are thousands of minors who cross state liens for an abortion every year and who need assistance from adults to do that.'' We have seen several examples of abortion clinics which openly place advertisements in the yellow pages in nearby states that have parental consent statutes. These advertisements proudly proclaim: ''No parental consent.''

Thus, these clinics are openly encouraging the evasion of state laws, and something needs to be done about it. Because of the interstate nature of this problem, a Federal solution is required.

This bill is constitutional. As I have stated earlier, the Supreme Court has upheld the types of state parental notification and consent laws that this bill would help to bolster. It is specious to suggest that this bill would unduly burden the right to an abortion. The bill does nothing more than prohibit the evasion of constitutional state statutes.

This bill is a valid and appropriate exercise of Congress's authority under the Commerce Clause.

I was a Federal prosecutor, Mr. President, for nearly 15 years. A long-term Federal statute is the Mann Act. It has for many years—many years back, I think, since 1913—prohibited the interstate transportation of women or girls across State lines for prostitution or other immoral purposes. That is a Federal law. The constitutionality of the Mann Act has been upheld by the Supreme Court since the early 1900s. It is a very close analogy to the Child Custody Protection Act, which would preclude the transporting of minor girls across State lines to evade State parental involvement laws. Any constitutional objections to this bill, in my opinion, would be without merit and would certainly fail.

Also, this bill is very narrow in its scope. It does not prohibit interstate abortions. It does not invalidate any state laws. It does not establish a right to parental consent for residents of any state that does not already have a parental consent law. It doesn't even attempt to regulate the activities of the pregnant minor herself. It only reaches the conduct of outside parties who wrongfully usurp the rights of parents that are guaranteed by state law.

Some suggest that the bill should be narrowed further, to exempt the interference with parental rights, if the adult is a relative of the child, they could interfere with the parents' rights. I would disagree with that.

This bill would not prevent the minor from seeking counsel from an aunt or grandmother or anyone else. It would prohibit aunts and grandmothers from violating the rights of the child's parents by secretly driving the youngster to another state for an abortion without telling the parents. I personally wonder whether it might be worse to have a grandmother or an aunt interjecting themselves in between the parent and the child, than to have some stranger do it. The result is the same. It is the same. It is the parent who has the responsibility, who brought the child into the world, and who has raised the child. The destructive impact on the family could be greater in that case.

In any event, the grandmother isn't the parent, and the aunt isn't the parent; and neither relative nor stranger should have the right to circumvent parental involvement statutes.

If a well-meaning grandmother wants to be helpful, in most situations she should encourage the child to confide in her parents. In the rare circumstances where that would not be appropriate, and the child is intent on obtaining an abortion, the judicial bypass procedure could be used.

That is, a child could go to a court, and the abortion could be authorized by the judge. The child could go to court in those circumstances.

In summary, this bill is narrowly crated, it is well written, it is necessary, and it is constitutional. The House of Representatives passed this bill with a strong bipartisan majority of 276 to 150. I urge my colleagues to do likewise.

We need to ensure this bill receives a vote on the merits. We are apparently going to have to invoke cloture to even get it up for a vote. There is a strong determination—I consider it an extreme commitment—to support anything that favors abortion by too many Members of this body.

This is a reasonable bill. This is a fair bill. It is an appropriate action by the Congress of the United States involving interstate commerce. As a Federal prosecutor, I prosecuted those who transported stolen motor vehicles—ITSMV, Interstate Transportation of Stolen Motor Vehicles, stolen property, lots of those kinds of cases. This is one type of case that is quite appropriate for us to legislate on.

I hope that every Member of this body will vote for it. It ought to pass overwhelmingly. It is good public policy.

I, again, congratulate Senator Abraham for his determined and skilled legislative leadership in crafting and presenting this outstanding piece of legislation.

Thank you, Mr. President. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 9, 1998, the federal debt stood at $5,548,476,705,773.12 (Five trillion, five hundred forty-eight billion, four hundred seventy-six million, seven hundred five thousand, seven hundred seventy-three dollars and twelve cents).

One year ago, September 9, 1997, the federal debt stood at $5,408,443,000,000 (Five trillion, four hundred eight billion, four hundred forty-three million).

Five years ago, September 9, 1993, the federal debt stood at $4,389,196,000,000 (Four trillion, three hundred eighty-nine billion, one hundred ninety-six million).

Ten years ago, September 9, 1988, the federal debt stood at $2,600,050,000,000 (Two trillion, six hundred billion, fifty million).

Fifteen years ago, September 9, 1983, the federal debt stood at $1,354,932,000,000 (One trillion, three hundred fifty-four billion, nine hundred thirty-two million) which reflects a debt increase of more than $4 trillion—$4,193,544,705,773.12 (Four trillion, one hundred ninety-three billion, five hundred forty-four million, seven hundred five thousand, seven hundred seventy-three dollars and twelve cents) during the past 15 years.

DOING THE SENATE'S BUSINESS—THE NEED FOR A TWO-TRACK SYSTEM

Mr. KENNEDY. Mr. President, the Majority Leader has told us that there is no time left in this session to work on legislation which can improve the quality of life for most Americans. But there is time. As the Minority Leader has noted several times, there is time every evening after the day's work is completed when we can work a second shift.

The so-called ''two-track'' system has not been an uncommon practice in the Senate. More than a dozen times in the last 13 years, this body has worked well into the evening on legislation separate from that which it worked on during the day in an effort to get the job done. I ask unanimous consent that the 14 excerpts from floor speeches which refer to this practice be printed in the RECORD. These are examples initiated by Republicans and Democrats, majority and minority.

We have the opportunity to pass legislation which will make a positive impact on the lives of millions of Americans. We should not let this chance pass us by.

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

[144 Cong Rec S 5400, *S5400; May 22, 1998]

Mr. LOTT. I do want to emphasize, the nuclear waste issue we intend to double track. That is one where we can take an action and then come off of that and go, then, to other legislation, the tobacco legislation. And it will take a period of days to get through the process we have to go on, on nuclear waste. But that is not intended to take the place of either the tobacco bill or the Department of Defense authorization bill. It will be double tracking as we go forward.

[141 Cong Rec S 12676, *S12677; Sept. 6, 1995 (Legislative day of Sept. 5, 1995)]

Mr. DOLE. I think we have now completed action on seven appropriations bills. There are no other appropriations bills now ready for consideration. We may try a two-track system—I will discuss that with the Democratic leader—so we can keep abreast of the House on appropriations bills and have all appropriations bills in the President's hands by October 1.

So it may mean some late, late, late evenings. But we will try to accommodate major concerns that many Senators have from time to time.

[141 Cong Rec S 5303, *S5303; April 6, 1995 (Legislative day of April 5)]

Mr. DASCHLE. What I hope we might be able to do, perhaps, is to maybe run two tracks, get some debate and offer some of these amendments. We could maybe work out some short time agreements and have a good debate, rather than just putting the Senate in a quorum call, and then work simultaneously to see if [*S5304] we might not be able to address some of these concerns.

[135 Cong Rec S 13040, *S13040; October 12, 1989 (Legislative day of Sept. 18)]

Mr. MITCHELL. That is precisely my intention; that if we reach 2 p.m. Wednesday without having completed action on the flag amendment, we will return to that following the presentation of arguments by the impeachment managers and Judge Hastings and his counsel on Wednesday, back to it on Thursday and continue on a double track, so to speak, until such time as we do complete action on that.

[134 Cong Rec S 5258, *S5258; April 29, 1988 (Legislative day of April 28)]

Mr. BYRD. So, at least until next Wednesday, I will say that the Senate will be on other very important business, the DOD authorization bill. If that bill is not finished by the conclusion of business on Tuesday, and by that time it appears that the Senate is ready to go forward on the treaty, then Senator NUNN has indicated a willingness to either set the DOD authorization bill aside and take it up following the action on the treaty or, as I suggested to Senator DOLE, Senator NUNN, Senator BOREN, and Senator PELL, perhaps for a day or two we could proceed on a two-track basis, get work started on the treaty, and finish the work on the DOD authorization bill. We can make that decision as of next Wednesday.

[134 Cong Rec S 2818, *S2833; March 23, 1988 (Legislative day of March 21)]

Mr. SIMPSON. Mr. President, there has been discussion in the past, and it was certainly the majority leader's duty to move legislation, when it was felt several times that there would be a filibuster unless the majority leader felt it necessary to file a motion for cloture on the first day that the bill came up. This is not a criticism. That happened several times. We did our business. When that came up, we had a double track. We handled the immigration bill and we handled the oversight legislation on intelligence. We did our business. There was nothing inappropriate about that. But finally there were those who said we are unable to put in nongermane amendments.

[134 Cong Rec S 1678, *S1679; March 2, 1988]

Mr. SIMPSON. Mr. President, I would inform the majority leader that I think the aspect of the cloture vote does impel us to do our work, and we are going to do that. I think it would be good if the majority leader and I visited about what we visited about last night. I think perhaps we might be in a position to utilize the services of the new committee, the ad hoc committee, for the referral of a sense-of-the-Senate resolution which could be discussed today, and I would like to visit with the majority leader about that. We have been asked to appoint one new member. I am ready to do that. That group would then deal with the rules issues that we discussed. Then we could go on a double track for the intelligence authorization and then get to Price-Anderson and be dealing with it and have it as the pending item of business when we return, because it is a very important piece of legislation.

[133 Cong Rec S 8426; June 23, 1987]

Mr. BYRD. Mr. President, later this afternoon I hope to offer the omnibus trade bill. I would like to get it before the Senate later today for opening statements. On tomorrow, then, following the conference report on the budget action, the Senate would return, probably, to the trade legislation. I remind all Senators that I indicated last week that we will be operating on at least a two-track system here for the next few days. The campaign finance reform bill will still be around. The trade legislation will be up. We will have to take action on the conference report on the budget.

[133 Cong Rec S 8493; June 23, 1987]

Mr. BYRD. The Senate will operate on a two-track system, under the consent order that was entered. It gives the majority leader at any time the consent to go to the trade legislation—the omnibus bill, or the bill that was reported out of the Finance Committee. I have chosen to proceed with the omnibus approach. That was the approach that was discussed for months, and committee chairmen have acted accordingly. They have been dutiful in reporting out the legislation.

So, beginning on tomorrow, there will be longer days and shorter nights, in contrast to the natural seasons of the year.

[133 Cong Rec S 8363; June 19, 1987]

Mr. BYRD. So by the middle of next week, certainly, I expect us to be on the trade legislation. We will have a two-track system. We will work on trade during the early part of the day up into the midafternoon or a little later than midafternoon. Then we will go to campaign financing reform. I would like to retain the flexibility to switch that mode, but that is my present plan, to go with trade first, then campaign financing reform. We can shift that, of course.

[131 Cong Rec S 14042; October 24, 1985 (Legislative day of October 24, 1985)]

Mr. HEFLIN. Mr. President, if the majority leader will yield, is it the majority leader's intention to stay with the farm bill until it is disposed of or to lay it aside, double track it with other measures? I do not mean to ask for a hard and fast answer. But is it the overall intention to dispose of the farm bill on a priority basis over other pending legislation which we have half done or partially done.

Mr. DOLE. The Senator is correct. It might be, if we can reach an agreement on reconciliation, we might have to interrupt discussion of the farm bill, say, Wednesday or Thursday of next week, and it could result if we cannot get an agreement, we could have 100 and some votes under the reconciliation process, but I do believe that with that one caveat, and again there is always a possibility that the textile amendment should come off reconciliation, there might be some agreement to offer it to some other bill, but the general intention is to finish the farm bill, and I know it is very important to farmers just as it was in July when we tried to bring it up.

[131 Cong Rec S 13169; October 10, 1985 (Legislative day of Sept. 30, 1985)]

Mr. DOLE. Mr. President, as I have indicated, we will have a pro forma session tomorrow, convening at 9:30 a.m.

On Tuesday, October 15, 1985, the Senate will convene at 10 a.m. Under the standing order, the two leaders will be recognized for 10 minutes each. There is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for 15 minutes. That will be followed by morning business, not to extend beyond the hour of 11 a.m.

Mr. President, following morning business, the Senate will turn to any appropriations bills which have been cleared. No votes will occur during the Tuesday session.

Mr. President, if we can work it out between the majority leader and the minority leader, I hope we can double track with appropriations bills in the morning and reconciliation in the afternoon. We have gotten behind, not just because of the debt limit but other internal controversies over appropriations bills.

[131 Cong Rec S 9060; July 8, 1985]

Mr. DOLE. We will double track, if necessary, to complete the farm bill that week. We will consider the immigration bill, if it is ready for floor consideration, and if we can work out some agreement, that will not take the entire week. In fact, I hope none of these will take the entire week. In addition to that, hopefully the budget resolution will have been resolved. We have a number of nominations that we hope to dispose of by agreement. If not, we hope to move on some of those nominations because there are a number of very important nominations. It is my understanding that the administration is quite concerned, and hopes that we can approve all of the nominations quickly. But as you can see, July is not too heavy of a schedule. [Laughter.] I hope we can work out some other things in the interim. That ought to be a piece of cake.

[131 Cong Rec S 8201; June 17, 1985
(Legislative day of June 3, 1985)]

Mr. DOLE. . . . but if that should come up, hopefully we could double-track there for Wednesday, Thursday, and Friday. I would guess that on Friday we would not be in extremely late that afternoon, but I will attempt to advise the distinguished minority leader prior to the 12 o'clock policy meeting that we have tomorrow.

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

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the Lewis & Clark Expedition, and for other purposes.

H.R. 2225. An act to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George Federal Building and United States Courthouse.''

H.R. 2623. An act to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the ''Ray J. Favre Post Office Building.''

H.R. 3109. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 3167. An act to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building.''

H.R. 3295. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building.''

H.R. 3810. An act to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the ''James T. Leonard, Sr. Post Office.''

H.R. 3939. An act to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the ''Edgar C. Campbell, Sr. Post Office Building.''

H.R. 3999. An act to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the ''David P. Richardson, Jr. Post Office Building.''

H.R. 4090. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H.Con.Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis.

H.Con.Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes.

The message further announced that pursuant to the provisions of section 503(b)(3) of Public Law 103–227, the Speaker reappoints the following member on the part of the House to the National Skill Standards Board for four-year terms: Mr. William E. Weisgerber of Iona, Michigan.

The message also announced that pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), as amended by section 2 (d) of Public Law 102–586, the Speaker appoints the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention: Mr. Gordon A. Martin of Roxbury, Massachusetts, to a two-year term.

The message further announced that the House has passed the following bills, without amendment:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, September 10, 1998, by the President pro tempore (Mr. THURMOND):

S. 1379. An act to amend section 552, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclosure Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

MEASURES REFERRED

The following concurrent resolutions were read and referred as indicated:

H.Con.Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on Foreign Relations.

H.Con.Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes; to the Committee on Foreign Relations.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1560. An act requiring the Secretary of the Treasury to mint coins in commemoration of the Lewis & Clark Expedition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2225. An act to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 2623. An act to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the ''Ray J. Favre Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3167. An act to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3810. An act to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the ''James T. Leonard, Sr. Post Office''; to the Committee on Governmental Affairs.

H.R. 3939. An act to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the ''Edgar C. Campbell, Sr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3999. An act to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the ''David P. Richardson, Jr., Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4090. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2454. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and

timely compensation for accident victims, and for other purposes.

The following bill was read the first and second times and placed on the calendar:

H.R. 3295. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building.''

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6778. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Civilian Health and Medical Program of the Department of Veterans Affairs'' (RIN2900–AE64) received on September 2, 1998; to the Committee on Veterans' Affairs.

EC–6779. A communication from the Secretary of Defense, transmitting, notice of a routine military retirement; to the Committee on Armed Services.

EC–6780. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on an event based decision made for the F–22 aircraft program; to the Committee on Armed Services.

EC–6781. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on United States contributions to international organizations for the fiscal year 1997; to the Committee on Foreign Relations.

EC–6782. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (98–116–98–130); to the Committee on Foreign Relations.

EC–6783. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Changes to Trademark Trial and Appeal Board Rules'' (RIN0651–AA87) received on September 2, 1998; to the Committee on the Judiciary.

EC–6784. A communication from the Information Officer of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's report under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997; to the Committee on the Judiciary.

EC–6785. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Definition of an Unemployed Parent'' (RIN0938–AH79) received on September 2, 1998; to the Committee on Finance.

EC–6786. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offering Regulations for the United States Savings Bonds, Series I'' (Code 4810–39P) received on September 2, 1998; to the Committee on Finance.

EC–6787. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offset of Tax Refund Payments to Collect Past-Due, Legally Enforceable Nontax Debt'' (RIN1510–AA62) received on September 2, 1998; to the Committee on Finance.

EC–6788. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Administrative Offset—Collection of Past-Due Support'' (RIN1510–AA58) received on September 2, 1998; to the Committee on Finance.

EC–6789. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property'' (Rev. Rul. 98–43) received on August 28, 1998; to the Committee on Finance.

EC–6790. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 98–45) received on August 28, 1998; to the Committee on Finance.

EC–6791. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expensing of Environmental Remediation Costs'' (Rev. Proc. 98–47) received on August 28, 1998; to the Committee on Finance.

EC–6792. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Income of Participants in Common Trust Fund'' (Rev. Rul. 98–41) received on September 2, 1998; to the Committee on Finance.

EC–6793. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Action on Decision: Estate of Clara K. Hoover, Deceased, Yetta Hoover Bidegain, Personal Representative v. Commissioner'' (Docket 18464–92) received on September 2, 1998; to the Committee on Finance.

EC–6794. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Action on Decision: Barry I. Fredricks v. Commissioner'' (Docket 16442–92) received on September 2, 1998; to the Committee on Finance.

EC–6795. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Action on Decision: McCormick v. Peterson'' received on September 2, 1998; to the Committee on Finance.

EC–6796. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Distribution of Stock and Securities of a Controlled Corporation'' (Rev. Rul. 98–44) received on September 2, 1998; to the Committee on Finance.

EC–6797. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Designated Private Delivery Services'' (Rev. Rul. 98–47) received on September 2, 1998; to the Committee on Finance.

EC–6798. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Forms and Instructions'' (Rev. Proc. 98–49) received on September 2, 1998; to the Committee on Finance.

EC–6799. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rollover of Gain From Qualified Small Business Stock to Another Qualified Small Business Stock'' (Rev. Proc. 98–48) received on September 7, 1998; to the Committee on Finance.

EC–6800. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits'' (RIN1545–AV95) received on September 7, 1998; to the Committee on Finance.

EC–6801. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Wages Under Section 41 in Determining the Tax Credit for Increasing Research Activities'' received on September 2, 1998; to the Committee on Finance.

EC–6802. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dollar-Value LIFO Bargain Purchase Inventory'' received on September 2, 1998; to the Committee on Finance.

EC–6803. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Covenants Not to Compete'' received on September 2, 1998; to the Committee on Finance.

EC–6804. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dollar-Value LIFO Segment of Inventory Excluded From The Computation of the LIFO Index'' received on September 2, 1998; to the Committee on Finance.

EC–6805. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Wages Under Section 41 in Determining the Tax Credit for Increasing Research Activities'' received on September 2, 1998; to the Committee on Finance.

EC–6806. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's report on the processing of continuing disability reviews for fiscal year 1997; to the Committee on Finance.

EC–6807. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Harvest Information Program; Participating States for the 1998–99 Season'' (RIN1018–AE96) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6808. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''1998–99 Refuge-Specific Hunting and Sport Fishing Regulations'' (RIN1018–AE68) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6809. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Captive-Bred Wildlife Registration—Final Rule'' (RIN1018–AB10) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6810. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Illinois Cave Amphoid as Endangered'' (RIN1018–AE31) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6811. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding guidelines for using probabilistic risk assessment in risk-informed decisions on plant-specific changes to the licensing basis of nuclear power plants (Guide 1.174) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6812. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Nuclear Criticality Safety Standards for Fuels and Material Facilities'' (Guide 3.71) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6813. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Consolidated Guidance About Materials Licenses: Applications for Sealed Source and Device Evaluation and Registration'' (NUREG–1556) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6814. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's Reports of Building Project Survey for Springfield, MA, Biloxi-Gulfport, MS, Eugene, OR, and Wheeling, WV; to the Committee on Environment and Public Works.

EC–6815. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate'' (FRL6154–5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6816. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lead; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors'' (FRL6017–8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6817. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation; Administrative Amendments'' (FRL6155–5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6818. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District'' (FRL6138–8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6819. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan; Illinois'' (FRL6152–5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6820. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana: Reasonable Available Control Technology for Emissions of Volatile Organic Compounds from Batch Processes'' (FRL6156–3) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6821. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills'' (FRL6155–9) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6822. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Characteristic Slags Generated from Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Effective Date'' (FRL6155–7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6823. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the Air Quality for PM–10 in the Liberty Borough, Pennsylvania Area'' (FRL6149–3) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6824. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY1999'' received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6825. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of New Jersey; Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program'' (FRL6155–8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6826. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acrylic Acid Terpolymer, Partial Sodium Salts; Tolerance Exemption'' (FRL6024–1) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6827. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program'' (FRL6156–7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6828. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Certain Chemical Substances; Removal of Significant New Use Rules'' (FRL6020–7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6829. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Herbicide Safener HOE–107892; Pesticide Tolerances for Emergency Exemptions'' (FRL6024–7) received on September 2, 1998; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes (Rept. No. 105[a] 325).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH, from the Committee on Finance:

Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. DASCHLE:

S. 2455. A bill to amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 2456. A bill to convert a temporary Federal judgeship in the district of Hawaii to a permanent judgeship, extend statutory authority for magistrate positions in Guam and the Northern Mariana Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2457. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2458. A bill to amend the Act entitled ''An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property known as the ''Warren Property''; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2459. A bill for the relief of Paul G. Finnerty and Nancy Finnerty of Scranton, Pennsylvania; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. DURBIN):

S. 2460. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental 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. GRAHAM (for himself, Mr. CRAIG, Mr. CAMPBELL, and Mr. BURNS):

S. Res. 275. A resolution expressing the sense the Senate that October 11, 1998, should be designated as ''National Children's Day''; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Con. Res. 116. A concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 2455. A bill to amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments; to the Committee on Labor and Human Resources.

RAILROAD RETIREMENT AMENDMENT ACT OF 1998''

Mr. DASCHLE. Mr. President, today I am introducing legislation on behalf of Valoris Carlson of Aberdeen, SD, and the handful of others like her whose lives have been terribly disrupted. This legislation will right a wrong that was not due to any error or deception on Valoris' part, but due to an administrative error by the Railroad Retirement Board [RRB]. In addition, the majority of the Board supports the amendment.

In 1984 Valoris, as the divorced spouse of a deceased railroad employee, applied for a tier I survivor's annuity. The RRB failed to check if a lump sum withdrawal had previously been made on the account at the time of her former spouse's death—even though Valoris clearly stated on her application that there was a surviving widow. In fact, a lump sum payment had been made, but not identified. The RRB began paying Valoris $587 per month in 1984 and continued to pay her benefits for 11 years. In 1994 the RRB discovered that an error had been made over a decade ago.

Subsequently, Valoris was told she was not eligible for the pension she was awarded in 1984. Had the RRB thoroughly reviewed their records, they would have seen that a lump-sum payment had been made on that account. Valoris, who was married for 26 years, lost her eligibility to the widow of the railroad worker who had been married to him for only 3 years. Valoris made an honest application for benefits. The RRB made an error, resulting in 11 years of ''overpayments'' to Valoris.

These payments affected Valoris' planning for the future. Valoris planned her retirement on that modest sum of $587. Had she been told she was not eligible for benefits, she would have worked longer to build up her own Social Security benefits. Her railroad divorced widow's benefit has been her only steady income. She has picked up a few dollars here and there by renting out rooms in her home, but without her monthly benefit income, Valoris has had a terrible time struggling to make ends meet.

The bill I am introducing today will address the errors made by the RRB that have disrupted the life of Valoris Carlson and others like her. The RRB advises that 15 other widows are similarly situated, and their pensions would also be restored by this bill.

The bill, which was developed with technical assistance from the RRB, would allow the 16 women impacted by the RRB's administrative error to begin receiving their monthly benefits again. It requires them to repay the lump sum, but they are allowed to do so through a modest withholding from their monthly benefit. The RRB could waive the monthly withholding if it would cause excessive hardship for a widow.

According to the RRB, the costs of this legislation would be negligible for scoring purposes.

Mr. President, I will work to enact this legislation as quickly as possible to restore the benefits to those women who are now suffering as a result of the Government's mistakes. It has been four years since these women have lost their retirement income. There is no excuse for further delay in providing these Americans with benefits they were led to expect by the RRB.

Mr. President, I ask that the full 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. 2455

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 ''Railroad Retirement Amendment Act of 1998''.

SEC. 2. PROTECTION OF DIVORCED SPOUSES.

(a) IN GENERAL.—Section 6(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(c)) is amended—

(1) in the last sentence of paragraph (1), by inserting ''(other than to a survivor in the circumstances described in paragraph (3))'' after ''no further benefits shall be paid''; and

(2) by adding at the end the following:

''(3) Notwithstanding the last sentence of paragraph (1), benefits shall be paid to a survivor who—

''(A) is a divorced wife; and

''(B) through administrative error received benefits otherwise precluded by the making of a lump sum payment under this section to a widow;

if that divorced wife makes an election to repay to the Board the lump sum payment. The Board may withhold up to 10 percent of each benefit amount paid after the date of the enactment of this paragraph toward such reimbursement. The Board may waive such repayment to the extent the Board determines it would cause an unjust financial hardship for the beneficiary.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to any benefits paid before the date of enactment of this Act as well as to benefits payable on or after the date of the enactment of this Act.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2457. A bill to make technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Energy and Natural Resources.

COLUMBIA RIVER GORGE BOUNDARY ADJUSTMENT ACT

• Mr. GORTON. Mr. President, it gives me great pleasure today to introduce legislation which will correct a longstanding technical error to the Columbia Gorge National Scenic Area Act of 1986.

As those who were around this body over a decade ago remember, the Columbia Gorge Act was a highly complicated and contentious piece of legislation. A great number of impacted citizens made substantial sacrifices to see that this Act which was intended to protect one of the most pristine and magnificent natural resources anywhere in America could become law. Because of the detailed nature and the sometimes convoluted process established under this Act, it is not surprising that a mistake along the lines of what my bill today intends to correct could happen. My legislation simply makes a technical correction to the Gorge Act by excluding approximately 29 acres of land owned by the Port of Camas-Washougal. This area was inadvertently included within the southwestern boundary of the Columbia River Gorge National Scenic Area 12 years ago.

Mr. President, ever since the establishment of the National Scenic Area, the Port of Camas-Washougal has been diligent in its efforts to prove that a small portion of its property was unintentionally included in the Scenic Area. In fact, even before the Gorge Act became law, the Port was successful in getting legislation passed that established the Steigerwald Lake National Wildlife Refuge and reserved 80 acres of this area for its own purposes.

Unfortunately, two years later, Congress in its infinite wisdom located the

southwest boundary of the Columbia Gorge National Scenic Area so that approximately 19 of the 80 reserved acres and 10 acres of Port-owned land were included in the National Scenic Area. The legislation I am offering today would exclude these 29 acres under question as Congress had originally intended.

I touched earlier on the Port's diligence in seeing this process through to its completion. Whether it be working with the Washington State Congressional delegation, getting approval from the Columbia Gorge Commission, or convincing originally skeptical segments of the local community, the Port's efforts are proof positive that persistence pays off when it comes to resolving complicated and contentious problems. It also helps to have the facts on your side. And clearly that is what the Port has been demonstrating over the past 12 years.

One concern that was raised in discussions with representatives of a number of interested parties throughout the local southwestern Washington community was the possibility that legislation making a technical boundary change might set a dangerous precedent in which other less deserving boundary change proposals are cavalierly enacted into law. Because of these concerns, I have included a provision in my bill stating in no uncertain terms that is not the intent of this legislation to set a precedent regarding adjustment or amendment of any boundaries of the National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

While the Gorge Act remains controversial within some sectors of my state and is by no means perfect, this legislation represents a special case where it has been clearly proven that the intent of Congress was not being carried out and the enabling statute needed correction. Any further proposals to change boundaries or revisions to the '86 Act will have to stand on their own merits and pass a similar test.

In addition to the Port of Camas-Washougal, I also want to commend representatives of the Columbia Gorge Commission and the Friends of the Gorge for working together with the Port to develop a reasonable solution to this mistake. I also want to thank my two colleagues, Senator MURRAY and Congresswomen SMITH, both of whom also have the pleasure of representing this beautiful area, for their support in this effort. While my legislation is not intended to set any legislative precedents, I do hope the positive process by which it was developed will foster further consensus building efforts throughout the local community.●

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2458. A bill to amend the Act entitled ''An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property known as the ''Warren Property''; to the Committee on Energy and Natural Resources.

MORRISTOWN NATIONAL HISTORICAL PARK LEGISLATION

Mr. TORRICELLI. Mr. President, today with Senator LAUTENBERG I introduce legislation to preserve land on which our nation was forged. During the harsh winter of 1779–1780 the Continental Army, and its leader, General George Washington camped at Morristown, New Jersey.

Washington chose Morristown for its logistical, geographical, and topographical advantages and also because of its close proximity to British-occupied New York City. Washington and his men encountered great hardships here, as the winter of 1779 was the worst winter here in over 100 years.

When soldiers first arrived at Morristown, they had no choice but to sleep out in the open snow as it took most about two to three weeks to build wooden huts to hold groups of a dozen men. The last of the Continental Army, however, did not move into the huts until the middle of February, and conditions were so bad that many soldiers stole regularly to eat, deserted, or mutinied. Only the leadership of General Washington held the Continental Army intact, enabling him to plot the strategy for the coming spring that would turn the tide of the war.

Through the preservation of this site, we honor the men who served at Morristown and fought for our independence. And more than that, we preserve the best classroom imaginable to understand how our nation was born.

Recognizing the importance of this site, Congress created the Morristown National Historical Park in 1933, the first historical national park in the National Park System.

In the years since the establishment of the park, however, New Jersey has undergone a revolution of another sort: from Garden State to Suburban State. In 1959, there were 15,000 farms in New Jersey covering 1.4 million acres. Today, there are 9,000 farms on 847,000 acres, a 40% decrease. In New Jersey, as much as 10,000 acres of rural land is being developed every year.

North-central New Jersey and the area around the park has not been spared from this development. Much of the private land adjacent to the park has been subdivided and developed for residential use. Many of these residences are visible from park areas, altering the rural character of the park and diminishing the visitor's experience of the park's historic landscape.

The legislation we are introducing today will help preserve the natural environment of the Park by authorizing the Park Service to expand the boundary of the park to include the 15-acre Warren property on Mt. Kemble Ridge. Specifically, our legislation authorizes the Secretary of the Interior to acquire through purchase, purchase with appropriated funds, or donation, the Warren Property. This acquisition will prevent this land, where patriots made their camp during the winter of 1779–1780, from being re-zoned and subdivided for residential development.

The National Park Service strongly supports this legislation. NPS Deputy Director, Denis Galvin, recently testified in support of legislation to acquire the Warren Property before a House National Parks and Public Lands Subcommittee hearing on March 26, 1998. This important parcel of land has been classified as ''desirable for acquisition'' by the National Park Service since 1976.

In addition, the property's owner, Jim Warren, is a willing seller and interested in seeing the property preserved as part of Morristown National Historical Park. Acquisition of the Warren Property for inclusion in the park would ensure that the character of the park's historic landscape is not further degraded.

Unfortunately, there are historic sites in my home state of New Jersey and across our country that need to be preserved. It is my hope that through this effort, the Morristown National Historical Park and sites like it across the country will be preserved for generations to come so that the history of our country and its guiding principles will remain alive in the hearts of all Americans.

● Mr. LAUTENBERG. Mr. President, today I wanted to announce that I am cosponsoring legislation authorizing the National Park Service to acquire and add lands to the Morristown National Historical Park. The Morristown National Historical Park is an important Revolutionary War site and this bill would authorize the Park Service to acquire lands from a willing seller to prevent the encroachment of modern residential and commercial development in an effort to preserve the visitor's experience of the park's historic landscape and enable the park to retain its rural character.

The Morristown National Historical Park was established in 1933 and hosts approximately 550,000 visitors a year. The park preserves the sites that were occupied by General George Washington and the Continental Army during this critical period where he held together, during desperate times, the small, ragged army that represented the country's main hope for independence. General Washington chose the area for its logistical, geographical, and topographical military advantages, in addition to its proximity to New York City, which was occupied by the British in 1779. The site proposed for acquisition would be a 15 acre parcel near the Jockey Hollow Encampment Area of the park and prevent further degradation of the parks vistas.

I invite my colleagues to join me in support of this legislation which will ensure that an important historical site for New Jersey and the nation is protected.●

By Mr. SPECTER:

S. 2459. A bill for the relief of Paul G. Finnerty and Nancy Finnerty of Scranton, Pennsylvania; to the Committee on Labor and Human Resources.

PRIVATE RELIEF LEGISLATION

• Mr. SPECTER. Mr. President, although it is late in the session, I am introducing legislation to rectify a problem facing one of my constituents, Mr. Paul Finnerty of Scranton, and his wife concerning his federal retirement benefits. It is necessary for Congress to become involved in this case because Mr. Finnerty has exhausted administrative relief and lost an estoppel claim in the 3rd Circuit Federal Court of Appeals, which ruled that ''regardless of the possibility of agency error in this case, we have no authority over the disbursement of funds that has been assigned by the Constitution to Congress alone.''

I am advised that Mr. Finnerty and his wife are entitled to employee and spousal annuities based on his more than 30 years in the railroad industry. They were misinformed by federal employees as to the actual retirement benefits they would receive and relied to their detriment on the higher figure in deciding that Mr. Finnerty should retire in 1993. Specifically, there is documentation which reflects the failure of the Scranton Field Office of the Railroad Retirement Board to advise Mr. Finnerty appropriately regarding the impact of a statutory maximum of $1200/month in retirement benefits if he remained in the federal CSRS pension system instead of switching into the FERS system. I have enclosed an example of such documentation for the RECORD.

While the private relief legislation is a last resort used sparingly by the Congress, the Finnertys have provided enough documentation to suggest that their request merits careful review by the Labor Committee, which has jurisdiction over such bills. Accordingly, I am introducing this bill today to begin that review process.

Mr. President, I ask unanimous consent that a Railroad Retirement Board letter be printed in the RECORD.

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

UNITED STATES OF AMERICA,
RAILROAD RETIREMENT BOARD,
Chicago, IL, September 26, 1994.

Hon. JOSEPH M. MCDADE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCDADE: Your letter on behalf of Mr. Paul G. Finnerty has been forwarded to me for reply.

Upon investigation of the circumstances described by Mr. Finnerty in his letter dated August 20, 1994, to you, I have determined that our Scranton field office repeatedly overestimated the amount of railroad retirement benefits that Mr. Finnerty could expect to receive upon his retirement. I regret this mistake.

The Scranton field office failed to consider the effect of the railroad retirement maximum provision of the Railroad Retirement Act of 1974 each time they furnished an estimate to Mr. Finnerty.

The railroad retirement maximum provision limits the total amount of railroad retirement benefits payable to an employee and spouse at the time the employee's annuity begins to a maximum based on the highest 2 years of creditable railroad retirement or social security covered earnings in the 10-year period ending with the year the employee's annuity begins. Since Mr. Finnerty's Federal employment for the previous 10 years was covered under the Civil Service Retirement System, his railroad retirement maximum amount could not be based on the highest 2 years of creditable railroad retirement or social security covered earnings. Therefore, Mr. Finnerty's railroad retirement maximum amount is set at the statutory limit of $1,200 in accordance with section 4(c) of the Railroad Retirement Act.

Unfortunately, the effect of the railroad retirement maximum in Mr. Finnerty's case is the reduction of the tier II component to zero in both the employee and spouse annuity. Since the Scranton field office included a tier II amount in the employee and spouse annuity computation, an overestimate of benefits resulted.

I sincerely regret any problems we have caused Mr. Finnerty. We strive to furnish the best service possible to our beneficiaries. When seeking our assistance during the important time of planning for retirement, our beneficiaries certainly have a right to expect that accurate annuity estimates are provided. Although we have failed Mr. Finnerty in that regard, the Scranton field manager has counseled his staff to consider the effect of the railroad retirement maximum provision when calculating estimates in the future. We will continue to stress the importance of accurate service to the public and, in an effort to prevent future mistakes, will issue a reminder to all field employees on this issue.

I am sorry a more favorable response cannot be made in regard to your constituent as we are required to pay benefits according to the law. If you need further information, please do not hesitate to contact us.

Sincerely,

KENNETH P. BOEHNE,
Director of Administration and Operations.•

By Mr. LEVIN (for himself and Mr. DURBIN):

S. 2460. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

THE DECEPTIVE MAILING ELIMINATION ACT OF 1998

• Mr. LEVIN. Mr. President, today I am introducing a bill that, if enacted, will go a long way toward eliminating deceptive practices in mailings that use games of chance like sweepstakes to induce consumers to purchase a product or waste their money by paying to play a game they will not win. The use of gimmicks in these contests, such as a large notice declaring the recipient a winner—oftentimes a ''guaranteed'' winner or one of two final competitors for a large cash prize—has proliferated to the point that American consumers are being duped into purchasing products they don't want or need because they think they have won or will win a big prize if they do so. Complaints about these mailings are one of the top ten consumer complaints in the nation. I have received numerous complaints from my constituents in Michigan asking that something be done to provide relief from these mailings.

Earlier this month we held a hearing in our Governmental Affairs Committee federal services subcommittee on the problem of deceptive sweepstakes and other mailings involving games of chance. We learned from three of our witnesses, the Florida Attorney General, the Michigan Assistant Attorney General and the Postal Inspection Service, that senior citizens are particular targets of these deceptive solicitations, because they are the most vulnerable. State Attorneys General have taken action against many of the companies that use deceptive mailings. The states have entered into agreements to stop the most egregious practices, but the agreements apply only to the states that enter into the agreements. This allows companies to continue their deceptive practices in other states. That's why federal legislation in this area is needed. The bill I'm introducing today will eliminate deceptive practices by prohibiting misleading statements, requiring more disclosure, imposing a $10,000 civil penalty for each deceptive mailing and providing the Postal Service with additional tools to pursue deceptive and fraudulent offenders.

Sweepstakes solicitations are put together by teams of clever marketers who package their sweepstakes offers in such a way so as to get people to purchase a product by implying that the chances of winning are enhanced if the product being offered is purchased. Rules and important disclaimers are written in fine print and hidden away in obscure sections of the solicitation or on the back of the envelope that is frequently tossed away. Even when one reads the rules, it frequently takes a law degree to understand them.

The bill I am introducing will protect consumers from deceptive practices by directing the Postal Service to develop and issue regulations that restrict the use of language and symbols on direct mail game of chance solicitations, including sweepstakes, that mislead the receiver into believing they have won, or will win a prize. The bill also requires additional disclosure about chances of winning and the statement that no purchase is necessary. Any mail that is designated by the Postal Service as being deceptive will not be delivered. This will significantly reduce if not eliminate the deceptive practices being used in the direct mail industry to dupe unsuspecting consumers into thinking they are grand prize winners. The direct mail industry should benefit as a result. The adverse publicity recently aimed at the industry because of ''You Have Won a Prize'' campaigns has malign the industry as a whole. Cleaning up deceptive advertising will certainly improve the industry's image.

For those entities that continue to use deceptive mailings, my bill imposes a civil penalty of $10,000 for each offense that violates Postal Service regulations. Currently the Postal Service can impose a $10,000 daily fine for evading or not complying with a Postal Service order. My bill imposes a fine concurrent with issuing an order. This has the effect of applying the penalty to the deceptive offense, not for noncompliance of the order.

My bill allows the Postal Service to quickly respond to changes in deceptive marketing practices by tasking them to draft regulations and language that will be effective against the ''scheme du jour.'' A deceptive practice used today, may not be used tomorrow. As soon as authorities learn about one scheme, it's changes. If legislation is passed that requires a specific notice, it won't be too long before another deceptive practice will pop up to by-pass the legislation. The Postal Service, who is in the business of knowing what is going on with the mails, will be able to evaluate what regulatory changes will be required to keep pace with deceptive practices. This will ensure that deceptive practices are weeded out in a timely manner by keeping regulations current.

The bill also gives the Postal Service administrative subpoena power to respond more quickly to deceptive and fraudulent mail schemes. Currently the Postal Service must go through a lengthy administrative procedure before it can get evidence to shut down illegal operations. By the time they get through all the administrative hoops, the crook has folded up operations and disappeared, or has destroyed all the evidence. By granting the Postal Service limited subpoena authority to obtain relevant or material records for an investigation, the Postal Service will be able to act more efficiently against illegal activities. Subpoena authority will make the Postal Service more effective and efficient in its pursuit of justice.

The Deceptive Sweepstakes Mailings Elimination Act of 1998 takes a tough approach to dealing with sweepstakes solicitations and other games of chance offerings that are sent through the mail. If you use sweepstakes or a game of chance to promote the sale of a product and provide adequate disclosure and abide with Postal Service regulations, then the Postal Service will deliver that solicitation. If deceptive practices are used in a sweepstakes or a game of chance solicitation, then the Postal Service will be able to stop the solicitation, and impose a significant penalty.

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

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

S. 2460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECEPTIVE GAMES OF CHANCE MAILINGS ELIMINATION.

(a) SHORT TITLE.—This Act may be cited as the ''Deceptive Games of Chance Mailings Elimination Act of 1998''.

(b) NONMAILABLE MATTER.—

(1) IN GENERAL.—Section 3001 of title 39, United States Code, is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(B) by inserting after subsection (i) the following:

''(j)(1) Matter otherwise legally acceptable in the mails that constitutes a solicitation or offer in connection with the sales promotion for a product or service or the promotion of a game of skill that includes the chance or opportunity to win anything of value and that contains words or symbols that suggest the recipient will, or is likely to, receive anything of value, shall conform with requirements prescribed in regulations issued by the Postmaster General.

''(2) Matter not in conformance with the regulations prescribed under paragraph (1) shall not be carried or delivered by mail and shall be disposed of as the Postal Service directs.

''(3) Regulations prescribed under paragraph (1) shall require, at a minimum, that—

''(A) promotion of games of chance mailings contain notification or disclosure statements, with sufficiently large and noticeable type to be effective notice to recipients that—

''(i) any recipient is not obligated to purchase a product in order to win;

''(ii) sets out the chances of winning accurately; and

''(iii) advises that purchases do not enhance the recipient's chances of winning;

''(B) games of chance mailings shall be clearly labeled to—

''(i) identify such mailings as games of chance mailings; and

''(ii) prohibit misleading statements representing that recipients are guaranteed winners; and

''(C) solicitations in games of chance mailings may not represent that the recipient is a member of a selected group whose chances of winning are enhanced as a member of that group.''.

(2) FALSE REPRESENTATIONS.—Section 3005(a) of title 39, United States Code, is amended—

(A) in the first sentence by striking ''section 3001 (d), (h), or (i)'' and inserting ''section 3001 (d), (h), (i), or (j)''; and

(B) in the second sentence by striking ''section 3001 (d), (h), or (i)'' and inserting ''section 3001 (d), (h), (i), or (j)''.

(c) ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

''§ 3016. Administrative subpoenas

''(a) AUTHORIZATION OF USE OF SUBPOENAS BY POSTMASTER GENERAL.—In any investigation conducted under this chapter, the Postmaster General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General finds relevant or material to the investigation.

''(b) SERVICE.—(1) A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

''(2) Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

''(3) Service of any such subpoena may be made by a Postal Inspector upon a partnership, corporation, association, or other legal entity by—

''(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

''(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

''(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

''(4) Service of any subpoena may be made upon any natural person by—

''(A) delivering a duly executed copy to the person to be served; or

''(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

''(5) A verified return by the individual serving any such subpoena setting forth the matter of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

''(c) ENFORCEMENT.—(1) Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

''(2) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as contempt.

''(d) DISCLOSURE.—Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5.''.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Postal Service shall promulgate regulations setting out the procedures the Postal Service will use to implement this subsection.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

''3016. Administrative subpoenas.''.

(d) ADMINISTRATIVE CIVIL PENALTIES FOR NONMAILABLE MATTER VIOLATIONS.—Section 3012 of title 39, United States Code, is amended by adding at the end the following:

''(e)(1) In any proceeding in which the Postal Service issues an order under section 3005(a), the Postal Service may assess civil penalties in an amount of $10,000 per violation for each mailing of nonmailable matter as defined under any provision of this chapter.

''(2) The Postal Service shall prescribe regulations to carry out the subsection.''.●

ADDITIONAL COSPONSORS

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 472

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under the medicare program, and for other purposes.

S. 2017

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2145

At the request of Mr. SHELBY, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. FORD), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2165

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2165, a bill to amend title 31 of the United States Code to improve methods for preventing financial crimes, and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. FRIST), the Senator from Tennessee (Mr. THOMPSON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2181

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former members of the Selected Reserve for veterans housing loans.

S. 2263

At the request of Mr. GORTON, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. MACK, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2323

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2432

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2433

At the request of Mr. D'AMATO, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2433, a bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

S. 2448

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

S. 2454

At the request of Mr. MCCONNELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2454, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE RESOLUTION 264

At the request of Mrs. MURRAY, the names of the Senator from Colorado

(Mr. CAMPBELL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Resolution 264, a resolution to designate October 8, 1998 as the Day of Concern About Young People and Gun Violence.

SENATE CONCURRENT RESOLUTION 116—CONCERNING THE NEW TRIBES MISSION HOSTAGE CRISIS

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 116

Whereas Mark Rich, David Mankins, and Rick Tenenoff of the Sanford, Florida, based New Tribes Mission were abducted on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama;

Whereas the wives and children of these American citizens, Tania Rich (daughters—Tamra and Jessica), Nancy Mankins (son—Chad, daughter—Sarah), and Patti Tenenoff (son—Richard Lee III, daughters—Dora and Connie), have lived the past 5 years without knowledge of the safety of these 3 men;

Whereas Mark Rich, David Mankins, and Rick Tenenoff presently are believed to be the longest held United States hostages;

Whereas this kidnapping represents a gross violation of the 3 missionaries' human rights and is not an isolated incident in Colombia where, since 1980, 83 innocent Americans have been held hostage by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN);

Whereas the FARC and the ELN guerrilla groups in Colombia have both been designated terrorist organizations by the Department of State;

Whereas Colombia is engaged in a high-level conflict with these guerrilla insurgency groups, a number of whom are protectorates of the deadly drug trade;

Whereas the FARC has recently threatened officials of the United States Government and kidnapped additional United States citizens in Colombia;

Whereas the region of Colombia where the 3 American missionaries are believed to be held is controlled not by the Colombian Government, but rather by the FARC;

Whereas on December 9, 1997, the President of Colombia stated on an internationally televised episode of Larry King Live that the FARC ''in some ways have admitted indirectly that they have the missionaries'';

Whereas Human Rights Watch has stated that ''The FARC has an obligation to unconditionally free the 3 missionaries, with all necessary guarantees'' and Amnesty International has declared their ''request that the FARC respect international humanitarian norms, guarantee the life and physical safety of the missionaries and unconditionally free them and all other hostages'';

Whereas congressional inquiries regarding the 3 missionaries have been made to United States Government entities, including, the White House, the Department of State, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation;

Whereas congressional inquiries regarding the 3 missionaries have been made to Amnesty International, Pax Christi, His Holiness the Pope John Paul II, and the International Committee of the Red Cross, which has provided assurances that their Colombian delegation ''is still actively working in favor of the missing members of the New Tribes Mission'';

Whereas 58 Members of Congress and Senators signed letters to 8 different heads of state, including Costa Rica, Mexico, Panama, Spain, Venezuela, Guatemala, Colombia, and Portugal, in attendance at the Iberian-American Conference in Venezuela in November of 1997, requesting any and all assistance in order to bring about a favorable outcome to this unfortunate event;

Whereas no official confirmation of life or death has been made by any United States Government entity, nongovernmental organization, foreign government, or religious institution;

Whereas the distinction between a ''terrorist activity'' and a ''criminal activity'' perpetrated on an American citizen traveling abroad should not be a limiting factor in terms of United States governmental investigation; and

Whereas every consideration to safety and prudence regarding action by the United States Government, foreign governments, nongovernmental organizations, international institutions, and other groups in this matter should be of the highest priority: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the President of the United States and his emissaries should raise the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, nongovernmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved;

(2) the President of the United States and the Secretary of State should offer reward money for information leading to the release of the named hostages;

(3) the President of the United States and his emissaries should urge the cooperation of the new President of Colombia to assist in the publication of the reward information;

(4) the international community should encourage any and all groups believed to have information on this case to come forward to help the families of the kidnapped missionaries;

(5) all appropriate information obtained by the United States Government, foreign governments, international institutions, nongovernmental organizations, and religious institutions should be turned over in a timely basis to the New Tribes Mission crisis response team;

(6) a copy of this resolution shall be transmitted to the President, the Secretary of State, the National Security Advisor, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the President of the Republic of Costa Rica, the President of the United Mexican States, the President of the Republic of Panama, the King of Spain, the President of the Republic of Venezuela, the President of the Republic of Guatemala, the President of the Republic of Colombia, the President of the Republic of Portugal, and His Holiness Pope John Paul II; and

(7) a copy of this resolution shall be transmitted to the New Tribes Mission, Amnesty International, Pax Christi, and the International Committee of the Red Cross.

● Mr. SPECTER. Mr. President, I have sought recognition today to submit a Resolution that seeks the President's assistance in recovering three Americans—Mark Rich, David Mankins, and Rick Tenenoff—who were abducted by the Colombian terrorists known as the Revolutionary Armed Forces of Colombia (FARC) on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama.

I first became aware of this situation at a Lancaster County open house town meeting at the Lancaster City Council Chambers on February 9, 1998. At the meeting, Ms. Peggie Miller urged me to get involved in the situation. Also present at the meeting were Chester and Mary Bitterman. Mr. Bitterman stood and spoke passionately about his son, Chet Bitterman, III, who was a missionary translator with Wycliffe Bible. Chet Bitterman, III, was kidnapped in Bogota, Colombia, in January, 1981, held hostage for 48 days and then found brutally murdered by Colombian terrorists on march 7, 1981. Not only did Mr. and Mrs. Bitterman lose a son, but Chet left a wife and two very young daughters. A book entitled ''Called to Die'' written by Steve Estes describes the horrible situation. Upon the urging of these constituents, I met with New Tribes Mission, the State Department, the Federal Bureau of Investigation and the Central Intelligence Agency to see what we could do about recovering these kidnapped men.

This resolution expresses the sense of the Congress that the President and his representatives should raise the issue of the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, non-governmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved. The international community should encourage groups believed to have information on this case to come forward. The legislation urges that all the appropriate information obtained should be turned over in a timely basis to the New Tribes Mission crisis response team.

Most importantly, the resolution proposes that the President of the United States and the Secretary of State offer reward money for information leading to the release of Mark, David and Rick. President Clinton should also encourage the cooperation of newly-elected Colombian President Pastrana to assist in the publication of the reward information. Without cooperation between our two governments, we may never see the return of these men to their families in the United States.

There are indications that Mr. Rich, Mr. Mankins, and Mr. Tenenoff have been held in Colombia for over five years; therefore, they would be the longest held American hostages in Colombia. The United States government should do all it can to protect its citizens against terrorist acts; I therefore urge my colleagues to join me in supporting adoption of this resolution.●

SENATE RESOLUTION 275—EXPRESSING THE SENSE OF THE SENATE THAT OCTOBER 11, 1998, SHOULD BE DESIGNATED AS ''NATIONAL CHILDREN'S DAY''

Mr. GRAHAM (for himself, Mr. CRAIG, Mr. CAMPBELL, and Mr. BURNS)

submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 275

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 11, 1998, should be designated as ''National Children's Day''; and

(2) the President is requested to issue a proclamation calling upon the people of the United States to observe ''National Children's Day'' with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

D'AMATO AMENDMENT NO. 3560

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PROHIBITION OF CERTAIN ATM FEES.

(a) DEFINITION.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

''(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.''.

(b) CERTAIN FEES PROHIBITED.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

''(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

''(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

''(2) is conducted through a national or regional electronic banking network.''.

ABRAHAM AMENDMENT NO. 3561

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

On p. 68, line 17, strike ''.''.'' and insert the following: ''unless the court, on request of the Debtor or Trustee and after notice and hearing, finds upon a showing supported by the preponderance of the evidence that: (A) the consideration paid by the Debtor in the transaction that supports the allowed claim was so disproportionate to the consideration received by the Debtor so as to render the transaction rescindable by the Debtor under applicable non-bankruptcy law, or (B) the transaction is rescindable by the Debtor under applicable non-bankruptcy law based on fraud or misrepresentation.''.''

GLENN AMENDMENT NO. 3562

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

On page 11, line 1, strike ''$624,019,000'' and insert ''$625,019,000''.

On page 11, line 2, after ''herein,'' insert the following: ''of which at least $3,192,000 of the amounts made available for fish and wildlife management within the fisheries account shall be made available for aquatic nuisance control,''.

On page 77, line 5, strike ''$353,840,000'' and insert ''$352,840,000''.

On page 77, line 10, before the colon, insert the following: '', of which $124,887,000 shall be made available for road reconstruction and construction activities''.

THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

McCAIN AMENDMENT NO. 3563

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill (S. 2119) to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Olympic and Amateur Sports Act Amendments of 1998''.

SEC. 2. AMENDMENT OF TITLE 36, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 36, United States Code.

SEC. 3. DEFINITIONS.

Section 220501 is amended by—

(1) inserting ''or paralympic sports organization'' after ''national governing body'' in paragraph (1);

(2) redesignating paragraph (7) as paragraph (8); and

(3) inserting after paragraph (6) the following:

''(7) 'paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title.''.

SEC. 4. PURPOSES.

Section 220503 is amended by—

(1) striking ''Olympic Games'' each place it appears in paragraphs (3) and (4) and inserting ''Olympic Games, the Paralympic Games,''; and

(2) striking paragraph (13) and inserting the following:

''(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and''.

SEC. 5. MEMBERSHIP.

Section 220504(b) is amended by—

(1) striking paragraphs (1) and (2) and inserting the following:

''(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

''(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

''(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and

''(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;''; and

(2) inserting a comma and ''the Paralympic Games,'' after ''Olympic Games'' in paragraph (3).

SEC. 6. POWERS.

(a) GENERAL CORPORATE POWERS.—Section 220505(b)(9) is amended by striking ''sued;

and'' and inserting ''sued, except that any civil action brought in a State court against the corporation shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and''.

(b) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—Section 220505(c) is amended by—

(1) striking ''Organization;'' in paragraph (2) and inserting ''Organization and as its national Paralympic committee in relations with the International Paralympic Committee;'';

(2) striking ''Games and of'' in paragraph (3) and inserting ''Games, the Paralympic Games, and'';

(3) striking ''Games;'' in paragraph (4) and inserting ''Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;''; and

(4) striking ''Games,'' in paragraph (5) and inserting ''Games, the Pan-American Games, the Pan-American world championship competition,''.

SEC. 7. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.

Section 220506 is amended by—

(1) striking ''rings;'' in subsection (a)(2) and inserting ''rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings'';

(2) inserting '' 'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite,' '' before ''or any combination'' in subsection (a)(4);

(3) inserting a comma and ''International Paralympic Committee, the Pan-American Sports Organization,'' after ''International Olympic Committee'' in subsection (b);

(4) inserting ''the Paralympic team,'' before ''or Pan-American team'' in subsection (b);

(5) inserting a comma and ''Paralympic, or Pan-American Games'' after ''any Olympic'' in subsection (c)(3);

(6) inserting a comma and ''the International Paralympic Committee, the Pan-American Sports Organization,'' after ''International Olympic Committee'' in subsection (c)(4);

(7) inserting ''AND GEOGRAPHIC REFERENCE'' after ''PRE-EXISTING'' in subsection (d); and

(8) adding at the end of subsection (d) the following:

''(3) Use of the word 'Olympic' to identify a business or goods or services is not prohibited by this section where it is evident from the circumstances that the use of the word 'Olympic' refers to the geographical features or a region of the same name, and not a connection with the corporation or any Olympic activity.'';

SEC. 8. RESOLUTION OF DISPUTES.

Section 220509 is amended by—

(1) inserting ''(a) GENERAL.—'' before ''The corporation'';

(2) inserting ''the Paralympic Games,'' before ''the Pan-American Games'';

(3) inserting after ''the corporation.'' the following: ''In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.''; and

(4) adding at the end thereof the following:

''(b) OMBUDSMAN.—

''(1) The corporation shall hire and provide salary benefits and administrative expenses for an ombudsman for athletes, who shall—

''(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

''(B) assist in mediating any such disputes; and

''(C) report to the Athletes' Advisory Council on a regular basis.

''(2)(A) The procedure for hiring the ombudsman for athletes shall be as follows:

''(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

''(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

''(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

''(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—

''(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

''(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

''(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.''.

SEC. 9. AGENT FOR SERVICE OF PROCESS.

The text of section 220510 is amended to read as follows:

''As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.''.

SEC. 10. REPORT.

(a) Section 220511(a) is amended to read as follows:

''(a) SUBMISSION TO PRESIDENT AND CONGRESS.—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

''(1) a complete statement of its receipts and expenditures;

''(2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;

''(3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and

''(4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.''.

(b) The chapter analysis for chapter 2205 is amended by striking the item relating to section 220511 and inserting the following:

''220511. Report.''.

SEC. 11. COMPLETE TEAMS.

(a) GENERAL.—Subchapter I of chapter 2205 is amended by adding at the end thereof the following:

''§ 220512. Complete teams

''In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of at least one of the national governing body, the corporation, the International Olympic Committee, or the appropriate international sports federation, when the number of athletes who have met the eligibility standard of at least one of such entities is insufficient to fill the roster for an event.''.

(b) The chapter analysis for chapter 2205 is amended by inserting after the item relating to section 220511 the following:

''220512. Complete teams.''.

Section 220521 is amended by—

(1) striking the first sentence of subsection (a) and inserting the following: ''For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under subsection (e)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsections (b) or (e) of this section.'';

(2) striking ''approved.'' in subsection (a) and inserting ''approved, except as provided in subsection (e) with respect to a paralympic sports organization.'';

(3) striking ''hold a public hearing'' in subsection (b) and inserting ''hold at least 2 public hearings'';

(4) striking ''hearing.'' each place it appears in subsection (b) and inserting ''hearings.''; and

(5) adding at the end of subsection (b) and following: ''The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport.''.

SEC. 13. ELIGIBILITY REQUIREMENTS.

Section 220522 is amended by—

(1) inserting ''(a) GENERAL.—'' before ''An amateur'';

(2) striking paragraph (4) and inserting the following:

''(4) agrees to submit to binding arbitration in any controversy involving—

''(A) its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

''(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official,

If the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;'';

(3) striking paragraph (10) and inserting the following:

''(10) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that—

''(A) its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years; and

''(B) any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;'';

and

(4) inserting ''or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games'' after ''amateur status'' in paragraph (14); and

(5) adding at the end thereof the following:

''(b) RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS.—For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization—

''(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

''(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.''.

SEC. 14. AUTHORITY OF NATIONAL GOVERNING BODIES.

Section 220523 is amended by—

(1) striking ''Games and'' in paragraph (6) and inserting ''Games, the Paralympic Games, and''; and

(2) striking ''Games and'' in paragraph (7) and inserting ''Games, the Paralympic Games, and''.

SEC. 15. DUTIES OF NATIONAL GOVERNING BODIES.

Section 220524 is amended by—

(1) redesignating paragraphs (4) through (8) as paragraphs (5) through (9); and

(2) inserting after paragraph (3) the following:

''(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;''.

SEC. 15. REPLACEMENT OF NATIONAL GOVERNING BODY.

Section 220528 is amended by—

(1) striking ''Olympic Games or both'' in subsection (c)(1)(A) and inserting ''Olympic Games or the Paralympic Games, or in both'';

(2) striking ''registered'' in subsection (c)(2) and inserting ''certified'';

(3) striking ''body.'' in subsection (c)(2) and inserting ''body and with any other organization that has filed an application.';

(4) inserting ''open to the public'' in subsection (d) after ''formal hearing'' in the first sentence;

(5) inserting after the second sentence in subsection (d) the following: ''The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport.''; and

(6) striking ''title.'' in subsection (f)(4) and inserting ''title and notify such national governing body of such probation and of the actions needed to comply with such requirements.''.

SEC. 16. SPECIAL REPORT TO CONGRESS.

Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 10, 1998. The purpose of this meeting will be to consider the nomination of Michael Reyna to be a member of the Farm Credit Administration Board.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 10, 1998, at 9:30 a.m. on international satellite reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to conduct a meeting to receive testimony on S. 2385, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah during the session of the Senate on Thursday, September 10, 1998, at 2 p.m. in Room SD–366.

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

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 10, 1998 beginning at 10 a.m. in room SD–215, to conduct a markup.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 10, 1998 at 10 a.m. and 2 p.m. to hold two hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, to be immediately following the 12 o'clock vote, off the floor, in room S216, the Presidents room of the United States Capitol Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be granted permission to conduct a meeting to mark up S. 2288, the Wendell H. Ford Government Publications Act of 1998 during the session of the Senate on Thursday, September 10, 1998 at 9:30 a.m. in room SR–301.

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

SPECIAL COMMITTEE ON AGING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on September 10, 1998 at 9 a.m. to 4 p.m. in Dirksen 628 for the purpose of conducting a hearing and forum.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee

on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Thursday, September 10, 1998, at 9:30 a.m. for a hearing on the topic of ''The Safety of Food Imports: Fraud and Deception In the Food Import Process.''

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

ADDITIONAL STATEMENTS

TRIBUTE TO HANNIBAL-LAGRANGE COLLEGE

• Mr. BOND. Mr. President, I rise today to pay tribute to Hannibal-LaGrange College in Hannibal, Missouri. On September 15, 1998, the Hannibal-LaGrange College will celebrate its 140th anniversary. This is especially significant considering the college's first seventy years were spent in LaGrange and the second seventy have been spent in Hannibal.

Hannibal-LaGrange College offers an excellent liberal arts education and throughout the years has grown, not only in number, but in opportunities available for students. Today the college offers more than thirty areas of study, night programs for working adults, eight intercollegiate sports teams and four traveling performance groups.

I commend Hannibal-LaGrange College staff and students for their dedication and perseverance throughout the college's many years of existence and hope they continue to enrich the Hannibal community for years to come.•

THE SECOND ANNUAL CHICAGO FOOTBALL CLASSIC

• Ms. MOSELEY-BRAUN. Mr. President, I would like to take a few minutes today to bring to the attention of the Senate an event that will take place this weekend in my hometown of Chicago. That event, the Second Annual Chicago Football Classic, celebrates the rich academic, cultural and athletic tradition of historically Black colleges and universities.

The Chicago Football Classic will take place this year at Chicago's Soldier Field on Saturday, September 12, 1998. This year's competition pits Alcorn State University against Virginia State University in what promises to be an exciting and hard-fought gridiron battle.

Although the football game is the centerpiece of the event, the Chicago Football Classic is about so much more. Begun last year, the Chicago Football Classic was created by Chicago area businessmen to spread the word within the African-American community about the tremendous opportunities available at historically Black colleges and universities. Aside from the game, the Classic features a spectacular halftime battle of the bands; a luncheon honoring Dr. Clinton Bristow, Jr. and Dr. Eddie N. Moore, presidents of Alcorn State University and Virginia State University, respectively; and a parade in historic Grant Park featuring the Virginia State Marching Marauders and the Alcorn State Sounds of Dynomite.

Mr. President, I am sure that the members of this body are well aware of the proud legacy and stunning achievements of our nation's historically Black colleges. Nonetheless, I would be remiss if in talking about the Chicago Football Classic, I failed to mention that our nation's historically Black colleges and universities have promoted academic excellence for over 130 years. Although they represent only 3 percent of all U.S. institutions of higher learning, historically Black colleges and universities graduate fully 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

As so eloquently stated in Fisk University's original charter, historically Black colleges and universities have measured themselves ''by the highest standards, not of Negro education, but of American education at its best.''

Throughout their history, historically Black colleges and universities have produced some of our nation's most distinguished leaders, including the late Dr. Martin Luther King, Jr., the late Supreme Court Justice Thurgood Marshall, and several current U.S Representatives. These institutions have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically and socially disadvantaged Americans, including tens of thousands of African-Americans.

In Virginia State University and Alcorn State University, the Chicago Football has chosen two exceptional universities to participate in this years festivities. Alcorn State, located in Loman, Mississippi, arose from the ashes of the Civil War in 1871 with eight faculty members and 179 mostly male local students. Today, Alcorn State has grown to a population of 3,000 students from all over the world and 500 faculty and staff members. Virginia State University was founded in 1882 in Petersburg, Virginia with 126 students and seven faculty members. One hundred years later in 1982, the University was fully integrated, with a student body of nearly 5,000 and a full-time faculty of about 250.

Mr. President, both of these schools have a historical connection to the United States Congress. The first president of Virginia State, John Mercer Langston, was the only African-American ever elected to the United States Congress from Virginia until the election of Congressman Robert Scott in 1992. Former Senator Hiram Revels of Mississippi, the first African-American elected to the United States Senate, resigned his seat in this body to become the first president of Alcorn State.

Certainly, in mentioning these few facts about Alcorn State and Virginia State Universities, I have only scratched the surface of the proud history, academic excellence, and abundant opportunities that historically Black colleges and universities have to offer.

I salute the organizers, participants, and fans of the Chicago Football Classic for coming together to celebrate historically Black colleges and universities. In the words of Tim Rand, the Executive Director of the Chicago Football Classic: ''It offers young people an opportunity to witness the rich cultural heritage of Black colleges and universities.'' I am proud that Chicago has been chosen as the venue for this important and exciting event.

In closing, I would like to welcome the students, athletes, fans and alumni of Virginia State and Alcorn State to Illinois, and wish both teams good luck in Saturday's game. I know my colleagues here in the Senate join me in my praise of the Chicago Football Classic and in my gratitude and respect for our nation's historically Black colleges and universities.•

TRIBUTE TO LEROY ''LEE'' LOCHMANN

• Mr. LUGAR. Mr. President, I rise today to pay tribute to Leroy ''Lee'' Lochmann, the recently retired President and CEO of ConAgra's Refrigerated Foods Companies. Over a forty-five-year career in the meat and poultry industry, Lee's leadership skills have made him a pioneer in the food business.

In 1953, Lee joined Swift and Company directly out of high school, working on the line in an East St. Louis meat packing plant. From these early years, Lee moved through numerous management positions, finally ascending to key executive ranks. He ultimately became President of Swift and Company, the first of many—and increasingly large—meat and poultry companies that Lee would eventually run.

In addition, along the way, Lee accumulated two university degrees and served his country in the military for three years.

Lee's hardworking beginnings have given him a unique perspective as a food industry leader and have allowed him to effectively manage his employees, from the most junior line worker to the most senior corporate manager.

At ConAgra, one of the world's largest food companies, Lee used his experience to expand its diversified Refrigerated Foods Companies. As president, CEO and member of the Office of the Chairman, Lee oversaw multibillion dollar businesses, provided a secure place of employment for thousands of hard-working employees and wonderful food products for American consumers. While consumers would not recognize the name of Lochmann, the products that he produced are an integral part of our daily diets: Armour hot dogs, Healthy Choice luncheon meats, Butterball turkeys, Swift Premium bacon and Eckrich sausages.

Mr. President, many ConAgra employees are constituents of mine in Indiana, and we know first-hand the significant role the company plays in my state's economy and our country's agricultural industries.

Lee was not only a leader at ConAgra, he was an industry trader, as well. A long term Director of the American Meat Institute, Lee's peers paid this fine gentleman a well-deserved tribute by electing him Chairman of the industry's National Trade Association in 1992.

Mr. President, it is my great pleasure to pay tribute to Lee Lochmann, and I wish him, his wife Agnes and their family the best in all of their future endeavors.●

CONGRATULATIONS TO SEARCHLIGHT'S WOMAN OF THE DECADE, MRS. VERLIE DOING

● Mr. REID. Mr. President, I rise today to pay tribute to Mrs. Verlie Doing, an outstanding woman who will receive a distinguished honor when she is named Searchlight, Nevada's, Woman of the Decade in October. This particular tribute is one I hold especially dear, as it is being given to a woman who has helped make my hometown the unique community it is today.

Founded by those in search of gold, Searchlight began as a mining town. It is a strangely quiet place, not really mentioned in the tales of Nevada history. However, this is my home, and Verlie Doing has helped to establish it as a beating heart in the once silent land found south of Las Vegas.

Mrs. Doing relocated to Searchlight with her husband, Warren, in 1967. Since that time, she has been active in organizing community activities as well as providing employment for the majority of families living in the area. Upon settling in Searchlight, Mrs. Doing assumed a position on the Searchlight Town Advisory Board and began her legacy of work. She is an original member of the town's Emergency Medical Treatment team, as well as the Searchlight Museum Guild. She has served on the Clark County Parks and Recreation Board since 1970, establishing areas for children and adults alike to not only enjoy the many splendors of Nevada's scenery, but to partake of beneficial recreation programs.

As a member of the Parks and Recreation Board, Verlie has seen first hand the need for centers where people can participate in community activities. For this reason, she and her husband donated to the city the land for the Searchlight Senior Citizen Center. Currently, this center offers seniors an opportunity to socialize and continue their education through arts and crafts and exercise. Day care and food programs are among the most important offered at the center and provide assistance to those seniors who may otherwise be institutionalized.

Not only has Mrs. Doing been energetically involved in community activities, she has also helped to foster Searchlight's business community. Currently, Mrs. Doing is serving as the sole owner of the Searchlight Nugget Casino, the largest employer in the city. Established in 1979, the Nugget has increased not only employment, but has aided in boosting the economy. She has employed hundreds of Searchlight residents, providing many families with incomes where, without the casino, there would be none. It is this entrepreneurial spirit that has brought vitality into both the business community and the entire town.

Most of all, my family and I have been friends of Verlie, her late husband, Warren, and their son, Riley, for more than thirty years. The Doings have made not only Searchlight a better place, but Nevada and our great country as well.

I commend Verlie on her significant contributions to my hometown. Without her enthusiasm, energy and love for her home, Searchlight would be much less. It is for these reasons that I proudly support the decision of the Searchlight Celebration Committee in their selection of Mrs. Verlie Doing as Searchlight's Woman of the Decade.●

GREAT MINDS, SMART GIVING"

● Mr. ABRAHAM. Mr. President, I rise today to call my colleagues' attention to an article by Dr. Samuel J. LeFrak, entitled ''Great Minds, Smart Giving'' from the May/June 1998 issue of Philanthropy magazine. LeFrak is chairman of the Lefrak Organization and has been honored for his many years of philanthropic giving.

Recently, through the LeFrak Foundation, Dr. LeFrak has done something incredible for the state of Michigan. Concerned that an emphasis on traditional liberal education at America's colleges and universities is diminishing, LeFrak chose to endow the LeFrak Forum at Michigan State University. This program focuses on political philosophy and public policy, helping professors to teach with an emphasis on traditional Western ideas. The Forum will accomplish this through lectures, conferences, research, publications and fellowships. The students of Michigan State University are very fortunate to have such a wonderful program and will undoubtedly benefit from it.

As we continue our efforts as a nation to raise our children to be truly educated adults, imbued with the values of our traditions and the bases of well-ordered liberty, I feel we can look to the LeFrak Forum as an excellent model. I ask that the text of ''Great Minds, Smart Giving'' be printed in the RECORD.

The text follows:

GREAT MINDS, SMART GIVING—A NOTED PHILANTHROPIST ON RECLAIMING ACADEME

(By Samuel LeFrak

When my wife Ethel and I began discussing a major gift to an academic institution, we wanted to do something new and off the beaten track of bricks-and-mortar, scholarships, and endowed chairs. We also talked at length about the problems of higher education and how we might help to solve them. Our grandsons, Harrison and James, were just finishing college and from them we had a pretty clear idea of the dismal state of today's campus landscape. Both reported that the news about political correctness and multiculturalism is largely true. While it is surely an exaggeration to say that the traditional liberal arts curriculum is gone, it is true that an entire generation of graduate and undergraduate students is being trained to a drumbeat critical of the Western tradition as racist, sexist, homophobic, hegemonic, Euro-centric, and rationalistic (a vice, it now seems!). The path to academic success is definitely smoother for those who adhere to this fashionable view. The graduate students are, of course, the professorate of the future and the teachers of the coming generation of leaders in politics and business. What happens in the seminar room, no matter how bizarre or arcane, eventually makes its way to the boardroom.

Now, Ethel and I have the deepest respect for the great books and ideas of the Western tradition. If that tradition is so bad, how is it that we have from it—and only from it—democracy, capitalism, the ideals of freedom, equality of opportunity, and the dignity of the individual? To us it would be nothing short of a catastrophe for this great tradition to disappear as the focal point of a liberal education. Yet the traditional curriculum definitely is on the defensive these days: we hear of English departments where Shakespeare is no longer required and history departments that teach nothing about America. The faculty at Yale could not bring itself to live up to the terms of a generous gift intended for new courses on the Western tradition, and had to return the money—with interest. So it seemed appropriate that we use a LeFrak Foundation gift to help assure the survival and vitality of traditional liberal education.

Ethel and I had been to Michigan State University a few years earlier, when I had been awarded an honorary degree. While there, we met a group of scholars of political philosophy in the political science department. These professors are very accomplished: they have fine graduate degrees, are good and popular teachers, and have impressive records of research and publication. But they are also steeped in and respectful of the Western tradition and, unlike many professors in the social sciences and humanities, respectful of entrepreneurial capitalism and free-market solutions to social problems. After prolonged discussions involving these professors, Ethel and me, and my grandson, Harrison, we decided to endow a program: the LeFrak Forum at Michigan State University. Endowing a program—rather than a building or a chair—met the criterion of establishing a new and vital entity. The aims and activities of the Forum met the criterion of doing something to help traditional scholars hold their own against the current academic tides.

The LeFrak Forum's theme is political philosophy and public policy. The word ''philosophy'' often signifies airy abstraction unconnected with the real world. But at the LeFrak Forum, the idea is that much of what people think about practical affairs is determined ultimately by deeply embedded and barely conscious beliefs about what is good and bad, just and unjust. The LeFrak Forum will approach pressing and concrete issues by exposing the underlying and philosophical foundations of conflict. The Forum will always remind us that these foundations are not just derived out of nowhere, even though most people—and increasingly more scholars and students—don't know where they come from. We get them—and hence the very terms of our debates and differences—from the historical tradition of Western thought. The Forum will not insist on agreement. Rather, it will strive to expose the real grounds upon which we disagree about such practical matters as how big government should be, whether a person is first an individual or a member of a group, and whether America should mind its own business or police the world.

The Forum pursues its mission by sponsoring an array of activities: lecture series and international conferences, research and publication, post-doctoral research fellowships, and enriched graduate and undergraduate education. The aim is to enliven, deepen, and diversify debate on campus and to provide fresh views on public policy to those who lead in politics and society and to those who form or influence public opinion. But most important, the LeFrak Forum ensures that at Michigan State the Western tradition will always be studied and that free-market points of view toward the solutions to social problems will always get a fair hearing. But what about this ''always''? It is one thing to help scholars or a curriculum one knows. In fact, it's important to know the people involved so the gift gets used for the purpose you intend. But it's quite another thing to have confidence that the program one endows will continue long after the people one knows are gone. This has to be a serious concern for any donor who gives a permanent endowment to a program or particular curriculum. Buildings and endowed chairs are pretty stable. But programs can easily change over time and even become the opposite of what they were at the outset. Solving this problem was very important to us. The solution was unique and, we hope, a model for what others can and should do. The terms of the endowment agreement were tailored to ensure that the purposes and spirit of the LeFrak Forum would always be maintained. There were two crucial issues.

First, it was important to spell out the meaning of the LeFrak Forum's goals in concrete detail. To this end the agreement stipulates that free-market points of view must always get a fair hearing in LeFrak Forum activities. The agreement says that the Forum must always provide a venue for arguments in favor of ''liberty and free enterprise capitalism and the study of the Western philosophic and intellectual tradition, especially as it establishes the moral and conceptual basis for constitutional democracy, limited government, the American Founding, individualism, freedom of expression and economic enterprise, and entrepreneurial and market based approaches to national and global political and social problems.'' And lest there be any uncertainty about what the ''Western tradition'' really is, the agreement actually lists the specific authors on whose works LeFrak Forum teaching and research must focus. They are: ''such thinkers as Plato, Aristotle, Aquinas, Machiavelli, Bacon, Hobbes, Locke, Rousseau, Hume, Kant, Adam Smith, Burke, the American Founders (Jefferson, Hamilton, Madison, Jay, Adams), de Tocqueville, Hegel, Mill, Nietzsche, Weber, Heidegger, and Strauss.'' This list is of course not exhaustive; but no one could mistake who must always matter the most at the LeFrak Forum.

Second, it was essential to assure full academic freedom and autonomy as those values are understood by the relevant university officials. Donors to programs must understand this concern. It does no good to exert positive influence on the university curriculum by threatening academic freedom. Such attempts will not and should not succeed. Furthermore, it does no good to one's own cause to set up programs in which the converted speak only to their respective choirs. That's the very problem on campus these days: not enough real intellectual diversity, not enough respect for all points of view, too much lemming-like adherence to fads. The agreement therefore specifies explicitly that ''all points of view can and will be presented at the LeFrak Forum.'' Critics of the Western tradition and capitalism will have their say. They just won't go unchallenged. And finally, it should be noted that while the agreement provides for our advice, it makes absolutely clear that appointment and review of LeFrak Forum personnel is determined by appropriate academic officers of the University. Donors must never try to appoint professors to their programs. That would violate institutional autonomy.

Ethel and I are proud of the Forum, which is now in business and off to a wonderful start. We're sure that it will prosper and grow, make a real contribution to education at Michigan State, and be a significant voice in national and international policy debates. We hope that other philanthropists will follow our lead and the model of the LeFrak Forum. We hope they will endow programs that support education in our precious Western tradition.

HONORING MONSIGNOR HENRY J. DZIADOSZ

• Mr. DODD. Mr. President, it is with great pleasure that I come to the Senate floor to pay tribute to a man of uncommon character and faith, whom I am fortunate to call a friend: Monsignor Henry J. Dziadosz. For almost three decades, Monsignor Dziadosz has served as the Pastor at St. Bridget's of Kildare Church in Moodus, Connecticut, of which I am a member. And for half a century, he has inspired countless people through his works as a Catholic Priest in Connecticut. After his many years of service and guidance, Monsignor Dziadosz is retiring, and I wish to offer my praise for the Monsignor on this special occasion.

Monsignor Dziadosz is a spiritual father for the parishioners of St. Bridget's, and he has overseen the transformation of the church—both physically and spiritually.

On Easter Sunday, 1971, two years after being named the Pastor, he announced the proposed restoration and renovation of the congregation's original church: Old St. Bridget's on North Moodus Road. The church had been the home of Catholic worshipers from 1867 to 1958, and Monsignor believed that its preservation would serve as a monument to the perseverance of its parishioners. With the help of many volunteers, the old church was dedicated on Memorial Day 1971, and the renovation was known as the ''Miracle of Moodus.''

He also oversaw the construction of an outdoor pavilion at the church in 1976. And in a show of the Monsignor's dedication to the improvement of religious education, the church opened its Religious Education Center in 1983.

But the true impact that Monsignor Dziadosz had on St. Bridget's parish is not measured in mortar and brick, it is measured in the spirit of the congregation.

Monsignor has always said that one of his goals at the church was to create a spirit of community where no member of the parish would ever feel alone, either in times of despair or happiness. He knows that we all face challenges in our life, and when we support one another we can work through our difficulties and overcome them. Through his hard work and dedication, he was able to create such a spirit of togetherness at St. Bridget's, and for that, I and many others are thankful.

He brought an energetic approach to the church, and he was not afraid to challenge convention in order to do what he felt was best for the congregation. He always taught the virtues of tolerance and worked to break down barriers and bring people together. He also challenged people to ask more from themselves and to show more concern and compassion for those persons in the community and the world who are less fortunate.

He also felt that St. Bridget's should not only serve the parish, but the community at large. He opened the doors of the church for members of local protestant delegations to hold their worship services. He also allowed senior groups and other organizations to use church facilities. He even had a generator installed on the church premises so that the church may serve as a haven in case of emergencies or natural disasters. In addition, he singlehandedly raised $50,000 for the construction of a chapel and convent for the cloistered Carmelite sisters of Roxas City, the Philippines, proving that his compassion and concern for others extends far beyond any physical borders.

On the occasion of his retirement, I think it is appropriate to look back at

some of the words that Monsignor Dziadosz spoke at the time that the parish celebrated his 25th year at St. Bridget's. He said, ''We can never say we've done it, we've reached our goal.''

In certain respects he's right, because life is an ongoing process, and our goals are constantly changing. But, in the end, I think that anyone who knows Monsignor Dziadosz would say that he's wrong. Monsignor Dziadosz not only reached his goals, he exceeded them.

His retirement is a time of great loss for the parish, but more important, it is a time for celebration. His words and actions have been a source of inspiration and strength for countless individuals through the years, and his guidance will be dearly missed. On behalf of the people of St. Bridget's and the people of Connecticut, I say thank you Monsignor, and may God bless you.●

TRIBUTE TO KIRK O'DONNELL

● Mr. KERRY. Mr. President, this morning I joined Senator KENNEDY and hundreds of mourners from Massachusetts and around the country, to pay our last respects to our friend Kirk O'Donnell and to offer our sincere condolences to Kirk's wife, Kathy, and their two children, Holly and Brendan. For all of us who knew and admired Kirk, this was a difficult morning at the Holy Name Church in West Roxbury, difficult to say goodbye to a special friend who left us too soon. But Mr. President, I believe everyone in attendance this morning at the funeral services took some comfort in the way that friends and family alike—and Kirk had both many friends and a tight-knit family—came together to share our personal recollections of Kirk. It was striking to see just how deeply everyone respected Kirk O'Donnell, the many ways in which he touched so many lives.

Kirk O'Donnell made a deep impact on those who knew him, certainly, but he also made a difference for millions of people in this country who never met him, but whose lives are better because of his life of committed service. Three articles in today's newspapers, one by Al Hunt of the Wall Street Journal, another by Tom Oliphant of the Boston Globe and yet another by Susan Estrich of the Boston Herald, stood out in my mind as testimony to the legacy Kirk O'Donnell left behind in this country. Al Hunt, Tom Oliphant, and Susan Estrich knew Kirk O'Donnell as a friend and they performed a great service in capturing Kirk's essence, the depth of a man who never stopped fighting for those causes in which he believed. I know that, as we all say goodbye to Kirk O'Donnell this week, those articles provide both comfort for those who knew Kirk, and inspiration for those who, even in these troubled political times in the United States, still believe in the dignity of public service.

Mr. President, I would ask that these articles be printed in the RECORD.

The articles follow:

[From the Wall Street Journal, Sept. 10, 1998]

THE LOSS OF A TALENTED, DECENT AND HONORABLE MAN

(By Albert R. Hunt)

Kirk O'Donnell, one of the ablest and most honorable people in American politics, died suddenly last weekend at the altogether too young age of 52. Even in grieving, it's somehow hard not to think how different the Clinton presidency might have been if Kirk O'Donnell had been a top White House adviser starting in 1993.

He combined the best virtues of the old and the new politics. Raised in the rough-and-tumble environs of Boston tribal warfare, he never saw politics as anything but a contact sport. But he always practiced it with decency and civility.

He was a great student of political history, which better enabled him to appreciate contemporary changes. There was a pragmatism to Kirk O'Donnell that never conflicted with his commitment and total integrity.

Success never changed him. He founded the influential Center for National Policy (his successor as its chair was Madeleine Albright) and then became a partner in the high-powered law firm of Vernon Jordan and Bob Strauss. But his values and devotion to family, friends and country were remarkably constant.

''He was a big oak tree of a friend,'' notes Stanley Brand, a Washington lawyer, of the former Brown University football star, a description which Mr. O'Donnell used to joke, was an ''oxymoron.''

He cut his political teeth working for Mayor Kevin White in Boston in the mid-70s, running the neighborhood city halls, developing an appreciation of the relationships between common folks and government that would serve him well for the next quarter century. Then there were more than seven years as chief counsel to House Speaker Tip O'Neill.

There was an exceptional triumvirate of top aides to the speaker: Leo Diehl, his longtime colleague who was the link to the past and the gatekeeper who kept away the hangers-on; Ari Weiss, although only in his twenties, unrivaled as a policy expert; and Kirk O'Donnell, in his early thirties, who brought political, legal and foreign policy expertise to the table, always with superb judgment.

Through it may seem strange in today's Congress, he commanded real respect across the aisle. ''Kirk was really a tough, bright opponent; he was a great strategist because he didn't let his emotions cloud his judgment,'' recalls Billy Pitts, who was Mr. O'Donnell's Republican counterpart working with GOP House Leader Bob Michel. ''But he always was a delight to be around and his word was gold.''

When the Democrats were down, routed by the Reagan revolution in 1981, it was Kirk O'Donnell who put together a strategy memorandum advising the party to lay off esoteric issues and not to refight the tax issues but to focus on social security and jobs. It was the blueprint for a big Democratic comeback the next year. When then Republican Congressman Dick Cheney criticized the speaker for tough partisanship, Mr. O'Donnell immediately turned it around by citing a book that Rep. Cheney and his wife had written on House leaders that praised the same qualities that he now was criticizing.

For operated as well at that intersection of substance and politics, or understood both as well. He played a major role in orchestrating a powerful contingent of Irish-American politicians, including the speaker, to oppose pro-Irish groups espousing violence. ''Kirk put the whole Irish thing together,'' the speaker said.

He was staunchly liberal on the responsibility of government to care for those in need or equal rights. But he cringed when Democrats veered off onto fringe issues, and never forgot the lessons learned running neighborhood city halls in his 20's. Family values to Kirk O'Donnell wasn't a political buzzword or cliche, but a reality of life; there never has been a more loving family than Kirk and Kathy O'Donnell and their kids, Holly and Brendan.

The Clinton administration made job overtures to Kirk O'Donnell several times but they were never commensurate with his talents. He should have been either Chief of Staff or legal counsel from the very start of this administration. He would have brought experience, expertise, maturity, judgment, toughness—intimate knowledge of the way Washington works—that nobody else in that White House possessed.

But sadly, that's not what this president sought. For Kirk O'Donnell wouldn't have tolerated dissembling. He never was unfaithful to those he worked for but ''spinning''—as in situational truths—was foreign to him. When working for the speaker of Michael Dukakis in 1988, he would dodge, bob, sometimes talk gibberish but never, in hundreds of interviews with me, did he ever dissemble.

The contrast between this and someone like Dick Morris, who Mr. Clinton continuously turned to, is striking. This was brought home anew when Mr. Morris, the former top Clinton aide, wrote a letter seeming to take issue with a column I wrote a few weeks ago.

For starters, he erroneously denied that he suggested Hillary Clinton is a lesbian. More substantively, Mr. Morris says that Mr. Clinton called him when the Lewinsky story broke and had him do a poll to gauge reaction. He did that and told Mr. Clinton the public wouldn't accept the truth. Although Mr. Morris turned over what he says is that poll to Independent Counsel Kenneth Starr, some of us question whether the survey was genuine.

The infamous political consultant swears he sampled 500 people, asked 25 to 30 questions and did it all out of own pocket for $2,000. If true, it was a slipshod survey upon which the president reportedly decided to stake his word. (Only days later, Mr. Clinton swore at a private White Hose meeting that he hadn't spoken to Mr. Morris in ages.)

There was no more an astute analyst of polls than Kirk O'Donnell. He would pepper political conversations with survey data. But because he understood history and had such personal honor he always understood a poll was a snapshot, often valuable. But it never could be a substitute for principle or morality or integrity.

There were currencies of his professional and personal life. These no longer are commonplace commodities in politics, which is one of many reasons that the passing of this very good man is such a loss.

[From the Boston Globe, Sept. 10, 1998]

HE STOOD FOR POLITICS AT ITS BEST

(By Thomas Oliphant)

He was arguably the best mayor Boston never had, among a handful of people who mattered most to the turbulent city of the 1970's.

No one did more for the House of Representatives over the last generation who was never elected to it, no history of national affairs in the 1980s is complete without his large thumbprint.

The last four presidents have known all about his special gifts and felt their impact;

the two Democrats (the completely different Jimmy Carter and Bill Clinton) had more than one occasion to depend on them big time.

On an average day he could get your brother a fair shot at the police force, help repair Social Security, broker the biggest tax bill of modern times, keep the Big Dig's cash coming, and still make it home for supper.

All across the intersections where politics and government meet in the interests of real people, the shock and pain at Kirk O'Donnell's death over the Labor Day weekend is the only recent event to unite Republicans, congressional Democrats, and Clintonities in this season of shame and ugliness.

You'd think all this emotion concerned a senior statesman passing on after a long lifetime of service, the occasion for a proud-sad moment to celebrate a life lived magnificently.

But the shock and pain arrived like a rusty blade in the gut because O'Donnell was only 52; he did things in his 30s and 40s that big shots in their 60s never accomplished. But the best was still ahead of him, and the sky was the limit; if the Democrats ever elect another president, a Cabinet post or chief of the White House staff would have been lateral movements for him.

This is the kind of death that shakes your faith, making it all the more important to reaffirm it. And the fact is this blend of Dorchester and D.C., of Boston Latin and Brown was a walking reaffirmation of faith in the potential of public service, a shining example of the silent majority who don't broker votes for cash, check their principles at the front desk, ignore their families, welsh on their commitments, indulge their whims and their urges, lie, and shirk. His life demonstrates that at the end only two things matter—whether your word's any good and how you treat others.

Two stories: Kevin Hagen White gets the credit for discovering him in the early years of decentralized innovation and leadership and hope for the racially polarized town. By 1975, the young political junkie who could explain Boston by precinct or by parish was entrusted with White's third-term reelection campaign.

It was the roughest, ugliest, closest fight in modern Boston times. The people involved, despite all they've done since, still get together to tell the old stories and refight the old shouting matches. The one reputation that was enhanced by the bruising experience was O'Donnell's, for focusing like a laser beam on organizing the White vote and focusing on Joe Timilty's lack of a clear alternative.

After it was over and he was down in Washington with Tip O'Neill, it was increasingly clear that his former boss had lost his fastball. Again and again, from the shadows of the speaker's rooms in the Capitol, O'Donnell saw to Boston's interests. He would happily recount to me the stories of program formulas rejiggered to benefit the cities, of special items in appropriations bills (worth billions of dollars over time) as long as I understood that if I used his name in public he would rip my lungs out.

Just for the record, O'Donnell was more than enough of a city lover and urban scholar to know about subway analogies in politics. But he was the guy, in 1981, who called Social Security the third rail of American politics; few lines have been ripped off more. But he did it to make a point—that Ronald Reagan had touched it by reaching beyond his mandate to try to slash future benefits in a partisan initiative. With the help of the worst recession in 50 years, he and Speaker O'Neill pounced on that goof to effectively end the Reagan Revolution.

But that same skill was then put to use on the speaker's behalf to help broker a bipartisan repair job that has lasted 15 years and made the next stage of generational common sense possible. He was to Congress in the 1980s what Jim Baker was to the Reagan White House.

He was a big guy, with a big voice he rarely used except to laugh. Everyone trusted him. There are tears being shed today in saloons and salons, in boardrooms and in back rooms. Kirk O'Donnell's life demonstrates the power of the haunting challenge made famous by the Kennedys, that all of us can make a difference and that each of us should try.

[From the Boston Herald, Sept. 10, 1998]

O'DONNELL, BEST OF THE BREED

(By Susan Estrich)

A good man died on Saturday. He had a big smile, a big laugh and a great deal of power over the years. He used it well.

Ask people what they think of politics today, and the answer is generally not suitable for children to hear. The only things worse than politicians are the handlers and hacks who try to tell them what to do and us what to think, and then turn around and make money trashing their boss and the business they were in.

Kirk O'Donnell wasn't like that. He gave politics a good name.

Kirk was 52 when he died, jogging near his summer home in Scituate. He lived in Washington for most of his adult life and advised some of its most powerful men, but he was definitely a boy of Boston, and its politics—the way it should be.

He made his name working for Mayor Kevin White, who had promised to bring government to the people, which he did by creating ''little city halls'' in Boston's neighborhoods. Kirk's was a trailer in Fields Corner, where he helped working people who had no contacts or connections to be treated as if they did. He negotiated the system for them; he was their powerful friend and you didn't need a PAC to get his attention.

Later, working for Speaker of the House Tip O'Neill (a Cambridge resident), he said he had learned what he needed to know about Congress working at Fields Corner. I'm certain that he didn't just mean the business of politics—of phone calls and favors and chits to be spent—although given Congress, that is the most obvious meaning. For Kirk, the more important part of the lesson had to be about what politics is for.

Most people in politics work on either issues or politics, but not both. In this world, issues people tend to be viewed as nerds and wonks, a clear step beneath the gunslingers who do the politics and tell the speechwriters what to write. Kirk played both parts with equal ease; he was as good at one as the other, a rare combination that he used to bring legitimacy to the world of substance and substance to the world of politics. After his stint in the speaker's office, when he could have had any political job in town, he decided to help build a think-tank instead, giving the Center for National Policy a legitimacy that came from the fact that Kirk was heading it.

In 1988, I literally begged him to come to Boston to help me in the presidential campaign of Gov. Michael Dukakis. We were still doing well in the polls, but our communications problems were internal as well as external. He could see it when he came to talk to Dukakis and me. I was honest. To some, at the time, it certainly must have looked like a dream position: join the campaign of the nominee, who is heading for the convention and telling you that you are to be his chief political adviser. But Kirk knew better, and so did I. We needed him; he didn't need us.

It turned out worse than we anticipated. Kirk could have spent a good deal of time explaining to the press, on background to be sure, how the campaign's biggest gaffes were contrary to his advice, how he had argued for this or that, written the lines himself or never even had the opportunity to—as the president's aides do regularly these days. But he never did. He never would. He grew up in Boston, where loyalty means standing by people when they're wrong and working for someone means being loyal to him.

Kirk leaves two children behind. Losing a father is terrible at any age, but when he is young and you need him, and he is a man like Kirk, it is an especially acute pain. I lost my father when he was 54, and I know all the trite sayings about how some people live a lifetime in a few years, and they inspire others and live on through their friends and family.

It is all true, but it is still not enough. Time does heal; deaths become part of our history. But the sad truth is that a good man died on Saturday, and he will be much missed, as he was much loved and respected.●

PROSTATE CANCER RESEARCH

● Mrs. MURRAY. Mr. President, I stand before the Senate today to fight for the men of our country. I am referring to the cancer that has been most frequently diagnosed, in the last decade, in American men—prostate cancer. This cancer kills 40,000 American men every year and I am shocked we are even hesitating to appropriate the necessary funding to enable the Department of Defense to win this battle and find a cure.

I realize that I often find myself in this same place, fighting for women's health. As a member of the Appropriations Committee, I have consistently fought to provide the necessary funding for breast cancer research. Just this year, I offered an amendment to the DoD authorization bill that appropriated $175 million for the Breast Cancer Research Program. However, this is a critical time to invest in medical research, all medical research, including prostate cancer.

Mr. President, we need to fight for the lives of our husbands, brothers, sons, fathers, and grandfathers of America, as well as their families. Death from cancer is tragic yet even more so knowing that we are on the verge of finding a cure. I have been very pleased with the results of breast cancer research and I know that if we gave the DoD adequate funding, it would produce equally impressive results saving thousands of men who would have otherwise not survived this ravaging disease. I believe we have the science and technology to put an end to unnecessary prostate cancer fatalities.

I am fully confident that our medical community can step up and find a cure for prostate cancer. However, it is the duty of my colleagues and I to provide medical researchers the resources they need to do so. Now is the time to have faith in our scientific community and stand behind the DoD. President Clinton got the ball rolling when he funded

the first cycle of prostate cancer research grants. However, this is not enough. If the DoD is to maintain its program at its current level, it requires an appropriation in FY99 of $80 million. There is no question in my mind what we need to do.

It is a stark reality that one in every six American men will be diagnosed with prostate cancer during their lifetime. Most victims of this disease are over the age of 65. Upon entering the Senate, I requested to be put on the Veterans Committee to ensure the veterans of Washington state were getting the recognition and benefits to which they are entitled. Many of the men suffering from prostate cancer are veterans. They fought for our country and our freedom. It is time we returned the favor and find the cure to a disease that threatens them all.

Now is the time to tackle prostate cancer with equal vigor as breast cancer. This is not about decreasing statistics, but is about preventing American families from having to deal with this fatal disease. We must act now. To postpone this essential decision is unacceptable. We must have faith in our medical community and allow them to find the cure.●

TRUTH IN EMPLOYMENT ACT—MOTION TO PROCEED

Mr. SESSIONS. I ask unanimous consent that the Senate now turn to S. 1981, the so-called salting bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. SESSIONS. Mr. President, I now move to proceed to S. 1981, the salting bill, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 344, S. 1981, the salting legislation:

Trent Lott, Tim Hutchinson, Don Nickles, Lauch Faircloth, Paul Coverdell, John Ashcroft, Jim Inhofe, Susan Collins, Chuck Hagel, John Warner, Jeff Sessions, Connie Mack, Sam Brownback, Jesse Helms, Wayne Allard, and Kit Bond.

Mr. SESSIONS. Mr. President, for the information of all Senators, this cloture vote will occur on Monday, September 14, 1998.

I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. SESSIONS. I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

VITIATION OF PASSAGE—SENATE CONCURRENT RESOLUTIONS 110 AND 111

Mr. SESSIONS. Mr. President, I have a number of housekeeping matters.

On behalf of Senator LOTT, I ask unanimous consent that passage of S. Con. Res. 110 and S. Con. Res. 111 be vitiated and the resolutions be indefinitely postponed.

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

MEASURES INDEFINITELY POSTPONED

Mr. SESSIONS. I further ask unanimous consent that the following calendar numbers be indefinitely postponed: 46, 84, 155, 226, 277, 279, 413, and 432.

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

(S. 717, S. 924, S. 1156, S.J. Res. 37, S. 845, S. 1287, S. 2038, and S. 627 were indefinitely postponed.)

SECRETARY OF COMMERCE FINANCIAL REPORT EXTENSION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 458, S. 2071.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2071) to extend a quarterly financial report program administered by the Secretary of Commerce.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

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

The bill (S. 2071) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled ''An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes'', approved January 12, 1983 (Public Law 97–454; 13 U.S.C. 91 note), is amended by striking ''September 30, 1998'' and inserting ''September 30, 2005''.

MEASURE PLACED ON CALENDAR—S. 2454

Mr. SESSIONS. Mr. President, I understand that there is a bill that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2454) to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

Mr. SESSIONS. I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

ORDERS FOR FRIDAY, SEPTEMBER 11, 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 11. I further ask that when the Senate reconvenes on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the time between 9:30 a.m. and 10 a.m. be equally divided between Senators ABRAHAM and LEAHY or their designees. I further ask that at 10 a.m. the Senate proceed to the cloture vote on the motion to proceed to the child custody bill.

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

Mr. SESSIONS. I further ask that if an agreement cannot be reached on the bankruptcy bill, there be 30 minutes for closing remarks to be followed by a cloture vote on the Grassley substitute.

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

Mr. SESSIONS. Mr. President, I further ask unanimous consent that Senators have until 10 a.m. to file second-degree amendments to the Grassley amendment to the bankruptcy bill if the cloture vote occurs.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, and on behalf of the majority leader, Senator LOTT, when the Senate reconvenes on Friday at 9:30 a.m., there will be 30 minutes for debate on the cloture motion on the motion to proceed to the child custody protection bill. At 10 a.m., a cloture vote will occur on the child custody bill. If an agreement can be reached with respect to the bankruptcy bill, then the second cloture vote with respect to the bankruptcy bill will be vitiated. If an agreement cannot be reached, a second cloture vote would occur at approximately 11 a.m. At the conclusion of the two votes, the Senate can be expected to resume the Interior appropriations bill. Therefore, additional votes can be expected during Friday's session of the Senate.

The Senate could also consider any other legislative or executive items cleared for action. As a reminder, Members have until 10 a.m. to file second-degree amendments to the bankruptcy bill.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the Senator from Nebraska, Senator KERREY.

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

The PRESIDING OFFICER. The request for the Senate adjournment is granted, without objection. The Senate is in quorum call. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SITUATION IN RUSSIA

Mr. KERREY. Mr. President, 7 years ago last month, hard-line and aging Communist bosses in the Soviet Union made a clumsy attempt at a coup d'etat against then President Gorbachev. The coup accelerated the slow-motion implosion of the Soviet empire. By December of that year, our old nemesis had collapsed in an overwhelming, decisive and total victory for the United States. This ended 50 years of cold war that had exacted a tremendous toll in blood, sweat and treasure from our Nation. Our emotions ran the gamut from pride to relief—relief especially that the dark cloud of nuclear annihilation seemed to have passed and, in a more subtle way, relief that the heavy burden of leading the world in a battle for freedom against communism had been lifted from our shoulders. We clamored for a peace dividend. We reveled in our newfound ability to focus the Nation's energy on domestic affairs.

But the last few weeks of events in Russia have been a rude wake-up call, a convincing demonstration that neither the danger nor the burden have been lifted. If anything, Mr. President, they are greater. Russia's economy and currency have been stressed to the point of breaking. President Yeltsin's government is in grave crisis. The men and women who tend Russia's nuclear arsenal—the one remaining threat on this planet to the instantaneous extinction of the United States—have not been paid, by some reports, inasmuch as a year.

The danger is still great, Mr. President, but so is the burden, and it is that burden I want to discuss this evening.

We may react to these developments with a tinge of surprise. It is an axiom of the American tradition—an axiom, incidentally, in which I firmly believe—that democracies do not behave this way. When last most of us tuned in to the Russian saga, they had held democratic elections. They had abandoned central planning and other tenets of Communist ideology and embraced basic precepts of capitalism. They had agreed to swallow the magic elixir that we all assumed would cure the disease and now—just when we thought it might be safe to retreat from our global responsibilities—they are sick again. And once again, the burden of global leadership is thrust upon us.

What happened?

Let me stipulate, first of all, that I don't believe capitalism and democracy are magic elixirs that cure all diseases in a single dose. But I do believe that, taken as a rigorous regimen of treatment, they are about as good a cure for a whole variety of ills as we will ever find.

What we are learning, Mr. President, isn't that democracy and free markets are bad medicine, but that it is tough medicine that works as part of a sustained regimen. We are learning that democracy does not exist simply because the first election was called, and that capitalism does not exist the moment after the central planners are fired. Infrastructure must be built to sustain and manage these systems in a lawful manner. I believe the true test of the success of Russia will be determined by our ability to help the Russian people build this infrastructure.

The first institution that must undergird capitalism and democracy is the rule of law. The importance of that institution is illustrated by one of this century's great inventions, the airplane. Five years passed from the first successful flight at Kitty Hawk to the first public demonstration of the ''Wright Model A'' in France. The reason is that the Wright brothers were busy litigating a patent. It was that protection—the protection of law for their invention—that unleashed the ingenuity of the air age. Without the knowledge that the law protected their right to earn a living off their own ingenuity, the air age might never have been born.

It is exactly this sort of simple institution of law that makes capitalism possible. Such institutions do not yet exist in Russia.

There is a joke that in America, when two businessmen agree on something, put their agreement down on a piece of paper and sign their names to it, they have a contract. In Russia, all they have is a piece of paper. Without the rule of law, the simple act of opening a business, marketing a new idea or so much as buying a house becomes foolish and risky.

What we have learned, and what the Russian people are learning, is that democracy is also hard work, and our challenge now is to help the Russian people build the institutions that enable freedom to succeed. That Russia is still struggling to make democracy work should come as no surprise to us. For 222 years, we have been struggling with the same questions. On this day we are debating a bill whose goal is to fine-tune our own democracy. We helped the Russian people become free; now we must help them do the much harder work of being free. Mr. President, the true test of the success of Russia will be determined by our ability to help the Russian people build this infrastructure.

Despite these tall hurdles, the Russian people deserve credit for the long distance they have traveled.

They have created a democratic environment with the guarantee of essential freedoms like speech and press.

They have a functioning democratic electoral system. Boris Yeltsin is the democratically elected President of Russia. In turn, there is a democratically elected Duma controlled by an opposition party. As a result, Russia has learned the lesson that we in this body know all too well—democratic politics sometimes means gridlock.

Here as I see them are the areas in which Russia has fallen short:

Simply put, they have not done enough to establish the rule of law.

Because the style of capitalism they have implemented does not rest on the solid base of the rule of law, economic interactions have become distorted and unstable.

The government has not lived up to its responsibilities, and by failing to collect taxes and pay pensions, back wages and so forth, the government has lost the faith of the people. Corrupt privatization of state-owned enterprises and the failure to implement reforms, such as the protection of private property, have given the people a distorted vision of capitalism.

Take just the collection of taxes. We all know in this body that we just reformed the laws governing our Internal Revenue Service and reformed them because a significant percentage of Americans no longer trusted the tax collector.

But what we failed to acknowledge is, as bad as our system is, and as much as it can be improved—and I hope this legislation will improve it—a well functioning tax collector is a critical part, and a trusted tax collector is a critical part, of a functioning free market democratic form of Government.

As a result, the Russian people have become discouraged by ''cowboy capitalism'' and do not realize a true market economy should have the checks and balances of the rule of law.

Mr. President, we cannot be content to treat these simply as Russia's problems. And I submit there are three reasons why we cannot.

First, Russia's problems are our problems. Our own economy is not closely entwined with theirs, but it is not insulated either. Furthermore, the

potential consequence of allowing this economic crisis to spread throughout the world poses too great a threat to our own economic security to stand idly by and watch the total collapse of the Russian political and economic system. Much more ominously, political instability and nuclear weapons are a dangerous mix.

Second, the Russian people are human beings who are suffering. Our hearts and hands of assistance should go out to them.

Third, and most important, the United States of America is the first-born child of democracy in the modern age. We are the oldest and most successful, and when democracy is being born, history has called us to the duty of being its midwife, not a disinterested observer in the waiting room. We may wish this burden had been not cast on us, but it has. This is our duty.

Mr. President, what can we do?

First of all, I believe we must look at Russian democracy in terms of decades, not just years. The future is still very bright for them. It is a great nation blessed with vast resources and talented people. I remain confident that the transition to democracy will be successful. Nothing will cool their ardor for democratic reforms more than if we become pessimistic about the possibility of their democracy surviving.

We know it is tough. We know it is difficult. All of us have faced difficult moments in a democracy where we have wondered whether or not our system itself could work, but we always rise to the task. We always manage to rise to the challenge, to do that little more that is necessary to make our system work. We simply have to say to the Russian people over and over: ''Do not be discouraged. It's far better than what you had before. The rule of law and the opportunity to govern yourself will be frustrating, it will produce disappointments, but do not stop persevering. Your children and your grandchildren will reward you with praise if you do.''

Secondly, Mr. President, we have to continue to engage Russia as a partner. Not only is it desirable for us to do so as a consequence of their need, but it is desirable for us to do so as a consequence of ours. They are a permanent member of the Security Council. They are actively involved in many of the most important world issues that we face. And it is imperative that we continue to treat them as a full partner.

Third, we must continue to support the International Monetary Fund. While imperfect, and certainly demanding reform itself to become more open to our observation to know what they are doing and the decisions that they are making, it is still the only institution that pools the world's resources to address large-scale financial crises. I am pleased that the Senate has once again passed legislation to provide $18 billion to replenish the IMF's capital base.

Next, we must continue to work with the Russians on arms control and security issues. Instability in Russia is still the greatest foreign threat to our safety. Working to reduce nuclear and conventional arms will help Russia financially and improve the safety of the American people.

I do not mean to imply by that that arms control all by itself will solve this problem. We have lived through the tragedy of disarmament from the Second World War. We watched what happened when this Nation said in the 1920s: There are no threats out there, and therefore we are going to disarm. We have an obligation, based upon that memory, to keep our military and Armed Forces as strong as necessary, not just to meet today's threats but to meet tomorrow's threats. Still, it is true that the great amount of effort to reduce the stockpile of nuclear weapons will produce tremendous benefits not just to the people of the United States but to the people of all of this world.

Our most important long-term challenge, though, is working with Russia to develop the rule of law. This has to be a hands-on process of teaching. I believe the most important effort is likely to be the least expensive, and that is just long-term exchange programs, giving their people a chance to come here to see how democracy works, to understand the importance of having that law there to protect you not only so you can speak but so that you can start your business and enjoy the benefits that come as a consequence of the reward that we provide people in the market system—and it simply isn't there—to show them that we have also faced in the past problems with Government officials who are corrupted, but again the rule of law is there to protect the people, that they cannot tolerate corruption and they need not tolerate corruption in order to have a market system, and that they should not be discouraged as a consequence of the failures and the problems that they experience in the birthing years of their democracy and their market system.

We need to tell them, Mr. President, as we no doubt can, that we experience similar problems, that it is a long voyage, that we on the Fourth of July, we on Memorial Day, and we on Veterans Day, and we in great moments in our history stand and pay tribute not to ourselves but to our forefathers for the sacrifice of blood, for the sacrifice of treasury, for putting themselves on the line for our freedom.

We need to say that the burden on freedom is a great burden, that freedom is not free, that in wartime we must do as John Miller in ''Saving Private Ryan'' did—put down our chalk and give up our careers as teachers and put our lives on the line at the beaches of Normandy.

But in peacetime the burden is, we have to put our own selves on the line to fight to make our laws give people the protection and the freedom that they deserve, to come together and argue, to come together with our ideas, as we do here, day after day after day.

We have, I think, an opportunity, through exchange programs, through very small hands-on efforts, an opportunity to show the people of Russia that their great character that enabled them to turn back Napoleon, that enabled them to turn back Adolph Hitler, that enabled them to survive so much that it is almost unimaginable that they were able to get the job done, that a people that can do that can make democracy and free markets work not just for them but for their futures.

Mr. President, I hope and believe indeed there is reason to have optimism, that this Congress will not, on behalf of the American people, shirk our responsibilities and our duties to work with the people of Russia to make this experiment in democracy in their country as big a success as it has been for us.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Friday, September 11, 1998.

Thereupon, the Senate, at 7:37 p.m., adjourned until Friday, September 11, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1998:

DEPARTMENT OF ENERGY

T. J. GLAUTHIER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE ELIZABETH ANNE MOLER.

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE ASSISTANT OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE JOHN SHATTUCK.

B. LYNN PASCOE, OF VIRGINIA, 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 MALAYSIA.

IN THE NAVY

HERBERT LEE BUCHANAN III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE JOHN WADE DOUGLASS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS R. CASE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARREL W. MCDANIEL, 0000

DEPARTMENT OF STATE

R. RAND BEERS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROBERT S. GELBARD, RESIGNED.

PETER F. ROMERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JEFFREY DAVIDOW.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-

COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE, VICE PRINCETON NATHAN LYMAN.

DEPARTMENT OF DEFENSE

JEH CHARLES JOHNSON, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE SHEILA CHESTON.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD J. HART, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN M. ADAMS, 6084
MARY L. ALBER, 0000
CATHERINE D. ALEXANDER, 0000
PHILLIP R. ALLISON, 0000
ROBERT A. ALONSO, 0000
ALDEN D. ARMSTRONG, 0000
KEVIN M. ARNWINE, 0000
CHARLENE M. AULD, 0000
LINNEA M. AXMAN, 0000
TOBIAS J. BACANER, 0000
DAVID L. BAILEY, 0000
BRENDA C. BAKER, 0000
JOHN T. BAKER, 0000
THOMAS M. BALESTRIERI, 0000
ALICA K. BARTLETT, 0000
BRENDA G. BARTLEY, 0000
KEITH F. BATTS, 0000
BRITT C. BAYLES, 0000
ANNETTE BEADLE, 0000
MATTHEW R. BEEBE, 0000
KRIS M. BELLAND, 0000
JOSE C. BELTRANO, 0000
RICHARD M. BERGER, 0000
WAYNE J. BERGERON, 0000
JOHN L. BERLOT, 0000
STEVEN G. BERTOLACCINI, 0000
JAMES A. BLACK, 0000
RENAE L. BLACK, 0000
GREGORY BLACKMAN, 0000
JODY K. BLONIEN, 0000
ANN BOBECK, 0000
CHARLES D. BOND, 0000
ALLEN D. BOOKER, 0000
DOUGLAS H. BOOTHE, 0000
MARK E. BOWER, 0000
MICHAEL S. BOWERS, 0000
ELLA F. BRADSHAW, 0000
THOMAS E. BRAITHWAITE, 0000
TROY E. BRANNON, 0000
KRISTI B. BRENNAN, 0000
MARILYN M. BROOKS, 0000
PAUL A. BROOKS, 0000
LEROY A. J. BROUGHTON, 0000
LEWIS E. BROWN, 0000
THOMAS P. BROWN, 0000
LINDA M. BROWNVIDAL, 0000
MARK D. BRYSON, 0000
PATRICK A. BUDIN, 0000
MARK D. BUFFKIN, 0000
JACQUELYN L. CALBERT, 0000
DANNY W. CAMPBELL, 0000
MORRIS A. CAPLAN, 0000
MARGARET M. CARLSON, 0000
SUSAN R. CARNEY, 0000
MICHAEL C. CAVALLARO, 0000
MARTIN J. CAVINS, 0000
ARDEN CHAN, 0000
CYRIL CHAVIS, 0000
THOMAS J. CHOHANY, 0000
ALBERT M. CHURILLA, 0000
DANIEL G. CLAGUE, 0000
MARK V. COLAIANNI, 0000
SCOTT W. COLBURN, 0000
JIMMIE N. COLLINS, 0000
EDWIN R. CONNELLY, 0000
RALPH W. COREY III, 0000
ANTHONY J. COX, 0000
ROBERT L. CRALL, 0000
ROBERTA C. CRANN, 0000
FLORENCE M. CROSBY, 0000
ROBERT D. CROSSAN, 0000
STANLEY K. CROZIER, 0000
CHRISTOPHER CULP, 0000
GARY M. CUMMINGS, 0000
THOMAS W. CUNNINGHAM, 0000
ROBERT G. CURIA, 0000
NANCY L. CURLL, 0000
PETER E. DAHL, 0000
LOUIS A. DAMIANO, 0000
WILLIAM E. DANDO, 0000
SHERMAN A. DANIELSON, 0000
STEVEN S. DANNA, 0000
RONALD A. DEIKE, 0000
NANETTE M. DERENZI, 0000
JEROME V. DILLON, 0000
CHRISTINE R. DIMARCO, 0000
JAMES R. DOLAN, 0000
DANIEL G. DOMINGUEZ, 0000
JONATHAN E. DOMINGUEZ, 0000
JAMES F. DORAN, 0000
FLOYD A. DOUGHTY, 0000
ROBERT C. DOUGLASS, 0000
MAUREEN E. DUCKWORTH, 0000
STEVEN R. DUPES, 0000
MARION A. EGGENBERGER, 0000
STEVEN B. ELLIS, 0000
ANGELIA D. ELUMONEAL, 0000
ANTHONY V. ERMOVICK, 0000
GEORGE J. EULER, 0000
MICHAEL A. EVERINGHAM, 0000
ROBERT S. FEINBERG, 0000
JAMES P. FERGUSON, 0000
EUGENIO FERNANDEZ, 0000
BRETT R. FINK, 0000
JAMES R. FISHER, JR, 0000
RAYNARD K. S. FONG, 0000
WALTER M. FREDERICK, 0000
JONATHAN M. FRUSTI, 0000
ALAN P. GEGENHEIMER, 0000
ARTHUR J. GIGUERE, 0000
ROBERT J. A. GILBEAU, 0000
ANN L. GILMORE, 0000
PAMELA G. GIZA, 0000
JOSEPH I. GLIKSMAN, 0000
PAZ B. GOMEZ, 0000
STEPHEN T. GRAGG, 0000
PAUL R. GRASSO, 0000
KRISTE J. M. GRAU, 0000
JAY A. GRAVEN, 0000
TIMOTHY M. GREENE, 0000
PHILLIP E. GWALTNEY, 0000
ROBERT L. GWOZDZ, 0000
MARJORIE B. GWYNN, 0000
WILLIAM M. HALL, 0000
SHAWN K. HAMILTON, 0000
MARTHA J. HANSEN, 0000
JANICE M. HARRELLPARKER, 0000
CHARLES R. HARRIS, 0000
GREGORY A. HARRIS, 0000
BRETT HART, 0000
ANNETTE N. HASSELBECK, 0000
CARL R. HATHCOCK, 0000
DOUGLAS G. HATTER, 0000
JOSEPH D. HEDGES, 0000
PHILLIP C. HEINEMANN, 0000
WILLIAM M. HENDERSON, 0000
EDWARD W. HESSEL, 0000
NANCY G. HIGHT, 0000
JERRY J. HODGE III, 0000
HOWARD F. HOLLEY, 0000
PHILIP M. HOLMES, 0000
CHRISTOPHER J. HONKOMP, 0000
WILLIAM C. HORRIGAN, 0000
CAROYLN S. HOWARD, 0000
CHRISTOPHER L. HUNT, 0000
ROBERT M. INABA, 0000
JULIAN B. IRBY, 0000
LINDA A. IRELAND, 0000
WARREN W. JEDERBERG, 0000
RICHARD A. JENSEN, 0000
PAULA M. JONAK, 0000
MELVIN G. JONES, 0000
NORMA G. JONES, 0000
SCOTT M. JONES, 0000
JOSEPH W. KARITIS, 0000
ROBERT J. KASTNER, 0000
MARY D. KEENAN, 0000
DAVID F. KELLEY, 0000
JOHN S. KELLOGG, 0000
GUTSHALL M. K. KENNEY, 0000
CHARLES R. KESSLER, 0000
CYNTHIA L. KILLMEYEREBERT, 0000
RANDOLPH J. KIRKLAND, 0000
LEONARD R. KLEIN, 0000
CHARLES I. KNAPP, 0000
DANIEL V. KNOERL, 0000
CATHERINE S. KNOWLES, 0000
CHRISTOPHER KOENIG, 0000
GORDON D. KORTHALS, 0000
CYNTHIA KOVACH, 0000
JAMES J. KRNC, 0000
DAVID A. LANE, 0000
MICHAEL LEE, 0000
GARY L. LEFFELMAN, 0000
RUTH A. LONGENECKER, 0000
LOUIS LOUK, JR., 0000
KATHERINE M. LOVELESS, 0000
PAUL G. LUEPKE, 0000
RONALD D. LUKA, 0000
JAIME A. LUKE, 0000
JEFFREY A. MAC DONALD, 5033
KEVIN L. MAGNUSSON, 0000
VIRGINIA J. MAKALE, 0000
EDWIN C. MALIXI, 0000
JOHN C. MARINUCCI, 0000
KAREN R. MARKERT, 0000
KEVIN T. MARKS, 0000
JAMES E. MARLER, JR., 0000
KEVIN J. MARTY, 0000
CRUZ MATA, 0000
NICHOLAS K. K. MATO, 0000
SHAWNO E. MAY, 0000
DENNIS E. MAYER, 0000
PATRICK O. MC CABE, 0000
ROBERT P. MC CLANAHAN, JR., 0000
WILLIAM B. MC CREA, 0000
CHARLES P. MC GATHY, 0000
GEORGE J. MC KENNA, 0000
TERESA A. MC PALMER, 0000
JEROME MC SWAIN, JR., 0000
PETER B. MELIN, 0000
KENNETH L. MENDELSON, 0000
JERRY J. MICHO, 0000
ROBERT F. MIEDZINSKI, 0000
STEPHEN J. MIGLIORE, 0000
MARK J. MILANO, 0000
SYLVIA R. MILLER, 0000
WILLIAM J. MILLS, 0000
JAMES W. MITCHELL, 0000
THERESA K. MITCHELL, 0000
CARRIE A. MOCK, 0000
HELEN L. MONNENS, 0000
ROSA R. MOORE, 0000
EDUARDO MORALES, 0000
ROBERT C. MORASH, JR., 0000
TODD J. MORRIS, 0000
JOHN R. MORRISON, 0000
MARYALICE MORRO, 0000
DOUGLAS G. MORTON, 0000
BRIAN P. S. MURPHY, 0000
PETER M. MURPHY, 0000
TYRONE D. NAQUIN, 0000
TODD W. NEILS, 0000
ANDREW A. NELSON, 0000
DEBORAH E. NELSON, 0000
DUANE NELSON, 0000
JON E. NELSON, 0000
TIMOTHY J. NEUMANN, 0000
THOMAS C. NICHOLAS, 0000
WILLIAM N. NORMAN, 0000
JAMES P. NORTON, 0000
GREGORY J. O'BRIEN, 0000
FRANCIS O'CONNOR, 0000
MARK A. OHL, 0000
CARL E. OPSAHL, 0000
MELISSA R. P. OTTENBACHER, 0000
GREGORY F. PAINE, 0000
DANIEL A. PALKO, 0000
FREDERICK R. PATTERSON, 0000
ELIZABETH A. PEAKE, 0000
GINAMARIE PEARCE, 0000
MICHAEL A. PELINI, 0000
JOSEPH E. PELLEGRINI, 0000
MARY K. PERDUE, 0000
LORING I. PERRY, 0000
ROBERT J. PETERS, 0000
DAVID C. PHILLIPS, 0000
JAMES C. PILE, 0000
JOHN C. PIRMANN, 0000
DONALD R. PLOMBON, 0000
JOHNNY W. P. POOLE, 0000
MICHAEL L. POTTER, 0000
JEFFREY W. PRITCHARD, 0000
CORLEY E. PUCKETT, 0000
SONJA M. PYLE, 0000
MICHAEL M. QUIGLEY, 0000
HERSCHEL H. RECTOR, JR., 0000
TERRANCE R. REEVES, 0000
GEORGE F. REILLY, 0000
CAROL L. REMEY, 0000
DAVID P. REMY, 0000
TOMMY L. RICHARDSON, 0000
GEORGE A. RIDGEWAY, 0000
ANNA R. RIEGLE, 0000
PHILIP J. RINAUDO, 0000
GERALD A. RIVAS, 0000
RICHARD K. ROACH, 0000
GLENN C. ROBILLARD, 0000
PAUL V. ROCERETO, 0000
RICHARD G. ROCKFORD, 0000
THOMAS J. RODINA, 0000
RAYMOND J. RODRIGUEZ, 0000
JOHN A. ROTHACKER, III, 0000
GUY J. RUDIN, 0000
JOHN R. RUMBAUGH, 0000
DAVID T. RUPERT, 0000
ALAN J. RUPRECHT, JR., 0000
KAREN L. SALOMON, 0000
EDUARDO M. SALVADOR, 0000
ROBERT N. SAWYER, 0000
CHARLES E. SCHAFF, 0000
MARY B. SCHALL, 0000
KELLY J. SCHMADER, 0000
SUSAN M. SCOTT, 0000
VANESSA M. SCOTT, 0000
PAULA J. SEXTON, 0000
JOHN B. SHAPIRA, 0000
JOHN K. SHEA, JR., 0000
BRIAN D. SHEPPARD, 0000
STEVEN J. SHERIS, 0000
JAMES L. SHIELDS III, 0000
RUTH C. SHU, 0000
ROBERT W. SIEGFRIED, 0000
GREGORY L. SIMPKINS, 0000
ARNO J. SIST, 0000
JOSEPH B. SLAKEY, 0000
JANET D. SLATTEN, 0000
MARTHA M. SLAUGHTER, 0000
PEGGY M. SLEICHTER, 0000
SCOTT M. SMITH, 0000
STEVEN D. SMITH, 0000
STEVEN L. SMITH, 0000
PAUL A. SOARES, 0000
PAMELA M. SOWELL, 0000
JOSEPH L. SPRUILL, 0000
JAMES F. STADER, 0000
JAMES T. STASIAK, 0000
DAVID B. STRATTON, 0000
MARK C. TAYLOR, 0000
MICHAEL R. TORRICELLI, 0000
EDWARD TULENKO, 0000
MARK D. TURNER, 0000
PATRICK W. TYSOR, 0000
ROBERT VALE, 0000
JAMES R. VANDEVOORDE, 0000
SALLY E. VEASEY, 0000
MICHAEL VERNERE, 0000
LISA A. Y. VICKERS, 0000
JEFFREY D. VOLTZ, 0000
JOHN D. WAEGERLE, 0000
JOHN K. WAITS, 0000
LAWRENCE E. WALTER, 0000
CARL D. WAMBLE, 0000
DANA S. WEINER, 0000
DERRIC T. WHITE, 0000
EDWARD S. WHITE, 0000
PAMELA A. WHITE, 0000
DEBRA M. WILBERT, 0000
MARY K. WILCOX, 0000
OLRIC R. WILKINS, 0000
WAYNE J. WILLIAMSON, 0000
SONIA E. WILSON, 0000
DOUGLAS E. WINESETT, 0000
STEVEN M. WIRSCHING, 0000
JAMES A. WORCESTER, 0000
MICHAEL M. WRAY, 0000
ROBERT S. WRIGHT, 0000
DENNIS F. YEATMAN, 0000
MAUREEN J. ZELLER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER L. ABBOTT, 0000
GEORGE P. ABITANTE, 0000
ALAN J. ABRAMSON, 0000
MARK R. ACHENBACH, 0000
CHRISTOPHER E. AGAN, 0000
KENT R. AITCHESON, 0000
AL A. O. ALABATA, 0000
ROBERT W. ALCALA, 0000
STEVEN L. ALKOV, 0000
JOHN M. ALVERSON, 0000
JOHN V. AMY, JR., 0000
KEVIN R. ANDERSEN, 0000
CHARLES S. ANDERSON, 0000
JOHN S. ANDREWS, 0000
BRIAN K. ANTONIO, 0000
CARLOS E. APONTE, 0000
JOHN C. AQUILINO, 0000
JEFFREY H. ARMSTRONG, 0000
JOHN D. ASHE, 0000
DUANE R. ASHTON, 0000
TIMOTHY ATKINSON, 0000
KENNETH W. AUTEN, 0000
THOMAS W. BAILEY, 0000
FRANK W. BAKER, JR., 0000
JONATHAN A. BAKER, 0000
MARK A. BAKER, 0000
FRANK W. BALANTIC, 0000
STEVEN W. BALDREE, 0000
DANIEL J. BALL, 0000
TERESA S. BANDURDUVALL, 0000
KATHY A. BARAN, 0000
KENNETH J. BARRETT, JR., 0000
DAVID J. BARTHOLOMEW, JR., 0000
VERNON D. BASHAW, 0000
CRAIG D. BATCHELDER, 0000
STEVEN E. BATES, 0157
STEVEN BAXTER, 0000
JAMES C. BEATTY, 0000
PAUL B. BECKER, 0000
DAVID R. BECKETT, 0000
STEPHEN W. BECKVONPECCOZ, 0000
ROBIN C. BEDINGFIELD, 0000
MARK G. BEEDENBENDER, 0000
ROBIN L. BELEN, 0000
BARBARA A. BELL, 0000
GOODMAN E. BELLAMY, 0000
PAUL N. BELLANTONI, 0000
WARREN C. BELT, 0000
JEAN E. BENFER, 0000
THEODORE J. BERGER, JR., 0000
DENNIS G. BEVINGTON, 0000
KRISTIAN P. BIGGS, 0000
LAWRENCE P. BITTNER, 0000
BRUCE R. BJORKLUND, 0000
RANDAL D. BLACK, 0000
HOMER G. BLALOCK III, 0000
FREDERICK T. BLANCHARD, 0000
TIMOTHY J. BLOCK, 0000
KEITH A. BLUESTEIN, 0000
DAVID S. BOGDAN, 0000
KEVIN D. BOHNSTEDT, 0000
STEVEN G. BOIS, 0000
GEORGE BONSALL, 0000
STEVEN A. BORDEN, 0000
TODD W. BOSTOCK, 0000
BRENT L. BOSTON, 0000
GEORGE B. BOUDREAU III, 0000
SAMUEL R. BOVINGTON, 0000
JOHN B. BOWIE, 0000
RODERIC C. BRAGG, 0000
BRIAN J. BRAKKE, 0000
DANIEL E. BRASWELL, 0000
THERESA M. BRAYMER, 0000
KEVIN R. BRENTON, 0000
ROBERT F. BRESE, 0000
CLAUDIA S. BROADWATER, 0000
BRIAN J. BROENE, 0000
CHRISTOPHER V. BROSE, 0000
CHRISTOPHER E. BROWN, 0000
DOUGLAS J. BROWN, 0000
JAMES R. BROWN, 0000
LLOYD P. BROWN, JR., 0000
MATTHEW S. BROWN, 0000
MICHAEL W. BROWN, 0000
ROGER W. BROWN, 0000
DAVID D. BRUHN, 0000
CLIFFORD A. BRUNGER, 0000
JOHN L. BRYANT, JR., 0000
SEAN S. BUCK, 0000
PATRICK E. BUCKLEY, 0000
KENDALL A. BURDICK, 0000
JAMES D. BURNS, 0000
TERRY M. BURT, 0000
CLAUDIA S. BUTLER, 0000
JOHN C. BUTLER, 0000
OTIS E. BUTLER III, 0000
ERIC B. BYRNE, 0000
JOHN D. CACCIVIO, JR., 0000
DAVID A. CACHO, 0000
THOMAS M. CALABRESE, 0000
DAVID M. CALDWELL, 0000
SHAWN M. CALI, 0000
ROBERT J. CAMERON, JR., 0000
KEVIN P. CAMPBELL, 0000
SCOTT R. CAMPBELL, 0000
KENNETH R. CAMPITELLI, 0000
KERRY B. CANADY, 0000
JEFFREY L. CANFIELD, 0000
FREDERICK J. CAPRIA, 0000
BRYAN T. CARAVEO, 0000
LEE S. CARDWELL, 0000
ALBERT G. CAREY, 0000
JESSIE C. CARMAN, 0000
NANCY J. CARTER, 0000
FRANK J. CARUSO, JR., 0000
ALEXANDER T. CASIMES, 0000
DOUGLAS P. CASSIDY, 0000
WILLIAM G. CASTANEDA, 0000
EUSTAQUIO CASTROMENDOZA, 0000
MICHAEL J. CAVANO, 0000
JON M. CECCHETTI, 0000
MARK E. CEDRUN, 0000
STEPHEN D. CHACHULA, 0000
COLIN B. CHAFFEE, 0000
THOMAS J. CHASSEE, 0000
MARK A. CHAVES, 0000
DONALD W. CHEWNING, 0000
JOHN S. CHISHOLM, 0000
JAMES F. CHURBUCK, JR., 0000
MATTHEW B. CISSEL, 0000
MICHAEL S. CLARK, 0000
ROBERT E. CLARK II, 0000
RODNEY A. CLARK, 0000
WILLIAM I. CLARK, 0000
CLARENCE C. CLOSE, 0000
BARRY W. COCEANO, 0000
WARREN A. COLEMAN III, 0000
DONALD E. COLLINS, 0000
WILLIAM J. COLLINS, 0000
WILLIAM M. CONDON, 0000
DOUGLAS P. CONKEY, 0000
TIMOTHY M. CONROY, 0000
DARRELL C. COOK, 0000
CHRISTOPHER R. COOPER, 0000
JOHN P. CORDLE, 0000
DIEGO R. CORRAL, 0000
RAYMOND B. CORRIGAN, 0000
BRIAN T. COSTELLO, 0000
JAMES M. COUMES, 0000
RAYMOND L. COUTLEY, 0000
AMRY S. COX, 0000
TIMOTHY W. CRAWFORD, 0000
MARK E. CREP, 0000
LOWELL D. CROW, 0000
RICHARD T. CROWERS, JR., 0000
TERRENCE E. CULTON, 0000
STEPHEN G. CUNDARI, 0000
STANLEY CUNNINGHAM, 0000
BRYAN L. CUNY, 0000
ROBERT L. CURBEAM, JR., 0000
ADAM J. CURTIS, 0000
JEFFREY S. DALE, 0000
PETER K. DALLMAN, 0000
JOHN M. DALY, 0000
ALBERT C. DANIEL, JR., 0000
TIMOTHY N. DASELER, 0000
GERRAL K. DAVID, 0000
STUART W. DAVIDSON, 0000
MARK E. DAVIS, 0000
TERRY K. DAVIS, 0000
TODD C. DAVIS, 0000
ERIC L. DAWSON, 0000
PETER M. DAWSON, 0000
ANDREW S. DEAN, 0000
MARK J. DEARDURFF, 0000
ROBERT C. DEES, 0000
ROBERT A. DEGENNARO, 0000
THOMAS D. DEITZ, 0000
JOSEPH F. DEMARCO, 0000
DOUGLAS J. DENNENY, 0000
LYNN L. DENNIS, JR., 0000
DAVID M. DEPMAN, 0000
DAVID R. DESIMONE, 0000
NANCY R. DILLARD, 0000
PAUL S. DILLMAN, 0000
WILLIAM E. DINE, 0000
PATRICK DISPENZIERI, 0000
THOMAS A. DITRI, 0000
DENNIS L. DIUNIZIO, 0000
MICHAEL J. DOBBS, 0000
DAVID M. DOBER, 0000
NORBERT H. DOERRY, 0000
KATHERINE M. DONOVAN, 0000
RICHARD J. DORN, 0000
DANIEL G. DOSTER, 0000
CHARLES J. DOTY, 0000
ANTHONY H. DROPP, 0000
CHARLES F. DRUMMOND, 0000
TITO P. DUA, 0000
MARY D. DUBAY, 0000
RICHARD A. DUMAS, 0000
SUSAN L. DUNLAP, 0000
ARCHIBALD S. DUNN, 0000
JIMMY DURAN, 0000
DAVID M. DURYEA, 0000
JENNIFER E. DYER, 0000
JOEL B. DYKES, 0000

RICHARD J. EASON, 0000
JAMES P. EASTERBROOKS, 0000
MICHAEL J. EATON, 0000
CATHERINE R. EBERHART, 0000
JOSEPH G. EBERT, 0000
JIM B. EDENS III, 0000
JEFFRY L. EDGAR, 0000
THOMAS L. EGBERT, 0000
DAVID A. EKKER, 0000
CAROL P. ELLIOTT, 0000
COLLEEN L. ELLIS, 0000
LANTZ C. ELLIS, 0000
PATRICK E. ELLIS, 0000
DONALD F. EMERSON, 0000
GARY E. ENGLISH, 0000
KENNETH A. ENRIQUEZ, 0000
ROBERT W. ERNST, 0000
MYLES ESMELE, JR., 0000
WILLIAM R. ESTRADA, 0000
ERIC D. EXNER, 0000
JERI D. EZELL, 0000
JOHN R. FAHEY, 0000
EDWARD J. FAIRBAIRN, 0000
JAMES R. FALLIN, JR., 0000
PETER J. FANTA, 0000
STUART T .FARNHAM, 0000
RICHARD E. FARRELL, 0000
WILLIAM A. FIELDS, 0000
SEAN R. FILIPOWSKI, 0000
DANIEL H. FILLION, 0000
ROBERT D. FINK, 0000
RICHARD J. FINNEGAN, 0000
ROBERT L. FIREHAMMER, JR, 0000
JAMES H. FLATLEY IV, 0000
BRIAN N. FLETCHER, 0000
THOMAS A. FLISK, JR, 0000
EDWARD A. FLORES, 0000
KAREN P. FONDREN, 0000
ROBERT J. FORD, 0000
CARL B. FORKNER, 0000
DANIEL P. FORNEY, 0000
DAVID M. FOX, 0000
WILLIAM J. FRAKE IV, 0000
JEFFREY A. FRANKLIN, 0000
CHRISTOPHER L. FRASSE, 0000
MITCHELL A. FREE, 0000
WILLIAM F. FREITAG, 0000
GERALD FRIEDMAN, 0000
RAYMOND T. FULLER, JR, 0000
WILLIAM J. FULTON, 0000
JOHN W. FUNK, 0000
SCOTT M. GALBREAITH, 0000
DAVID J. GALE, 0000
NORMAN W. GALER, 0000
WILLIAM J. GALINIS, 0000
CHRISTOPHER P. GALLAGHER, 0000
ARTHUR F. GALPIN III, 0000
CARL J. GARBELOTTI, 0000
JOSEPH H. GATES, 0000
EDWARD J. GAWLIK, JR, 0000
ROY J. GEBERTH, 0000
JOHN P. GELINNE, 0000
DAVID J. GELLENE, 0000
MARK D. GENUNG, 0000
RANDALL L. GETMAN, 0000
LEOPOLDO D. GIL, JR, 0000
MICHAEL M. GILDAY, 0000
JEREMY W. GILLESPIE, 0000
WILLIAM T. GILLIGAN, 0000
BRIAN J. GLACKIN, 0000
JERRY L. GODDING, 0000
JEFFREY D. GORDON, 0000
SCOTT S. GORDON, 0000
DAVID P. GORMAN, 0000
MARK J. GOUGH, 0000
ROBERT S. GRADEL, 0000
CHRISTOPHER W. GRADY, 0000
JEFFREY R. GRAHAM, 0000
MICHAEL G. GRAHAM, 0000
LARRY A. GRANT, 0000
KENNETH L. GRAY, 0000
PETER A. GRIFFITHS, 0000
MICHAEL E. GROODY, 0000
ROBERT L. GROSS, JR, 0000
WILLIAM A. GUERRERO, 0000
STANLEY L. GUNTER, 0000
JACK A. GUSTAFSON, 0000
DAVID J.W. GWILLIAM, 0000
MARY E. GWIN, 0000
MICHAEL T. HABERTHUR, 0000
SUSAN M. HAEG, 0000
ROBERT G. HAHN, 0000
SCOTT W. HALE, 0000
MICHAEL P. HALLAL, JR, 0000
NORTHMORE W. HAMILL, 0000
LEONARD J. HAMILTON, 0000
STEPHANIE W. HAMILTON, 0000
WILLIAM C. HAMILTON, 0000
JON C. HARDING, 0000
EDWARD J. HARRINGTON, 0000
CHARLES K. HARRIS, 0000
SCOTT D. HARRIS, 0000
FRANCIS L. HARRISON, JR, 0000
WILLIAM J. HART, 0000
MARK D. HARVEY, 0000
WILLIAM D. HATCH II, 0000
CHRISTIAN N. HAUGEN, 0000
STEVEN D. HAYES, 0000
DEBORAH A. HEADRICK, 0000
PETER J. HEIMBACH, 0000
AUGUST H. HEIN, 0000
JOHN C. HEISS, 0000
BRIAN W. HELMER, 0000
RANDALL M. HENDRICKSON, 0000
CHRISTOPHER M. HENSON, 0000
ROGER G. HERBERT, JR., 0000
JOHN B. HERRINGTON, 0000
JAMES A. HERTLEIN, 0000
CHARLES R. HILL, 0000
GREGORY J. HILSCHER, 0000
JAMES J. HIRST III, 0000
TIMOTHY L. HOBBS, 0000
JANE E. HOFFMAN, 0000
PAUL J. HOFFMAN, 0000
RAYMOND F. HOFFMANN, 0000
DONALD A. HOLCOMB, 0000
TIMOTHY A. HOLLAND, 0000
GUY V. HOLSTEN, 0000
MICHAEL A. HOMSCHEK, 0000
OWEN P. HONORS, JR., 0000
ROBERT R. HOOKS, 0000
KEVIN R. HOOLEY, 0000
JAMES B. HOPKINS II, 0000
ROBERT S. HOSPODAR, 0000
JOHN R. HOUFEK, 0000
PAUL S. HOUGHTON, 0000
SAMUEL C.H. HOWARD, 0000
PHILIP G. HOWE, 0000
WILLIAM R.N. HOWELL, 0000
RANDALL S. HOWES, 0000
MARK R. HOYLE, 0000
BRIAN D. HUGHES, 0000
PAUL D. HULLINGER, 0000
JAMES R. HUNT, 0000
PETER P. HUNT, 0000
PHILLIP R. HURNI, 0000
RICHARD IMPELLIZZERI, 0000
ROBERT P. IRELAN, 0000
STEPHEN M. JACKSON, 0000
DOROTHY M. JANSON, 0000
JAMES V. JARVIS, 0000
KAREN D. JEFFRIES, 0000
CHRISTOPHER F. JEWETT, 0000
DONALD C. JOHNSON, JR., 0000
THOMAS P. JONES, JR., 0000
JOHN M. JORGENSEN, 0000
JOHN E. JOSEPH, 0000
PAUL A. JUDICE, 0000
CJ KALB, 0000
HEIDI W. KALLIO, 0000
DAVID M. KAPAUN, 0000
FRANK R. KARA, 0000
ANTHONY C. KARKAINEN, 0000
CRAIG A. KAUBER, 0000
THOMAS J. KEARNEY, 0000
MICHAEL J. KEATING, 0000
PATRICK J. KEENAN, JR., 0000
CHRISTOPHER J. KELLY, 0000
KEVIN F. KELLY, 0000
SHAUN M. KELLY, 0000
BEVERLY J. KELSEY, 0000
JOHN M. KENNEDY, 0000
JOSEPH C. KENNEDY, 0000
SIDNEY D. KENNEDY, 0000
MATTHEW R. KERCHER, 0000
JOHN M. KERSH, JR., 0000
PHILLIP R. KESSLER, 0000
RICHARD D. KEYS, 0000
JOHN F. KIEFFER, 0000
DAVID L. KIEHL, 0000
DAVID H. KIEL, 0000
CHARLES D. KILBURN II, 0000
ANDREW A. KING, 0000
JEFFREY D. KING, 0000
JERI S. KING, 0000
NANCY KINGWILLIAMS, 0000
JOHN G. KINNEY, 0000
THOMAS K. KISIEL, 0000
RICHARD W. KITCHENS, 0000
STEVEN G. KOCHMAN, 0000
FEZA S. KOPRUCU, 0000
THEODORE R.I. KRAMER, 0000
GERALD P. KREFT, 0000
DAVID M. KRIETE, 0000
JOHN M. KROFT, 0000
DIETRICH H. KUHLMANN III, 0000
JEFFERY S. KUHN, 0000
JEFFREY A. KULP, 0000
BRUCE N. KUYATT, 0000
JAMES M. KUZMA, 0000
GREGORY J. LAFAVE, 0000
LEIF E. LAGERGREN, 0000
CHARLES W. LAINGEN, 0000
THOMAS P. LALOR, 0000
REINER W. LAMBERT, 0000
GEORGE M. LANCASTER, 0000
DAVID J. LANDESS, 0000
JOHN D. LAPE, 0000
SCOTT G. LARSEN, 0000
DONALD M. LEINGANG, 0000
JAMES M. LELAND III, 0000
PETER N. LENGYEL, 0000
EDWARD J. LESTER, 0000
DAVID L. LEU, 0000
KENNETH C. LEVINS, 0000
STEPHEN D. LEWIA, 0000
GERARD M. LEWIS, 0000
JAY S. LEWIS, 0000
ROBERT R. LIEPELT, 0000
ROBERT E. LILLGE, JR., 0000
PAUL F. LINNELL, 0000
PAUL A. LLUY, 0000
MICHAEL C. LOEBER, 0000
JEFFREY C. LONG, 0000
GREGORY L. LOONEY, 0000
BRIAN L. LOSEY, 0000
STEVEN A. LOTT, 0000
TIMOTHY S. LUFFY, 0000
THOMAS B. LUKASZEWICZ, 0000
FRANCIS C. LUKENBILL, 0000
BRIAN E. LUTHER, 0000
RANDOLPH L. MAHR, 0000
JAMES R. MALLETTE, JR., 0000
WINFRED A. MALONE, 0000
OCTAVIO E. MANDULEY, 0000
PAUL A. MARCONI, 0000
DAVID P. MARKERT, 0000
ERNEST B. MARKHAM, 0000
MELANIE A. MARR, 0000
LAWRENCE E. MARSHALL, 0000
ROBERT P. MARSTON, 0000
BRADLEY A. MARTIN, 0000
FRANCIS X. MARTIN, 0000
MARSHALL W. MARTIN, JR., 0000
CAROLE S. MARTONOSI, 0000
GEORGE M. MATAIS, 0000
TIMOTHY S. MATTHEWS, 0000
DAVID N. MAYNARD, 0000
TIMOTHY J. MAYNARD, 0000
ROBERT W. MAZZONE, 0000
JEFFREY F. MC ALOON, 0000
STUART A. MC CORMICK, 0000
ANGELO A. MC COY, 0000
PETER H. MC DEVITT, 0000
CHRISTOPHER J. MC DONALD, 0000
BARRY R. MC DONOUGH, JR., 0000
JOHN K. MC DOWELL, 0000
ROGER D. MC GINNIS, 0000
SALLY E. MC GINTY, 0000
BRIAN MC ILVAINE, 0000
THOMAS P. MC KAVITT, JR., 0000
JEFFREY L. MC KENZIE, 0000
SCOTT J. MC KERNAN, 0000
MARTIN G. MC MAHON, 0000
WILLIAM C. MC MASTERS, 0000
RICK M. MC QUEEN, 0000
WILLIAM C. MC QUILKIN, 0000
CHARLES D. MC WHORTER, 0000
THOMAS A. MEADOWS, 0000
CHARLES P. MELCHER, 0000
DAVID W. MELIN, 0000
RONALD C. MERRITT, 0000
KENNETH E. MILEY, 0000
JAMES A. MILLER, JR., 0000
STEPHEN T. MILLER, 0000
SAM M. MILLS, 0000
JOHN S. MITCHELL III, 0000
JOEL D. MODISETTE, 0000
MARK C. MOHR, 0000
MICHAEL S. MOLKENBUHR, 0000
MARK C. MONTGOMERY, 0000
ROBIN A. MOORE, 0000
SCOTT P. MOORE, 0000
MICHAEL T. MORAN, 0000
PAUL S. MORGAN, 0000
FRANK A. MORNEAU, 0000
KENNETH V. MORRILL, 0000
JOHN A. MORRISON, 0000
MARK E. MORRISON, 0000
EDWARD M. MORTON, 0000
TERRY D. MOSHER, 0000
DONALD C. MUELLER, 0000
THOMAS E. MUELLER, 0000
KEVIN P. MULCAHY, 0000
ANTHONY J. MULLARKY, 0000
THOMAS M. MUNNS, 0000
STUART B. MUNSCH, 0000
HAL C. MURDOCK, 0000
BRADLEY T. MURPHY, 0000
MICHAEL J. MURPHY, 0000
THOMAS A. MURPHY, 0000
THOMAS J. MURPHY, 0000
DAVID A. MURRAY, 0000
MARY K. MURRAY, 0000
WAYNE R. MUSOLF, 0000
ROSS A. MYERS, 0000
STEVEN J. MYERS, 0000
WILLIAM R. MYSINGER, 0000
JUAN A. NAVARRETE, 0000
JOHN P. NEAGLEY, 0000
RANDALL A. NEAL, 0000
THOMAS C. NEAL, 0000
MICHAEL J. NEIBERT, 0000
MARK D. NEIGHBORS, 0000
DAVID A. NELSON, 0000
SCOTT M. NELSON, 0000
DUANE E. NESTOR, 0000
BRIAN D. NEUENFELDT, 0000
KEVIN P. NEWMEYER, 0000
NATHAN C. NICKERSON, JR., 0000
RICHARD J. NISSEN, JR., 0000
CHARLES E. NORBERG, JR., 0000
JOHN B. NOWELL, JR., 0000
MARK C. NYE, 0000
JOHN C. NYGAARD, 0000
WILLIAM M. O'CONNELL, 0000
PAUL G. O'CONNOR, 0000
JEFFREY A. OGUREK, 0000
JOANNE T. OHERN, 0000
MARK J. OLECHOWSKI, 0000
CLIFFORD I. OLSEN, 0000
GERALDINE L. OLSON, 0000
JAMES M. OLSON, 0000
LEE A. OLSON, 0000
ANTHONY B. ONORATI, 0000
WILLIAM P. ORR, 0000
SCOTT C. ORREN, 0000
WILLIAM D. ORTON, 0000
JOHN P. O'SULLIVAN, 0000
PETER G. OSWALD, 0000
JAMES E. OTIS, 0000
JOHN P. OTTERY, 0000
DONALD R. OWENS, 0000
JONATHAN M. PADFIELD, 0000
MICHAEL J. PAGLIARULO, 0000
STEVEN A. PARKS, 0000
AMADO M. PARRA, 0000
GARY R. PARRIOTT, 0000
NEIL R. PARROTT, 0000
JAMES R. PASCH, 0000
JEFFERY L. PATRICK, 0000
JAMES PAULSEN, 0000
TYRONE PAYTON, 0000
DAVID T. PEARSON, 0000
MICHAEL R. PEASE, 0000
JAMES A. PELKOFSKI, 0000
WILLIAM L. PETERSON, 0000
ERNEST P. PETZRICK, 0000
FREDERICK W. PFIRRMANN, 0000
SCOTT J. PHILLPOTT, 0000
JONATHAN D. PICKER, 0000
THEODORE O. PICKERILL II, 0000
DAVID D. PIERCE, 0000
CHRISTOPHER R. PIETRAS, 0000
MARK W. PIVERAL, 0000
ALLEN V. POLLARD, 0000
SCOTT D. POLLPETER, 0000
JOHN W. R. POPE II, 0000
PAUL A. POVLOCK, 0000
MARK E. POWELL, 0000
MATTHEW J. PRINGLE, 0000
JOSEPH L. QUIMBY, 0000
THOMAS J. QUINN, 0000
PATRICK C. RABUN, 0000
ROBERT B. RABUSE, 0000
ROY M. RADCLIFFE, 0000
WILLIAM R. RADOMSKI, 0000
VIVAN L. RAGUSA II, 0000
PHILIP B. RAIMONDO, 0000
ROBERT G. RAMSEY, JR., 0000
THOMAS S. RANSOM, 0000
PETER C. RASNICK, 0000
TODD G. RATNER, 0000
DAVID S. RATTE, 0000
WILLIAM P. REAVEY, JR., 0000
STEPHEN P. RECCA, 0000
DANIEL J. REDGATE, 0000
WILLIAM R. REDMOND, 0000
GERARD J. REINA, 0000
FREDERICK C. RESSEL, JR., 0000
KEVIN D. REYNOLDS, 0000
MARK M. RHOADES, 0000
ALLEN S. RICE, 0000
CHRISTOPHER W. RICE, 0000
RONALD G. RICE, 0000
PAUL R. RICHARDS, 0000
DEAN A. RICHTER, 0000
MICHAEL J. RIMMINGTON, 0000
BRIAN L. RINALDI, 0000
STEVEN C. RITCHIE, 0000
MICHAEL D. RIVENBARK, 0000
JOSEPH W. RIXEY, 0000
JEFFREY L. ROBERTS, 0000
SUE F. ROBERTSONTRUXAL, 0000
RAYMOND M. ROBICHAUD, JR., 0000
ROBERT G. ROBINSON, 0000
RONALD B. ROBINSON, 0000
ANTHONY C. RODGERS, 0000
PATRIC K. ROESCH, 0000
MICHAEL P. ROGERS, 0000
PAUL E. ROWE, 0000
DAVID H. RUEDI, 0000
ENRIQUE L. SADSAD, 0000
SUSAN B. SALE, 0000
GEORGE J. SALITSKY, 0000
MICHAEL J. SALTERS, 0000
MICHAEL J. SALVATO, 0000
WILLIAM D. SANDERS, 0000
MICHAEL S. SASSCER, 0000
KENNETH R. SAULT, 0000
DEAN R. SAWYER, 0000
THOMAS J. SCHAUDER, 0000
CRAIG W. SCHMIDT, 0000
DONALD A. SCHMIELEY, JR., 0000
DAVID A. SCHNELL, 0000
LEE W. SCHONENBERG, 0000
CHRISTOPHER G. SCHREIBER, 0000
STEVEN R. SCHREIBER, 0000
DOUGLAS S. SCHROEDER, 0000
JOHN T. SEGURA, 0000
CRAIG M. SELBREDE, 0000
DOUGLAS W. SELLERS, 0000
DAVID M. SENDEK, 0000
DONNA M. SENGELAUB, 0000
PAUL D. SHANKLAND, 0000
ALEXANDER V. SHARP, 0000
CLIFFORD S. SHARPE, 0000
JOSEPH M. SHAW, 0000
DWIGHT D. SHEPHERD, 0000
SUSAN L. SHERMAN, 0000
CHARLES E. SHIRLEY, 0000
GARY SHOMAN, 0000
GREGORY A. SILVERNAGEL, 0000
DAMON I. SINGLETON, 0000
CHARLES J. SITARSKI, 0000
JOHN M. SLAUGHTER, 0000
STEVEN E. SLOAN, 0000
DIXON R. SMITH, 0000
LYNN E. SMITH, 0000
RICHARD D. SMITH, 0000
TIMOTHY T. SMITH, 0000
CLAY J. SNAZA, 0000
THOMAS P. SNYDER, 0000
WILLIAM S. SPANN, 0000
JAMES B. SPERRY, 0000
GORDY A. SPIRES, 0000
ANTHONY L. STAINBROOK, 0000
JOHN P. STAMOS, 0000
MICHAEL B. STANTON, 0000
JAMES F. STASCAVAGE, 0000
LEE A. STEELE, 0000
GARLAND STEPHENS, 0000
ROBERT STEPHENS, 0000
CHARLES A. STERNBERG, 0000
PAUL T. STEVENS, 0000
JANET D. STEWART, 0000
JOHN A. STEWART, 0000
ROBERT B. STEWART, 0000
PETER L. STITT, 0000
JAMES F. STONE, 0000
JOANN M.T. STONE, 0000
MARINUS STORM, 0000
MICHAEL A. STRANO, 0000
SCOTT C. STUART, 0000
THOMAS D. STUART, 0000
ROBERT A.J. STUBBLEFIELD, 0000
PATRICK T. SULLIVAN, 0000
RAYMOND E. SULLIVAN, JR., 0000
SEAN C. SULLIVAN, 0000
TIMOTHY W. SUMMERS, 0000
SCOTT M. SUNDT, 0000
ROBERT T. SUSBILLA, 0000
JOEL T. SWANSON, 0000
CHARLES D. SYKORA, 0000
WILLIAM G.A. SYMPSON, 0000
NORBERT E. SZARLETA, JR., 0000
EDWARD L. TAKESUYE, 0000
JOHN W. TAMMEN, JR., 0000
MARGARET A. TAYLOR, 0000
THOMAS J. TAYLOR, 0000
DARIO E. TEICHER, 0000
TUSHAR R. TEMBE, 0000
CHRISTOPHER B. THOMAS, 0000
GREG A. THOMAS, 0000
GREGORY R. THOMAS, 0000
STEPHEN N. THOMPSON, 0000
ERIC J. TIBBETS, 0000
DAVID C. TILLER, 0000
MARK T. TIMME, 0000
KEVIN J. TOKARICK, 0000
MATTHEW A. TOOMBS, 0000
WALTER L. TOWNS, 0000
IAN R.S. TOWNSEND, 0000
JAMES E. TRANORIS, 0000
MICHAEL S. TRENCH, 0000
THOMAS R. TWOMEY, 0000
DEBORAH S. VALLEZ, 0000
BRIAN T. VANCE, 0000
CHRISTOPHER L. VANCE, 0000
GERARD M. VANDENBERG, 0000
VINCENTIUS J. VANJOOLEN, 0000
THOMAS L. VANPETTEN, 0000
JEFFREY C. VIELOCK, 0000
MICHAEL S. VILAND, 0000
KEVIN L. VISSCHER, 0000
MICHAEL J. VORMBROCKE, 0000
PHILIP L. WADDINGHAM, 0000
KEITH L. WAGONER, 0000
MICHAEL G WALDHAUSER, 0000
FLOYD K. WALKER, JR., 0000
JOHN G. WALKER, 0000
GEORGE J. WALTER, JR., 0000
RICHARD W WALTER, II, 0000
CURT R. WALTHER, 0000
GARY K. WARING, 0000
RICHARD J. WATKINS, JR., 0000
GARY H. WATSON, JR., 0000
NANCY H. WATSON, 0000
CHRISTOPHER J. WATT, 0000
THOMAS G. WEARS, 0000
CHARLES D. WEBB, 0000
PETER K. WEBB, 0000
DIANE E. H. WEBBER, 0000
MARY K. WESSLEN, 0000
HUGH D. WETHERALD, 0000
EDWARD A. WHALEN, 0000
KENT D. WHALEN, 0000
EDUARDO E. WHEELER, 0000
JAMES B. WHITE II, 0000
MICHAEL S. WHITE, 0000
ANDREW S. WHITSON, 0000
CYNTHIA L. WIDICK, 0000
ROBERT N. WIEGERT, 0000
KEITH J. WILDONGER, 0000
NEIL R. WILEY, 0000
BRUCE R. WILLHITE, 0000
GARY H. WILLIAMS, 0000
MARK H. WILLIAMS, 0000
MICHELE L. WILLIAMS, 0000
RICHARD L. WILLIAMS, JR., 0000
DONALD E. WILLIAMSON, 0000
WILLIAM C. WILLISTON, 0000
CARLENE D. WILSON, 0000
MICHAEL M. WILSON, 0000
MICHAEL C. WISNIEWSKI, 0000
BRIAN D. WITTICK, 0000
FRANK A. WONDER, 0000
JOHN R. WOOD, 0000
ROBERT B. WOODS, 0000
KENNETH A. WOS, 0000
STEVEN R. WRIGHT, 0000
JAMES L. WYANT, 0000
JANICE M. WYNN, 0000
ROLAND J. YARDLEY, 0000
JOSEPH A. YETTER, JR., 0000
DONG J. YI, 0000
MARSHALL S. YOUNG, 0000
MAUDE E. YOUNG, 0000
RICHARD S. YOUNG, 0000
MICHAEL T. ZANSKI, 0000
JOHN E. ZARBOCK, 0000
ROBERT K. ZARING, JR., 0000
DANIEL P. ZELESNIKAR, 0000
KURT W. ZIEBARTH, 0000
KEVIN S. ZUMBAR, 0000