both been great leaders in education and in coming up with innovative ways to use our Tax Code to encourage better teaching. I urge all of my colleagues to join us in support of this modest but important effort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Ms. COLLINS assumed the Chair.)

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

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

MORNING BUSINESS

Mr. COVERDELL. Madam President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

BRAD SMITH'S NOMINATION TO THE FEC

Mr. DASCHLE. Madam President, I want to speak briefly on a matter we will probably have the opportunity to discuss in greater detail at a later time. That has to do with the nomination of Bradley Smith to be a Commissioner on the Federal Election Commission.

The President has made this nomination with the greatest reluctance. He delayed it for many months while fending off hard lobbying on behalf of Mr. Smith by my colleagues on the other side of the aisle.

In the end, the President forwarded this nomination to us, acknowledging the Republican leadership's strongly held view that, under standard practice for FEC appointments, each party is entitled to have the President nominate its choice for a Commission seat allocated by law to that party.

I understand the President's decision. He did what he believes that he, as President, was required to do, notwithstanding his concerns about the suitability of Mr. Smith.

Now we, as Senators, must do what we are required to do by the Constitution—to consider this nomination on the merits.

I have examined the candidacy of Mr. Smith carefully, guided by only one question—indeed the only question that should guide us: Is he qualified, as Commissioner of the FEC, to enforce the laws we have passed to control federal campaign fundraising and spending?

In my view, Mr. Smith's complete disdain for federal election law renders him unqualified for the role of an FEC Commissioner, whose principal job is to administer the Federal Election Campaign Act as enacted by Congress and upheld by the courts.

Madan President, the American people must be able to trust that we, as legislators, mean what we say when we write the laws of the land. They should not fear that we are passing laws professing the noblest motives, while actively working against those laws by whatever means we can find.

Nowhere is there a more critical need for this consistency of purpose than in our consideration, enactment and oversight of laws governing campaign finance.

We are, after all, candidates, and also party leaders, directly affected, in our own campaigns and political activities, by the operation of the Federal Election Campaign Act. Few laws that we pass as elected officials more acutely raise the spector of conflict of interest—that we might structure rules and encourage enforcement policies designed more to serve our own interests than the public interest.

Why would the public not be suspicious, observing our failure session-after-session to enact comprehensive campaign finance reform?

Now our Republican colleagues would like the Senate to confirm Mr. Smith. He comes to them highly recommended by those who would oppose meaningful controls on campaign finance. And he has earned the respect of those in the forefront of the fight against reform.

Why? Because he believes that ''the most sensible reform . . . is repeal of the Federal Election Campaign Act.'' Because he believes that most of the problems we have faced in controlling political money have been ''exacerbated or created by the Federal Election Campaign Act.'' Because he believes that the federal election law is ''profoundly undemocratic and profoundly at odds with the First Amendment.'' And because—and I quote again—''people should be allowed to spend whatever they want.''

This is the man our colleagues on the other side of the aisle would like us to seat on the Federal Election Commission, charged with the enforcement of the very laws he believes are undemocratic and should be repealed.

This is not just asking the fox to guard the chicken coop. It is inviting the fox inside and locking the door behind him.

What would be better calculated to promote and spread public cynicism about our commitment to campaign finance reform—indeed, cynicism about our commitment to responsible enforcement of the law already on the books—than confirmation of this nominee?

In considering this nomination, we are bound by the law we passed that speaks specifically to the qualifications required of an FEC Commissioner. That law states that Commissioners should be ''chosen on the basis of their experience, integrity, impartiality and good judgment.''

Certainly a fair, and in my view fatal, objection could be raised to the Smith nomination on the grounds that he lacks the prerequisite quality of ''impartiality.'' He would be asked, as a Commissioner, to apply the law evenhandedly, in accord with our intent, without regard to his own opinions about the wisdom of the legislative choice we have made. Yet Mr. Smith has made his academic and journalistic reputation out of questioning that choice.

How will he reconcile that conflict, between his strongly held views and ours, in the often difficult cases the FEC must decide? When the Commission must enforce our contribution and spending limits, what degree of impartiality can be expected of a Commissioner who believes, in his words, that ''people should be allowed to spend whatever they want on politics''?

I am concerned, too, about the requirement of judgment. For Mr. Smith has insisted for years that the Federal campaign finance laws are an offense against the First Amendment of the Constitution, undemocratic and in need of repeal. The Supreme Court has held in clear terms to the contrary.

Perhaps Mr. Smith imagined that the Court's jurisprudence had changed. If so, he is seriously mistaken, as made plain by the Court's decision only weeks ago in the Shrink Missouri PAC decision effectively to affirm Buckley v. Valeo.

A commissioner who neither understands nor acknowledges the constitutional law of the land is poorly equipped to balance real First Amendment guarantees against real Congressional authority to limit campaign spending in the public interest. This is particularly true where he questions our laws, not merely on constitutional grounds, but on the sweeping claim that they are undemocratic.

Mr. Smith is an energetic advocate for his views. We can respect his wish to express those views, and some indeed may agree with them. But this nomination places at issue whether he is the proper choice to act not as warrior in his own cause, but as agent of the public, as a faithful, impartial administrator of the law.

I must conclude that he is not the right choice, not even close, and so I will oppose that nomination, and I will vote against confirmation.

I yield the floor.

ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), an advance notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to regulations under the Veterans Employment Opportunities Act of 1998, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL