

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now stand in recess until 4:45 p.m. today.

There being no objection, the Senate, at 4:18 p.m., until 4:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. The assistant majority leader is recognized.

RECESS

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate stand in recess until the hour of 5 o'clock.

There being no objection, at 4:45 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

Mr. CRAIG addressed the Chair.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

VISIT TO THE SENATE BY THE PRESIDENT OF THE ARAB REPUBLIC OF EGYPT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into recess for 5 minutes for the purpose of receiving the President of Egypt, President Mubarak.

[Applause.]

RECESS

There being no objection, at 5:07 p.m., the Senate recessed until 5:12 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF FEDERICO PEÑA

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 on Wednesday, March 12, the Senate proceed to executive session to consider the nomination of Federico Peña to be Secretary of Energy, and it be considered under the following agreement: The first 30 minutes under the control of Senator GRAMS; 10 minutes equally divided, then, between the chairman and the ranking member of the committee; and that following the conclusion or yielding back of that time, the Senate proceed to vote on the confirmation without any intervening action or debate.

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

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with consideration of the resolution.

Mr. WARNER. Mr. President, 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. 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.

Mr. LOTT. Mr. President, at the beginning, I thank all concerned for the efforts that have been put into coming to this agreement, especially the Democratic leader. There has been a lot of discussion involving Senators on both sides of the aisle and all the different committees involved. I think this is the right thing to do and we can move on, then, with the proper investigation, in a bipartisan way.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Glenn amendment No. 21 be withdrawn, and the committee substitute, as amended, be agreed to.

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

The amendment (No. 21) was withdrawn.

The committee substitute, as amended, was agreed to.

Mr. LOTT. I further ask unanimous consent that there be 1 hour equally divided between the two leaders or their designees, with an additional 10 minutes under the control of Senator SPECTER—I want to emphasize that I presume that time will be 30 minutes on our side, under the control of Senator THOMPSON, and 30 minutes on the other side, under the control of Senator GLENN—and following the conclusion or yielding back of the time, the Senate proceed to vote on adoption of Senate Resolution 39, as amended, without further action or debate, and that the vote occur at 6:30 p.m. this evening.

Mr. DASCHLE. Reserving the right to object, let me just use this opportunity to thank the majority leader and all of his senior leadership on the committees, as well as the leadership on our side, Senator GLENN, Senator LEVIN, and certainly Senator FORD, and all of those responsible for bringing us to this point. This has not been easy. This has been a matter that has divided us for too long a period of time.

For us now to be able to come together on this matter, I think, is a good omen. I am very appreciative of the contribution made by so many colleagues on both sides of the aisle, and I hope that with unanimity we can support this request this afternoon.

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

Mr. LOTT. Let me add, Mr. President, I had intended to offer an amendment this afternoon to the resolution calling for the appointment of an independent counsel. However, I had agreed earlier with the Democratic leader to withhold that until at least this Thursday to allow the Judiciary Committee to discuss the issue of appointment of independent counsel and see if there is some way that a bipartisan agreement could be reached there, also.

In view of that commitment that I believe we basically entered into a week ago, I felt it was important that I keep that commitment, and therefore we will withhold action until we see what comes out of the Judiciary Committee on the independent counsel issue.

Mr. DASCHLE. If I could, Mr. President, indicate that we had intended to offer an amendment dealing with a date certain for taking up campaign finance reform, and obviously because we have made so much progress on this issue and because the majority leader has indicated his desire to work with us on the issue of an independent counsel, as well, we will defer that until another time and another circumstance. We are not intending at this point to offer legislation which would direct the Senate in that regard.

I appreciate, again, the cooperation and consensus that we have been able to work out on both sides on both these matters.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. THOMPSON. Mr. President, I think that we have made substantial progress. In fact, I think remarkable progress. I cannot express the extent of my delight in the cooperation we have seen here in the last few hours in the U.S. Senate.

The minority leader is absolutely correct in that we have tended to get off track and we have done a little too much disagreeing and not enough coming together. What we have done now is, really, I think for the first time, focused on some of these issues. I think that many of our Members have not had the opportunity to really focus on the legal and procedural issues and what some of these things will mean to us as we go down the road in trying to conduct an investigation. I think Members on both sides, when you come right down to it, and they stop and think about it and focus on these issues, really have a whole lot more in agreement than in disagreement.

I think we all want to see this investigation done in a fair manner, in a thorough manner, and as expeditiously as possible. That is what we tried to set out in January when I took the floor and tried to set out what I thought should be the scope of the investigation and where I thought we

were going and how we were going to do it. We have not always, every day, been able to adhere to that.

Today, I think that we really are back on track again. I want to compliment the majority leader. There have been strong feelings on all sides of these issues, a lot of misunderstandings, and a lack of focus in terms of really what was involved and at stake here. He has brought us all together, I think, and required us to do that, along with the minority leader. The two of them working together, with Senator GLENN and others, has resulted in something that I think is very, very good today.

The Governmental Affairs Committee, on the scope issue, came with what we felt was a good, broad scope of things we should look at. The Rules Committee came back with what many felt was too narrow a scope. And now we are somewhere in the middle of that, with the ability to look at not only illegal activities, but improper activities. That is where we ought to be, there is no question about that. It's not that we gain so much by having it in our mandate, it is what we lose if we don't have it in our mandate. We could not be in a position of not looking at improper activities, and Members on both sides came to that conclusion once they focused in on it.

We have had a good debate. I watched most of the debate yesterday that we had. Members were heard on both sides. Many of the Republican Members pointed out the serious accusations and reports that are out there—some of the most grievous things that this country has seen, if they prove to be true, having to do with foreign influence in our country and what they were trying to obtain with regard to foreign contributions and things of that nature. Of course, they were right in that. Other Members, from the Democratic side, pointed out the fact that we needed to make sure that our scope was not so narrow as to look like we were either trying to protect ourselves or trying to keep from looking at things that might prove embarrassing to one side or another. They were correct, also. What today represents is a coming together of both of those approaches that we saw in the debate yesterday.

The scope we have now of looking at illegal and improper activities is in the tradition of the Governmental Affairs Committee. As Senator GLENN pointed out yesterday, this is the McClellan committee, the Kefauver committee, the Truman committee; this is the primary investigative committee of this body. So, therefore, it's certainly now more in the traditional range of what the jurisdiction and scope of Governmental Affairs' activity has been in times past. Does it mean that we have solved all of our problems? Certainly not.

We are going to have to be judges. The committee is going to have to make determinations right along as to what is illegal or improper allegations

that might lead to illegalities, or might lead to evidence of improprieties, or what is the threshold. Is there a credible report, or is there credible evidence that there might be illegalities? Or are they illegalities or improprieties? Those are things that people, in good faith, can have different views of. I am convinced that we, as a committee, as we consider these matters, will come to the right conclusion. Whether it is merely illegalities, as the jurisdiction was before this compromise, or whether its illegalities and improprieties, as it is now, we are in the same position that we were in and Senator INOUE was in during the Watergate investigation. Determinations had to be made at that time as to what was allegedly illegal or improper. So we are really in no different position, in terms of that, than we have been in in times past. It will not always be pleasant for the members of the committee to have to make these determinations. But that is a part of our job, and we can do that job.

I think now, with this broader scope, it makes it more clear in some areas that things can be appropriately looked at and looked into, which perhaps were murky before we reached this agreement. I do not think that it is wise for me or anyone else to pre-judge an individual, or an activity, or anything of that nature before you know what the facts are. But I think it's fair to say that some of these activities that we have heard about are more clear now in terms of whether or not we have the jurisdiction to look at them. Some of them are still not clear.

We will just have to sit down again, in good faith, and work out with each other what activities merit our attention, what activities merit our investigation. I should say that not everyone who receives a subpoena, for example, or not everyone who is asked to appear as a witness is being accused of an illegality or an impropriety. Sometimes people have evidence of illegalities or improprieties, or information that could be helpful, and they themselves have no problems at all. So that issue has been raised in some form, and I think we need to put people's minds at ease about that.

I think it is also clear that—as I have said many times before—we will have to set priorities. I do not think we ought to say that anything in terms of illegal or improper is off the table. It is all there for us to look at. You can have what some people might refer to as a minor illegality or technicality on a very serious impropriety, and you would have to take that into consideration. But I think it is fair to say that we should look at the more serious matters first.

What are the more serious matters? We will have to make those determinations. In my own estimation, certainly matters that have to do with national security, matters that have to do with the security of this country, clearly illegal matters that we would not have

any good-faith disagreement on, matters that are clearly illegal, matters of that category would certainly have to be at the top of the list, not only because of obvious reasons, but because of very practical reasons, and that is that people in a clearly criminal category tend to be the ones who leave the country, the ones who make determinations to take the fifth amendment, the ones to get together with other people in that category and reach agreements of silence, and things of that nature. They tend to be the ones to destroy documents that might incriminate them. We have had some evidence of that. It has been in the public domain. So by their very nature they have to be ranked pretty high.

So we will have to constantly prioritize. That does not mean we have to wait months and months to get into some matters that do not fit into that category I have just mentioned. It just means we operate in good faith, with common sense, prioritize, keep our eyes on the ball, make sure that we as Republicans are mindful that procedural safeguards have to be instituted. It is important not only that we be fair, but that we perceive to be fair, as we proceed.

It's important that the Democrats understand that we in the majority always have the responsibility of carrying the ball forward and pushing it forward and getting into these serious matters that affect all of us as citizens, whether we are Democrats or Republicans. There is no reason we can't do that, Mr. President.

I think this is an opportunity here to start a new day. I know that in the little battles we have had back and forth here on these issues, some procedural issues and subpoenas, and so forth, that if I had decisions to make over again, I would make them in a different way than I have in times past. I have tried to adhere to what I said from the first day, and that is to walk that tightrope between toughness and thoroughness on the one hand, and fairness and bipartisanship on the other. That is not always an easy tightrope to walk. I haven't always walked it as well as I would liked to have walked it, but I am committed to starting forward from today and making sure that we get back on track.

The Watergate committee was mentioned several times in the last couple days, and I was just thinking about the fact that the Watergate committee, I believe, was created by a vote of this body 99 to nothing, the creation of the committee. I do not believe, in its entire existence, and it was about a year and a half—I am not sure what the official time was, but it took about a year and a half for the report to be filed—that there was ever any battle over jurisdiction; there was never any partisan fight over money; there was never any fight over scope; and there was never any fight over duration because they worked together through those tough problems.

There is no reason why we cannot do that either. There is no reason why we cannot do the same thing either, because at the end of the day, if we have conducted ourselves well, gone through these tough times, had our disagreements—and we will have our disagreements, but if we have done it in a fair way and everybody has tried to do their best and is willing to go forward with an investigation that a lot of people are not going to like, at the end of the day these procedural matters and these fights that we have, skirmishes that we have had are not going to mean very much. Where we come out on these things that we are resolving today is not going to mean very much if we do the right thing and have a good investigation, a good set of hearings promptly and make a report back to the American people as to what we found.

So, again, I want to commend the majority leader especially and also the minority leader, Senator GLENN, and others who have worked this scope problem out. I think we can go forward now. That has been my primary concern here for the last several days. There were some times there when I wondered if it was going to go forward. But I believe that our better selves were shown today, and we refocused on this matter. And hopefully now we are back on the right road.

I understand that my colleagues will have some questions concerning my own views on some of what we have done, and I stand ready to respond to any questions my colleagues might have.

I yield back the remainder of my time.

Mr. GLENN addressed the Chair.

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

Mr. GLENN. Mr. President, I welcome the remarks by Senator THOMPSON. I think his statement is excellent. I think it does provide a new basis for starting ahead with these investigations, a better basis than where we were before, I am sure he would agree. It is a new day, and we can make a fresh start. We can set priorities, and those priorities can be set as a matter of judgment between us on not only just what is illegal, you would have something that is barely illegal but some giant thing that is improper that we now can look at on a priority basis, and we can make those judgments. And that is fine. I agree with that.

I think what we have called scope, or whether you want to call it jurisdiction, we are on a much better basis than we were before, and I think we are now prepared to move ahead. I will have some other remarks in the colloquy that is to be provided in this half hour. I know that Senator DORGAN had a couple of particular things he wanted to mention. He has another commitment. And I ask if he might be able to do that now. How much time?

Mr. DORGAN. Mr. President, if I might just ask the Senator from Ohio to yield for a question that I could

then perhaps direct to the Senator from Tennessee as well.

Mr. GLENN. Go ahead and address your questions. Five minutes?

Mr. DORGAN. That would be sufficient.

Mr. GLENN. Fine.

Mr. DORGAN. Mr. President, my question was on the procedure with respect to subpoenas. I listened to the Senator from Tennessee—I have great respect for the Senator from Tennessee—and the discussions on the work of this committee dealing with very serious questions and sensitive issues. I trust that that work will be carried out in a way that will make the American people confident and proud that Congress did its job.

On the question of subpoenas, the question that I was wanting to ask was about procedure. The select committee on the Watergate issue, for example, had a procedure which seems to me to make a lot of sense. And the procedure was, if the chairman or the vice chairman of a committee were proposing a subpoena, for example, a vice chairman of that committee, the procedure was if that vice chairman proposed a subpoena that the chair might have objected to, the vice chair had a right to go to the committee to get a vote of the committee on that subpoena question.

It seems to me to be the right kind of procedure in order to protect both the chairman and also the ranking member of a committee like this, especially with respect to the subpoena power. And I was wanting to understand whether there has been any agreement on that kind of procedure as between the chairman of the committee and the ranking member.

Mr. THOMPSON. There has been no agreement with regard to that, but I think that is a sound procedure. I have not revisited that in several years, as you might imagine. I do recall now that the Senator mentions it that that was the procedure during the Watergate committee hearings, and that gives the minority an opportunity to make their views known to the majority that they might not otherwise have. I tend to view that favorably. I would bring that to the attention of the committee, I say to the Senator. For myself, I would tend to view that favorably.

Mr. DORGAN. Mr. President, if I might, I had noticed an amendment that I would have intended to offer on this. The unanimous consent precludes me from doing that. I accepted that judgment on the basis of the discussion I had had previously with Senator LEVIN, Senator GLENN, Senator THOMPSON, and others.

I am heartened by the Senator's answer. My expectation would be then that when you have had an opportunity to present this to the committee, the committee would probably want to adopt this procedure.

This procedure seems to me to be sound and fair and the right kind of approach to deal with these very difficult issues. And certainly subpoena powers

represent one of the most difficult issues.

Mr. THOMPSON. It does. It has already proven to be a delicate situation. We got off on a bit of a wrong foot with regard to subpoenas. I take my share of blame for that. I do not think Senator GLENN was fully aware of all of the work that went into preparing our first subpoena list. But on the other hand, I did nothing personally to make him aware of that. I was depending on a lot of staff work. But what happened was that we came forth with several subpoenas that some people categorized as Republican subpoenas on Democrats and only a couple of Democrat subpoenas on Republicans.

I did not look at it that way. They were subpoenas which basically ultimately Senator GLENN, I do not think, really had any problem with. I thought they were more or less basic documents that we could get into business with.

But it is a delicate matter. It is a very powerful tool and can be a powerful weapon in the wrong hands. I appreciate that. We need to make sure that we work a little closer together as we prepare these subpoena lists because there is nothing—if you want to divide up into sides—there is nothing that one side cannot do to the other side. You might not have the ultimate authority to get the subpoenas out, but you can obstruct and do other things that Senator GLENN knows better than anybody, the tools that a minority has to protect them. I know them, too. But we do not want to get bogged down into that. We want to try to get on past that, and I think we can. I think the Senator's suggestion has a lot of merit to it.

Mr. DORGAN. Mr. President, let me point out that my suggestion and my inclination to offer an amendment was not prejudging whether one might or might not have misused subpoena power at all. It seemed to me this represented a procedure that made a great deal of sense. My understanding is that the Senator will be presenting this and let the committee make a judgment on it, and I am confident that the committee would reach the right conclusion.

I, again, appreciate the answer of the Senator from Tennessee and the Senator from Ohio.

Mr. GLENN. I thank the Senator.

Mr. President, the colloquy we had proposed earlier, I, in my part of this, can be rather brief, and I would allot myself such time as I may require. I feel very certain that the distinguished Senator from Tennessee, my chairman, will agree with this. But let me just put this forward as a colloquy so we can help clarify some of the understanding that has gone into this today.

With the addition of the term "improper," to expand the scope of the investigation to be conducted by our committee, the Governmental Affairs Committee, it is my understanding that the committee's jurisdiction to investigate now includes activities which

are improper, even though they may not be in violation of any law or regulation. The term "improper" means not conforming to appropriate standards, and that is a broad term. I believe that the scope of the committee's investigation would cover—and this is the important part here—would cover the areas set forth in the prior unanimously approved scope of the committee's investigation that was voted out unanimously by the committee.

I would also assume that allegations of illegality or impropriety by a reputable source, such as the sources previously used by the committee to issue the subpoenas, shall be sufficient for us to initiate investigative action if necessary.

Would that be basically the Senator's understanding of what we have done here today?

Mr. THOMPSON. As I look over the original scope that the Senator referred to that came out of the Governmental Affairs Committee, a few things jump out at me that I think clearly come within our jurisdiction, or in the scope as we now have it. Foreign contributions are clearly illegal, not only improper; conflicts of interest resulting in misuse of Government offices, failure by Federal Government employees to maintain or observe legal barriers between fundraising and official business, certainly are within the scope of illegal or improper.

I think there are others here that fit that category. Frankly, I think there are some other categories where it is not so clear. We are dealing with categories of activities here. It is very difficult for me to, with great precision, say what category in any given set of circumstances might or might not fall within our scope. Many times the answer depends upon the facts of the case. You might have a certain activity that may or may not be improper, depending on facts that we do not know yet.

So, while, in summary, and in answer to the Senator's question, I think that certainly there is a good deal here of the delineation of the scope that came out of Governmental Affairs that certainly is picked up by this expanded scope that we have here today, but I would not want to pass judgment on, as one individual member of the committee when the committee itself will have to make the determinations on individual situations—I would not, as one member, want to pass judgment on any particular activity or group of people or anything like that, without knowing more about the facts.

Mr. GLENN. I understand that. I appreciate that answer. I guess a different way to state it would be: Are there any parts of that original proposal that the chairman would specifically rule out as for any consideration under impropriety?

Mr. THOMPSON. You are asking me to be pretty specific. Again, we are talking about categories of activities and situations that depend on the

facts. I will say that the prelude to the specific areas that we are talking about now, foreign contributions, misuse of Government offices, et cetera, says that we should look into illegal or improper activities or practices in the 1996 campaigns, "including but not limited to * * *." So I think the original scope kind of speaks for itself there. There is a further delineation, but it still has to be improper or illegal.

You have to understand, now, I am just one member talking, as far as my own views are concerned on this. But I would assume that there would still be, for example, some soft money activity that would not either be illegal or improper. If the rules and regulations permit it, it was done in a correct way, there was no collusion involved, it was not done from a Federal building—which of course in and of itself is problematic, depending upon your legal interpretation. If someone gave a \$20,000 soft money contribution, I am not prepared, today, to say that that is improper.

These are the kinds of things that the committee will have to decide. I can assure you that we will have an opportunity for full discussion on any area the Senator brings up.

Mr. GLENN. OK. I will certainly accept that answer now. I think the indication of what has happened here today with regard to the compromise in this particular area and on this bill is something that I think, with all the discussion, both on the floor here and privately with the different groups that have met today, shows we have made a lot of progress. It is our view that I am not going to try and pin the Senator down on every single one of these points and go through them one by one. I don't think that is necessary. I think what he has indicated is in general we are going to look into these things where there is impropriety involved, in addition to illegality, and we will make judgments on what is most important.

We have broadened the scope tremendously from what it was before and it certainly fits more into the line of what was unanimously approved as the scope by the Governmental Affairs Committee by a unanimous vote. That has been the trend of this today, and I think this gives us a whole new broadened level of investigation and one that we welcome, because I think it will lay a better base for campaign finance reform over the long term. That is going to be very good, something that people of this country certainly need. I think, had this been just restricted just to straight violations of law, to illegalities, we would not have had that kind of scope.

I know, with the time limits we have here today, I would like to move on. I certainly accept the Senator's view of these things as he has expressed them. I know Senator LEVIN had some concerns he was going to express about the processes, and have a colloquy in that particular area to try and delineate

some of these things a little better and I yield him such time as he may require.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am very pleased that we have been able to make significant progress this afternoon on this resolution. Adding back the term "improper" has brought this investigation, basically, back to where members of the Governmental Affairs Committee unanimously intended it to be. We returned to a broader investigation: both ends of Pennsylvania Avenue, both parties. It is only through this kind of a bipartisan investigation will this investigation, indeed, bear fruit. It is a positive conclusion to what was turning out to be an unfortunate development in the history of the Senate in its power to investigate.

On the other hand, on the procedures questions, I was going to offer an amendment to attempt to establish procedures for how we conduct this investigation on a bipartisan basis. Based on the progress that we made in restoring the breadth of the investigation, and based on private conversations that we have had with Senator THOMPSON and Senators GLENN, DASCHLE, LOTT and others, I became sufficiently optimistic about the conduct of this investigation that I was able to waive my right to offer an amendment as others have waived their rights to offer amendments relative to this resolution.

I have looked at 10 prior resolutions, which initiated major congressional investigations, and in all 10 cases, bipartisan procedures were adopted either in the resolution creating the investigation or by the committee shortly thereafter. So I would like to engage the chairman of the committee, the distinguished chairman, in a colloquy and ask a few questions about procedures. One of them is a general question.

I am wondering whether or not my friend, the chairman, would agree that one of the first orders of business for the committee following approval of this resolution would be to attempt to establish procedures, bipartisan procedures, for the conduct of the investigation?

Mr. THOMPSON. Yes, I would agree with that.

Mr. LEVIN. Is it the chairman's hope and intention that the committee's depositions be conducted jointly?

Mr. THOMPSON. Yes. I think that without any question it is important that we attempt to have joint participation in the depositions. I think that whichever side notices the deposition, there should be a certain period of time when the other side is notified and given the opportunity to attend the deposition. There might be instances where that's impossible, in terms of someone participating, but the notice should always go. The notice should always be there.

And we need to have a firm procedure as to who has notices given, so there is

no question about the fact that notice has been given. And we need to exercise a little good faith and leeway. If the time that is agreed upon is not fully needed, for example, the side not taking the deposition should not insist on it. If a little more time is needed for scheduling purposes, the side scheduling the deposition should be reasonable there. But I think it is very important, to maintain the credibility of what we are doing, that if at all possible we have both sides at the depositions unless there is an agreement that it is not significant enough a deposition for both sides to be there. So, those are the goals that I would work toward.

Mr. LEVIN. I thank the chairman for that. Is it also the chairman's hope, or intention, that, where feasible, and I emphasize the words, "where feasible," investigative interviews be conducted—I ask this question knowing that there will be occasions when it is impossible to notify the other side of a telephone conversation or some other conversation—but that there would be a good-faith effort, where feasible, to have investigative interviews be conducted jointly?

Mr. THOMPSON. Yes. I think we need to use our best efforts to ensure that by providing reasonable notice under those circumstances, at least of all significant interviews. As you say, as these things go, there are going to be people scattered out in various places, and I think on many occasions they can go in teams. I think that will be good. But many times they are not going to be able to do that.

As the Senator knows, we have been talking about procedures a lot here for the last couple of months. Now we have to get down to the heavy lifting. We have people to interview all across this country and people in other parts of the world. We are not going to always be able to do it side by side. But best efforts should be made to provide reasonable notice for all significant interviews, whether taken by the majority or the minority, so that the other side will have the opportunity to be there.

I think the other important part of that is that regardless of whether or not there is participation or presence, that there is access to the information that comes from that interview. Although the opportunity to question might be lost if the person is not present, they still should have access to that information. That should be a part of the agreement also.

Mr. LEVIN. I thank the chairman for that, and that was, indeed, my next question relative to access to information, documents, and, through a number of discussions, I think it is safe for me to say it is the chairman's intention that both the majority and minority would have equal and contemporaneous access to all documents and be given adequate notice of the filing of those documents?

Mr. THOMPSON. That is correct.

Mr. LEVIN. The chairman, in his conversation with Senator DORGAN, ad-

ressed one very important issue and did so in a way which was very reassuring to the minority, and that was relative to the calling of a committee meeting relative to a request to issue a subpoena on the part of the minority in the event that the committee chair does not think that subpoena should issue, and I will not go further into that subject other than to say I welcome the chairman's assurance on that.

Finally, on a related subject, we have had some problem relative to subpoenas because we haven't had the sufficient consultation in advance of a decision to issue them and the presentation of those subpoenas to the minority. I think the chairman has addressed this issue, too, in a way which is satisfactory when he said, I believe, a few moments ago that he looks forward to a process where we would work together preparing a subpoena list. I assume from that comment that that would be in advance of the formal presentation of subpoenas, which trigger that 72-hour rule. I think when that is done, we are going to find ourselves agreeing on a lot more of these subpoenas than would otherwise be the case.

Mr. THOMPSON. I think the Senator is probably right. But let's talk about what we are really concerned about here. I think the Senator is wanting to be included in the front end of the consideration, basically. I think that is reasonable. It is not required by the rules. None of this is required by the rules of the Governmental Affairs Committee. This is my attempt to go beyond the rules in order to do something that I think is right and the fair thing to do.

Let me not mislead you here. I think these are things that I always felt were best worked out at the staff level, but I think we are going to have to address them now. I do not think it is ever practical to have Senators sit down around the table for the very first conversation about who we are going to subpoena. I think we have to let the staff do their work. They have to come to us individually and as a group. They have to come to me as chairman and Senator GLENN with their ideas. There has to be opportunity to have free discussion back and forth, and if somebody writes a list of names or companies down that they feel should have top priority, they should not have to be apologetic about that. It has to start somewhere.

So we need to let the staff do their work, then we need to have the staff submit that to the members, and then the members need to talk to each other. That is my idea of proceeding.

Now, if you want to do it otherwise, if you really think that it is good for us to involve ourselves that much on the front end, I will consider something else. But I think you want to consider that very, very carefully, because I don't think that is the highest and best use of our time.

Prior to now, in the 54 subpoenas that were issued, I believe, if Senators will check, they will find that the staff did work together. There was considerable time; there was a requirement to give 72-hour notice. We gave more than that, all on the staff level. But there was lots of discussion. Whether or not somebody came up with a list before they started talking or they made the list in the presence of each other, I don't really care, and I don't think we should care.

But what happened was, I think where we broke down was, I didn't call Senator GLENN and tell him, basically, what was going on at the staff level, and I think that was a mistake on my part.

So I hear what you are saying. You want to be included on the front end of the discussion. But we are going to get into some busy activity around here. We all are going to be challenged tremendously, not only with regard to this investigation, but with regard to our regular business. It is going to be fast and furious for a long time, and I don't want to be accused anymore of being unfair to anybody.

So I want to lay it on the table on the front end. If you want more than I think right now is reasonable, I will be willing to discuss that. What I think is reasonable is to let the staff do their job, then report to the members, then the members sit down. The crucial part is not what is written down on a piece of paper; the crucial part is what comes out the other end.

The rules require 72-hour notice. We will try our best to have consultation over and above what the rules require. I don't see any reason why we can't learn from past experience and be able to have a procedure where both sides are satisfied on the subpoena issue.

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

Mr. LEVIN. I think the chairman is correct when he says we shouldn't be involved in the front end of every subpoena discussion. I couldn't agree with you more on that issue. But my question was whether or not, prior to a presentation of a decision to the ranking member, it would be agreeable that there be some kind of a working-together, informal discussion.

Mr. THOMPSON. I will strive toward that end. I think that is what I should have done last time and didn't. Although it is not required, it is something I should have done in retrospect, because I think it sent a signal that I didn't mean to send. There are going to be times when I may not be able to do that, but I will make my best efforts along those lines.

Mr. LEVIN. I am sorry, the Chair apparently indicated my time has expired. I wonder if the Senator from Ohio will yield 1 additional minute to me. Apparently, we are under controlled time. I just need 1 additional minute, basically, to thank the chairman.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. This discussion relative to procedures is helpful. It is something that we worked on this afternoon as part of this unanimous-consent agreement, and I think it can help put us back on track.

It is something with today's action that I think we not only have basically adopted the committee's original scope and resolved the funding issue and an end date, but we also, I think, made some progress in terms of taking the next step toward adopting some bipartisan procedures. All of that is going to help this committee have a thorough bipartisan investigation which covers, again, both ends of Pennsylvania Avenue, both parties, soft money and independent expenditures and illegalities and whatever else the committee in its good conscience feels is appropriate for investigation because it is either improper or illegal. I thank the Chair.

Mr. GLENN addressed the Chair.

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

Mr. GLENN. Mr. President, may I ask how much time is remaining on each side?

The PRESIDING OFFICER. There are 5 minutes on your side and 15 minutes on the other side.

Mr. GLENN. How much for the other side?

The PRESIDING OFFICER. Fifteen minutes on the other side.

Mr. GLENN. I will yield to Senator LIEBERMAN. But let me add, Senator LIEBERMAN and Senator LEVIN have worked and worked on this particular situation. I certainly appreciate their efforts, as all the Governmental Affairs Committee members have on the Democratic side, and I appreciate all their efforts.

I yield some time to Senator LIEBERMAN.

How much time do you need?

Mr. LIEBERMAN. Four minutes.

Mr. GLENN. Four minutes. We have 5 left. That is fair enough.

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

Mr. LIEBERMAN. Perhaps, in the spirit of bipartisanship that is on the floor now, if I use the remaining 4 minutes of Senator GLENN's time, I may turn to Senator THOMPSON and ask him to yield a few.

Mr. President, I want to thank everyone involved in what occurred here today. This is an extraordinarily significant accomplishment, not only on its face but in what it says about the willingness of the U.S. Senate to deal directly with the problem of too much money in American politics to deign to do something about it.

This is a significant victory which is attributable in large measure to the leadership of the Senate, the majority leader, Democratic leader, and the leadership of the committee, the Senator from Tennessee, the chairman, and the Senator from Ohio. But it is, in truth, as has been said on other occasions, not a victory for any person or

any party, it is truly a victory for the public interest.

Mr. President, over the last couple of weeks there was a strange and troubling discontinuity between the growing avalanche of revelations about the impact of money on American politics and the impression it gives that American democracy is for sale, on the one hand, and the seeming movement here in the Senate, particularly in the vote in the Rules Committee last week. I am not saying this was the intention, but it certainly gave the impression of going into a kind of bunker of not being willing to have a full and open investigation of the problem of the way in which campaigns are financed in this country. By limiting the jurisdiction of the investigation to be performed by the Governmental Affairs Committee to illegal activities in association with the 1996 Federal elections, the impact would have been effectively to have crippled the investigation, in my opinion.

Who would have decided what was illegal? Could not anyone subpoenaed by the committee have claimed that their client had not done anything illegal, and therefore the subpoena was improper?

Of course, the basic purpose here, if we are serious about campaign finance reform, should be to investigate and reveal and inform, as the chairman of the committee said in one of his opening statements in this investigation, to inform the public about what is legal today but ought to be illegal, what is improper or unclear but ought to be illegal. That is what campaign finance reform is all about, taking some of the vagaries of the current system, some things that are not vague but are clearly improper, not illegal, and making them illegal.

And as disappointing as the vote of the Rules Committee was last Thursday, I believe the vote of the Senate today, bipartisan as it is, is heartening. Reason has prevailed. I think Members of the Senate on both sides of the aisle focused in on the impact of this constricting jurisdiction for the investigative committee and decided it was not right. And that resulted in the addition of these simple two words, "or improper." But there is a world of difference in those.

A significant step forward has been taken today on the road to campaign finance reform. What is most important is that we have done it together, Republicans and Democrats, acting not as Republicans and Democrats, but as Americans facing a very serious challenge to our democracy.

Mr. President, I wonder if I might ask the Senator from Tennessee if he would yield me 2 minutes of his time?

Mr. THOMPSON. I would be happy to yield that time.

The PRESIDING OFFICER. The Senator has an additional 2 minutes.

Mr. LIEBERMAN. I thank the chairman.

Mr. President, this is serious business. There are some people, I think,

who rightly say the American people do not really care about all this campaign finance trouble, maybe because they are numb to these kinds of revelations. Some say maybe, "Oh, they all think it goes on anyways, so what's the difference. Everybody does it."

I do not know whether the American people are listening or watching. I believe they really are. But I know that history is watching. And I know that we will be judged as to how we respond to this fundamental challenge to our democracy: the basic premise of equal access to Government, the basic premise of a Government in which one person has one vote and one person who may have a lot of money to put in politics does not have any more influence than that one person with one vote.

But when people can walk in and give hundreds of thousands of dollars, and money moves from committees to committees, when people in politics, as we know because we are there, have to spend as much time as they do and feel the relentless pressure that they do to meet the competition, to raise the money to pay for the advertisements, then the standards of each one of us are tested and the standards of the system are challenged.

A lot has been made in this debate and in the media about allegations that foreign countries or interests may have attempted to purchase influence, used campaign contributions. Mr. President, I will tell you that that is despicable behavior. But what we have to say to our ourselves is, they have done so because they believe, apparently, if these allegations are right, that American democracy is for sale. None of us want to leave that impression. And the way to correct it is by reforming our campaign finance laws. The way to begin that process is to do the kind of full and open investigation that the Senate, by this amendment, will now authorize. I have great confidence in the chairman of the committee.

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

Mr. LIEBERMAN. I have great confidence in our ranking Democrat. And I believe together we are going to go forward to cleanse and elevate the way campaigns are financed in America and to reestablish and rebuild the basic core of our Democratic system.

I thank the Chair, and I thank the chairman of the committee and the ranking Democrat. I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield myself 2 minutes.

I thank the Senator from Connecticut for his usual eloquent remarks. I think I agree with everything that he said. I am one of those who have thought for a long time that we needed to make some significant changes in our campaign finance reform system. And I still believe that way stronger today than ever before.

But I want to leave one thought, not in response to what the Senator said, but from watching the talk shows and some of the comments that some of the people at the White House have made, and so forth, about this. When talking about the issue of the need for campaign finance reform, my remarks on the floor on January 28 were referred to earlier. Something rang home with me, so I got them. And here is one of the things I said then. I said:

But those of us with responsibility in this area, whether it be the President or Members of Congress, cannot let the call for campaign finance reform serve to gloss over serious violations of existing law. If we do that, the reform debate will be cast in a totally partisan context and ensure that once again campaign finance reform will be killed.

So it occurred to me that once again we must be reminded of the fact that those of us who want campaign finance reform must remember that the best thing we can do for campaign finance reform is to continue to talk about it if we want to, but also make sure we do a good set of tough bipartisan hearings that the American people have some confidence in.

For those who want campaign finance reform, let us get about the money laundering, the foreign contributions, the allegations of selling public policy, allegations of violations of the Hatch Act, the Ethics Act, and the serious matters, that will do more for campaign finance reform than anything else.

I thank the President and yield back the balance of the 2 minutes I was referring to.

How much time is remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes of his own right and the Senator from Tennessee continues to have 10 minutes.

Mr. THOMPSON. The Senator is welcome to use either 10.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Tennessee for allowing me some of his time, as well as the 10 minutes. I will try to be relatively brief to move the process along.

Mr. President, this has been a good showing by the U.S. Senate today as we have come together on a bipartisan basis, Republicans and Democrats, trying to structure an inquiry and hearings which will help reform the American campaign system where virtually everyone agrees there is too much money in it, and it is a very troublesome factor.

The vote was 99-0, with one abstention, to broaden the scope of this investigation to include improper as well as illegal activities. I think we have achieved a very significant broadening of the committee's charge. It really is very close to what the committee did initially on a unanimous vote, nine Republicans and seven Democrats, saying we would investigate both illegal and improper activities. It was narrowed by the Rules Committee, and now it has

been broadened again, and for very important reasons.

One reason is that we may expect everything our committee does to be subjected to the most microscopic minute examination and legal challenge. Already, there have been two challenges by those under subpoena on subpoenas already issued by the committee. If we had a charter which allowed us to look only at illegal activities, it might well be held by a court someday that such an investigation was beyond the scope of what the Congress or the Senate could do, because our function is to legislate or our function is to have oversight. Our function is not to prosecute. Our function is not to go into matters that just are illegal. When we go into matters which are improper, then it is with a view to changing the law. This is our legitimate function.

Now, it could be said that we could look into illegal matters from a narrower point of view to change the penalty, but that is very constrictive and might well fail. We could have been tied up for a long period of time if we only had illegal activity with someone mounting a challenge that it was beyond the scope of what Congress could do.

Also, if we are dealing only with illegal activity, there are many interpretations that might be made as to what is legal and what is illegal, and when those issues are raised they go to court and that can take a very long time. For example, Dick Morris, the President's campaign impresario, wrote in his book that President Clinton was personally involved in editing the commercials which were paid for by the Democratic National Committee with so-called soft money.

Now that would appear on its face to be illegal because you may have independent expenditures but you may not have coordinated expenditures when someone has accepted public financing. But the argument was made that what was done was legal. I am not saying the President did it. This accusation is written in a book and it is inadmissible hearsay. We have to find out about it. Someone could challenge our inquiry if we were limited to illegal activities, although on the face, if true, this allegation certainly has all the appearance of illegality.

Last Thursday the Attorney General said that it was not a contribution under the statute for someone to give thousands of dollars, millions of dollars, in soft money because that is used only on issue advocacy instead of urging the election or defeat of a specific candidate. So that if someone gave \$1,000 where the money is used to, say, elect John Jones or defeat Frank Smith, that would be a contribution, but the millions of dollars in soft money would not be a contribution under the statute. In my legal judgment, that is palpably incorrect, but someone could raise that kind of a consideration.

So I think we have taken a very, very significant step forward here in ex-

panding the scope to cover improper and illegal activities, and as the distinguished chairman pointed out, that gives us an opportunity to serve the American public by having campaign finance reform.

Mr. President, I had asked for this special 10 minutes because of another deep concern I have in the resolution that is currently drawn, and that is with an ending date of December 31, 1997. When you have a cutoff date, it is an open invitation to people who want to avoid the investigation to engage in legal maneuvers which might well be construed to be stalling tactics, although they have a right to do so, which could delay the matter long past the expiration day. For example, where someone is subpoenaed and the person then pleads the privilege against self-incrimination under the fifth amendment, which the individual would have a constitutional right to do, it would be up to the committee and the Congress to bring forward a charge of contempt of Congress because the Congress cannot impose a penalty but has to go for enforcement to the U.S. District Court for the District of Columbia. That all takes time. Then if the individual loses, they have a right to take an appeal to the circuit court of appeals, then appeal for a petition for certiorari to the Supreme Court of the United States.

So one of the important items I think we need to have a discussion on here today is what we will do when we face that situation. The mood of the Senate was not such that we could get into extensive amendments of this resolution and we agreed not to offer amendments. I think we can cover this matter reasonably well by having a discussion with the distinguished chairman, the distinguished ranking member. The committee can always come back to Congress and ask for an extension.

What I seek to do here today, Mr. President, is to get a sense from the managers as to the circumstances where we would ask for an extension. I do not say these are the sole circumstances, but illustratively, if someone is subpoenaed and that individual pleads the fifth amendment, privilege against self-incrimination, granted immunity, ordered to answer, refuses to answer, and there is a contempt citation, it goes to the district court and the circuit court and then the Supreme Court, I ask my distinguished colleague from Tennessee, the chairman of the committee, if that would be an appropriate time for our committee to ask for an extension, and I will ask the same question of the distinguished ranking member, Senator GLENN, if that would be an appropriate circumstance for our committee to seek an extension and obtain an extension from the full Senate for whatever time we lost by those legal proceedings to compel an answer to that question, and, also, then to complete whatever leads that may result? We know it is

not just the answer that the witness would give but it might lead to other evidence, and otherwise if we did not have an extension of time we would be stymied on our legitimate investigation.

I ask my colleague from Tennessee if that would be an occasion for us to get an extension beyond the December 31st cutoff.

Mr. THOMPSON. In response, I think that would be one of the circumstances that might lead us to ask for an extension of time.

It would depend, I think, on the totality of the circumstances. We would need to feel that we really needed the additional information that was important to our investigation. With that being the case, that would be one of those circumstances.

I might add, the Senator makes a very good and valid point, and one that I raised in January on this floor. It is one that I raised in the Governmental Affairs Committee when we were discussing scope and duration. I also raised it in the Rules Committee the other day. The Senator points out the fact that a good defense can sometimes take you past any cutoff date that you might establish out there as a target.

I do not know if the Senator will ask about other circumstances, but I can certainly think of a couple of other circumstances that would cause the same problem. The White House, for example, in times past, has taken positions with regard to questions of executive privilege that were not valid. If you want the documents or the testimony, usually documents, then you have to go through a process, and you have to wind up in court, if you think the documents are important. So that is another situation where it would certainly be appropriate, if you needed that information, to come back before the Senate and ask for an extension of time.

Third, and most obvious circumstance, would be simply where you run into additional leads that are material and substantial and that you need to follow up on to make a credible and complete report back to the U.S. Senate. All along the way, I have pointed out this problem, as has the Senator from Pennsylvania. What we have reached here today on that issue is a bit troubling to me, quite frankly. I have tried to point out that, although we have a so-called cutoff date of December 31, we have said that when those circumstances arise—the three we have discussed here—or any other circumstances arise where we have just cause to come back, that we will be back. I have been assured by Members of both parties, and the Governmental Affairs Committee and the Rules Committee, that they would be right there with us in attempting to get an extension under those circumstances.

Mr. SPECTER. Mr. President, I thank my colleague for those answers. He has expanded beyond the example I gave of a stalling witness to take in

other matters. There might be a challenge to our entire investigation, which is not possible for us to anticipate today, and legal challenges might occur, or other impediments, which may come before the investigation or may occur to lead us to seek additional time. I am glad to hear the Senator say—and he put it in the RECORD—that he discussed it with the leadership and members of the Rules Committee, as I have.

Frankly, I don't like the cutoff date. But people who might tend to delay or wear us down will be on notice that we are not unaware of that, and that we have anticipated it, to the maximum extent possible.

I would like to address a question to the ranking member, the Senator from Ohio, and ask if he agrees with what the chairman has replied to in the colloquy.

Mr. GLENN. Basically, yes, Mr. President. I think it is right that the Senator from Pennsylvania brings this up out of his own prosecutorial background. He knows how long court cases can be extended. He has had more experience, probably, than anybody in the Senate Chamber on that. So he sees a pitfall that we will have to deal with. I agree with that.

I agree, also, that it is impossible for us at this point to say what might occur in this area and what court cases there might be or other delays or leads that we are having to follow up on that may not be wound up or not be brought to conclusion at that exact date. I think what it points out is that, as members of that committee, and as chairman and as a member of that committee, we just have to be aware that if anything like that starts to occur, we bring it back to the floor as fast as possible. That is rather key to this whole thing, because our authority is only as the Senate gives it to us to go ahead with this.

So it is incumbent upon us to bring it back here as fast as possible to get an extension every time, or whatever else is necessary to do. I hypothesize here as to whether this happens or that happens, but the point the Senator makes is an excellent point and one we are going to have to be aware of through the years.

Mr. SPECTER. I thank my colleague for that answer. We do know that investigations take a very long time, and it is not my preference to have a cutoff date of December 31. I think that is very difficult. But the reality is that we faced obstacles in the Rules Committee which limited the scope, and now we have broadened them and limited the time. You have Independent Counsel Kenneth Starr, who has been on an investigation for 3 years. You have had independent counsel on Iran-Contra on the investigation for many years. The Senator from Tennessee and I, in 1995, were on an investigation of Ruby Ridge. We had 15 days of hearings and 70-some witnesses. We filed a 150-plus page report, all from Labor Day to

the end of the year, in 4 months. And the Department of Justice has undertaken an investigation involving four FBI agents who may not have told the entire story. They started that inquiry in late 1995, and 15, 16, 17 months have passed.

I recently wrote to the Attorney General and asked her when she is going to finish the investigation so we can conclude, and I got a reply that it is still months away.

The Senator from Ohio is correct. When I was district attorney of Philadelphia, I ran lots of grand jury proceedings and investigations. I know from experience that we are going to face the most tenacious and microscopic examinations by the best lawyers in the country coming to look at everything we do. I don't like to see a December 31 date. But now it has been established, as best we can on the floor, as a target date. We are going to respond, and we will extend the time if we have to.

Let us put people on notice that they cannot gain anything by delaying with frivolous lawsuits. If they take up our time, we are going to get an extension of the time. I thank my colleagues and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I would like to engage the senior Senator from Virginia and the Senator from Tennessee in a colloquy regarding the issue of referrals to the Ethics Committee. The resolution before us, as amended, states that "the Committee on Governmental Affairs shall refer any evidence of illegal or improper activities involving any Member of the Senate revealed pursuant to the investigation authorized by subsection (b) to the Select Committee on Ethics."

In the event the Governmental Affairs Committee develops facts which implicate a Senator or Senators in any illegal or improper activities, as those terms are used in this resolution, they shall report such findings promptly to the Ethics Committee; however, such reporting does not preclude the Governmental Affairs Committee from continuing its investigation, provided it is not for the specific purpose of determining the culpability, or lack thereof, of such Senator or Senators.

Do my distinguished colleagues agree?

Mr. WARNER. Yes, I agree with the interpretation of the senior Senator from Ohio.

Mr. THOMPSON. Yes, I also agree with this interpretation by the ranking member of the Government Affairs Committee.

Mr. DASCHLE. Mr. President, shortly after I was elected to this body, I made a call on one of my heroes. His office walls were covered with photographs. One of them was an old picture of two men standing next to an airplane. I couldn't make out the faces, but there was no mistaking the signature. It read simply, "To our good

friend Claude Pepper, Wilbur and Orville Wright."

Next to that was a picture of an astronaut standing on the surface of the Moon. I couldn't see his face. But again, the signature was clear. It read, "To my good friend Claude Pepper, Neil Armstrong."

Here was a man who had seen practically the whole scope of the 20th century. He'd served in both the House and the Senate. I asked him what advice he had for a new Senator from South Dakota.

He told me, "The election's over now. It doesn't matter any more whether you're an 'R' or a 'D.' What matters now is whether you're a 'C' or a 'D'—a 'constructive' or a 'destructive.' I've been here a long time. I've seen a lot of people try to tear this country down, and too few people who have tried to build it up."

"America needs more constructives," he told me.

I've thought of that conversation many times during the past few weeks as we have debated, on and off this floor, how this investigation should proceed.

As the Governmental Affairs Committee has proceeded—hiring lawyers and issuing subpoenas—Democrats have raised concerns about how this investigation was being structured.

Our purpose was not to stall this inquiry, but to ensure that it serves a constructive purpose, not a destructive one. We have always wanted the investigation to go forward. But we also want it to shed light on illegal and improper activities—wherever they may have occurred. And, most important, we want this investigation to provide a road map for real reform of our campaign finance laws.

How can we make sure this process results in reform, not merely revenge? That's what the debate over these last few weeks has been about.

To a large extent, that debate has now been resolved. And Democrats are resolved, in turn, to join with Republicans to see that this inquiry addresses the significant concerns we all have about the problems that surfaced during the last campaign cycle.

I want to thank Senator GLENN for all he has done to get us to this point. He and his staff have been dogged in their determination to make sure that this inquiry is truly bipartisan, and that it will lead to legislative solutions.

I also want to thank Senator THOMPSON.

We agreed with Senator THOMPSON when he first said that the investigation should examine illegal and improper activities in all Federal elections, Presidential and congressional. We fought when others tried to narrow that scope.

We objected to a budget request that was unprecedented and, in our opinion, lacked accountability. At the same time, we proposed a process to allow the committee to request additional

funds and ensure that this inquiry does not lapse prematurely.

We insisted that Congress set at least a tentative date by which the inquiry would end, just as earlier Congresses did with investigations into the Iran-Contra and Whitewater affairs. Again, we said that process could be extended, if necessary.

We said the Governmental Affairs Committee must produce a public report after it completes its work. If the American people are going to invest \$5 million taxpayer dollars in this investigation, they deserve to know what we learn. So we fought for accountability.

Finally, we believe it's not enough to document the problems in the glare of television lights. When the lights are turned off, we have to be serious about the hard work of solving the problems. So we asked for a commitment from our colleagues that the Senate would debate campaign finance reform this year.

These are the issues we raised—that we were obligated to raise.

Nearly all of our concerns have been incorporated into the funding resolution we will adopt today. Their inclusion is a victory not for one party or another, but for the integrity of the inquiry itself.

It is the strength of our system of government that, when the debate has ended and the real work begins, both parties cooperate where they can to address public concerns. This, I believe and hope, is where we now stand.

On the central question, Democrats and Republicans agree: this is an important investigation.

Most critical of all is the question of improper foreign influence in U.S. elections, and on U.S. policy. This is an American issue, not a partisan issue. Have foreign governments sought to influence the outcome of American elections?

Democrats support and will join in the most vigorous inquiry into this troubling question. American elections must be decided by American voters and funded by Americans, and only Americans.

Another question, perhaps looming over all the others, is how could we get to this point? How could the campaign finance laws break down, or appear to break down, so completely that we now must conduct an investigation of unprecedented scope and size?

Many of our Republican colleagues insist that the system is working. Yet, in asking for nearly \$5 million to conduct this investigation, they admit more tellingly than words alone that there is a cancer at the core our election laws and their enforcement.

Congress can't convene hearings of this kind after every election to address questions of illegal fundraising. It will have to rely on appropriate laws—and effective enforcement. Ensuring sound laws and energetic enforcement is the real test of whether the hearings we are about to begin make a lasting contribution.

So, for each of the activities the hearings examine, relevant questions need to be asked:

How widespread was illegal or improper questionable activity? Will we find various but discrete episodes, or a pattern to circumvent campaign finance laws?

Who was responsible for failing to oversee compliance? Were the violations a result of individual misconduct, or a climate of indifference to the law?

What was the law at the time? Was it clear or unclear? Where we find misconduct, was it deliberate, reckless, or inadvertent?

Where were the lawyers?

Where was the FEC? What notice was given to the FEC that these practices were occurring? What actions, if any, did the FEC take? Are there still actions the FEC should take?

Did the public records, including reports on file with the FEC, reflect the misconduct? Or are they inadequate to the task of informing the public that something is seriously amiss in the financing of campaigns?

These are critical questions. If we will ask these and other questions—without fear or favor—we can achieve historic reforms.

Will we seize this opportunity, or squander it?

Will we be "constructives" or "destructives?"

The choice is up to us.

Mr. THOMPSON. Does the Senator from Ohio need additional time?

The PRESIDING OFFICER. The Senator from Tennessee has 4 minutes 30 seconds. The Senator from Ohio has 1 minute.

Mr. GLENN. I think the vote was called for 6:30. I think we have about exhausted everything we need to comment on.

I will yield back my time.

Mr. THOMPSON. I will yield back the balance of my time, also.

Mr. GLENN. 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. SPECTER. 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. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DODD. (When his name was called) Present.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—99

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

ANSWERED "PRESENT"—1

Dodd

So the resolution (S. Res. 39), as amended, was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

The Senator from Delaware.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH and Mr. MOYNIHAN pertaining to the introduction of S. 425 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO MARTY SLATE

Mr. KENNEDY. Mr. President, all of us who knew Marty Slate and who worked with him over the years were saddened to learn of his recent, untimely death.

Marty was an exceptionally dedicated public servant. He worked effectively throughout his extraordinary career to improve the quality of life for working men and women. He served well in many capacities, directing the field operations of the Equal Employment Opportunity Commission, leading the ERISA Division of the Internal

Revenue Service, and as Executive Director of the Pension Benefit Guaranty Corporation. Marty also worked hard, on a daily basis, to improve the quality of life of those around him, particularly his staff and coworkers.

Marty was a brilliant lawyer and a gifted manager who knew how to get things done. He inspired the people who worked for him and helped make them some of the most effective and productive public servants in the Nation. Everywhere he went, his ability and dedication brought out the very best in his colleagues and his staff.

Marty was a superb legislative strategist who understood the role of Government and the impact that Government could have on working Americans. He was the moving force behind the Retirement Protection Act, the pension funding legislation that Congress approved in 1994.

Early in the Clinton administration, Marty brought together representatives of the PBGC, Treasury, IRS, Labor, Commerce, OMB, and other Federal agencies as part of an impressive task force. The task force worked effectively under Marty's leadership to identify the problems that caused pension underfunding, and the best solutions to those problems. As chairman of the task force, Marty's door was always open. No person or group was ever shut out of the process. Needless to say, the task force issued its findings and recommendations in a timely manner.

After the task force report was issued, Marty looked to the future, and worked closely with Congress on legislation to address the problem of pension underfunding. As my Senate colleagues will recall, we approved the funding reforms in the Retirement Protection Act, the most significant pension legislation since the enactment of the Employee Retirement Income Security Act in 1974. It was an extraordinary bipartisan accomplishment, and it was Marty's accomplishment, too. Millions of working men and women have pensions that are more secure today because of Marty Slate.

In his years at the Equal Employment Opportunity Commission, Marty worked hard to assure that workers did not suffer from discrimination.

Under his leadership, the EEOC wiped out case backlogs and vigorously prosecuted discrimination complaints. As director of field operations for the agency, he was responsible for the day-to-day activities of 46 field offices. The large numbers of working men and women who were protected from discrimination because of Marty's efforts owe him an enormous debt of gratitude.

When Marty left the EEOC to work for the Internal Revenue Service, he established the Georgetown-IRS Masters of Taxation Fellowship Program." This program was designed to help those who were not historically represented in the fields of taxation and pensions because of discrimination and lack of

opportunity. Under this program, students applied for admission to Georgetown's Masters of Taxation Program, while simultaneously applying for a job at the IRS. The IRS, the university, and the student-fellow would share the costs of tuition.

When Marty left the IRS in 1993, he created a similar fellowship program at the PBGC. The fellowship programs that Marty created have been extremely successful, and have enabled many African-Americans and other minority students to break through long-standing barriers and find jobs in the fields of taxation and pensions. One graduate of this program is now a professor at Catholic University.

In ways like these, Marty Slate didn't just talk about fair play and equal opportunity. He helped to assure that new opportunities for African-Americans and other minorities actually existed, and the graduates of these fellowship programs will carry on Marty's fine work.

Marty is warmly remembered by those who worked with him as a person who took genuine personal interest in helping them to advance their careers. With all his myriad of responsibilities, he was never too busy to write a letter or place a phone call to help someone develop their career. He was never too busy to reach out. He was there for the people he led and managed because he cared deeply about them.

Marty also loved sports. He was a true Boston Red Sox fan and he had a great love for sports trivia. A local radio station in this area has a call-in trivia contest for sports fans, which takes place in the middle of the night. Marty would regularly set his alarm for 2 o'clock or 3 o'clock in the morning and get up and call into the talk show. He called so often that he was known on the show as "Marty from Bethesda." Marty almost always knew the answer and would win Baltimore Orioles tickets. He would then share the tickets he won with his friends.

As a Boston Red Sox fan myself, I am particularly fond of a story from Marty's childhood. One day, when he was about 6 years old, he wanted to go to Fenway Park to watch the Red Sox play. His parents were concerned, because they couldn't go that day, and they didn't want him to go alone.

Marty found a way to heed his parents' advice. The Red Sox won and he had a wonderful time. But when he came back, police and emergency vehicles were parked on his street. They were there because 6-year old Marty had, in fact, listened to his parents. He did take someone to the game. The problem was that it was the 3-year-old child of a neighbor. And the police were looking for the missing child in the neighborhood. Even at that young age, Marty was demonstrating his extraordinary sense of responsibility.

Now that he has left us, all of us who were touched by Marty's brilliance and compassion will work harder to carry on his work. That's the way Marty would have wanted it.