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Senate

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

PRAYER

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

The eyes of the Lord run to and fro throughout the whole earth, to show Himself strong on behalf of those whose heart is loyal to Him.—II Chronicles 16:9.

Almighty God, we long to be loyal to You. We are deeply moved by the reminder that our loyalty can bring joy to You, that You are in search of men and women whose commitment to You is expressed in consistency.

As we reflect on that, we realize that everything we know about loyalty we have learned from You. You are faithful and true. Your love never changes; You never give up on us; You never waver in life's battles; You never leave us.

In response, we want to be known as people who belong to You and believe in You. We want people to know where we stand in our relationship with You, Your moral absolutes, and Your ethical standards. In our relationships, we want loyalty to be the foundation of our character. That is possible only as we live in a steady flow of Your faithfulness.

Show Yourself strong in our lives today. Give us boldness and courage when we are tempted to remain silent about our commitment to You, when issues of righteousness and justice demand our witness, and when we are called to sacrificial service in living Your commandment to love. Make us strong with the staying power of Your spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today, the Senate will resume consideration of Senator GLENN's amendment to Senate Resolution 39, the Governmental Affairs funding resolution reported by the Rules Committee. I hope the Senate will continue and hopefully complete debate on the Glenn amendment so that we may vote sometime this afternoon on or in relation to the amendment. Of course, I want to notify the Senate that we, as always is the case, reserve our right to offer second-degree amendments to amendments that may be offered. I understand that additional amendments may be offered to Senate Resolution 39, and I presume that there will be a substitute that will be included among those to replace the resolution that is before us.

I am sure we will have full debate on all the amendments that may be offered as well as a possible substitute and the underlying funding resolution. Therefore, Senators can expect rollcall votes throughout the day.

I hope we will be able to conclude action on this measure today or early tomorrow. I talked with the Democratic leader last night. He indicated that he hoped that would be possible. And when we do finish this, then there are some nominations we hope to take up and get a vote on, including the nomination of Federico Peña to be Secretary of Energy. We would do that hopefully in the morning or tomorrow afternoon.

After that, after consultation with the Democratic leadership, we would expect to go to the Hollings constitutional amendment concerning free speech. So that could take the balance of the week, maybe even going over into Friday with some debate, with votes likely occurring—and, again, we will have to work this out—maybe on final passage late Monday afternoon. But we will notify Senators as we go along exactly when the votes will occur on Wednesday and Thursday and if any on Friday.

We will recess between the hours of 12:30 to 2:15 for the weekly policy conference and the caucus to meet. I also remind our colleagues that this week we may have to go late into the night one night, which will probably be Thursday night, but we will work with the leadership again and notify the Members exactly what they can expect in that regard.

Mr. President, before I yield the floor, I thank our colleagues for the debate yesterday. I thought it went well. I want to commend and congratulate the distinguished chairman of the Rules Committee. I think he is being very positive in his remarks. He is trying to get this to a conclusion, and I think we need to do that. I thank the ranking member from Ohio for the way he has handled himself.

There are big problems in this city; it is sort of like the city is burning, and we do not want to appear to be fiddling any longer with getting a resolution that would allow this committee to go forward and do its work with a reasonable amount of money and a reasonable amount of time and with the emphasis on illegal activities as it might apply to the Presidential candidates or Members of Congress.

I want to emphasize again that anything that might come out with regard to Senators doing something inappropriate or unethical, that, as has always been the case, would go to the Ethics Committee under the resolution that we are considering.

Also, I want to assure my colleagues that it is my intent that we look into the question of campaign reform. The Rules Committee has the authority, has the jurisdiction and under this resolution has additional money, \$450,000 additional funds, to look into how the campaigns were conducted last year, how legal activities were handled and whether or not changes need to be made.

It is my intent in due time after proper hearings and after a lot of consultation that we will take up this

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



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issue. The inference continues to be that our goal is just to block it. We do not intend to set a magic date, whether that date is May 1, April 15, or Labor Day, for that matter. That may be a good time to set up a magic date. But we should not get locked in on dates certain. Let us just do our job.

That is what I hope the Senate will do on this resolution. That is what we intend to do in the committee of the distinguished chairman from Virginia, to have hearings on campaign finance reform and look at all these questions in regard to how soft money is used, independent expenditures, and how labor union dues are used without labor union members' permission.

What is the situation with illegal foreign contributions? Do we, in fact, have in this case, as has been suggested, the possibility of even espionage? This is serious. What we need is for a committee of credibility and jurisdiction to get started with their work, and I hope that we can do that with as little rancor today as possible.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, a question of the majority leader, if I might. With the debate proceeding this morning on my amendment and the possibility that we may be able to complete that debate this morning and move on to discussion of another amendment and knowing the schedules of all the other Senators are very tight, too, and letting them plan their activities here in the Chamber as well as other places, would it be agreeable to put the vote off until after the caucus?

Mr. LOTT. It is our intent, and I believe the minority leader has no objection—I have not discussed that with him—to have our first votes at 2:15 after the conference and caucus.

Mr. GLENN. That would be fine. I would make that as a unanimous-consent agreement, that any votes that might normally occur this morning following debate on my amendment and other amendments that might be brought up at least be stacked until—the vote on my amendment be delayed until after the caucus this afternoon.

Mr. LOTT. I reserve the right to object, Mr. President. I would like, if I could, to ask the ranking member to defer in that request for a moment and allow us to have a chance to discuss it with him and with the Democratic leader. I think that is probably what we want to do, but I just want to make sure everybody is in tune with what we are doing here.

Mr. GLENN. I would be glad to do that. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 39) authorizing expenditures by the Committee on Governmental Affairs.

The Senate resumed consideration of the resolution.

Pending:

Glenn amendment No. 21, to clarify the scope of the investigation.

AMENDMENT NO. 22 TO AMENDMENT NO. 21

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. WARNER, proposes an amendment numbered 22 to amendment No. 21.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. Mr. President, we will be working with the Democratic leadership to get a time agreement on the vote that will occur at 2:15, I presume, on this amendment. But we want to work through that and make sure we understand exactly what the voting sequence will be.

The purpose of this amendment is to reconfirm and beef up our commitment to the public and to our colleagues here in the Senate to insure that funds are authorized by this section for the sole purpose of conducting an investigation of illegal activities in connection with

the 1996 Federal election campaigns. It is also to make sure that the Rules Committee has the full authority, with the support of the Senate, to get into matters relating to Federal elections generally, including the President, the Vice President and Members of Congress, and corrupt practices.

The Governmental Affairs Committee, under this amendment, shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which require investigation of a committee of the Senate revealed pursuant to the investigation authorized under subsection (b).

The Rules Committee is going to be an active committee. The Rules Committee will look into any allegations of problems with existing campaign laws or campaign finance laws. They will have hearings, and they have the jurisdiction and the authority to move legislatively.

The Governmental Affairs Committee has a budget of \$4.53 million for its investigation, and it has very broad authority to conduct hearings on the 1996 Federal election campaigns. But it is the Rules Committee that has the jurisdiction to act legislatively on campaign reform.

So I emphasize, again, as I did earlier, it is our intent for the Rules Committee to act in this area. We have provided additional funding and, once again, rather than getting into a great big argument about scope, it is clear what should happen here.

First of all, there are lots of allegations of illegal activities, foreign contributions that may have come into campaigns—Presidential or congressional—the indications that maybe even a foreign government may have had an organized plan to be involved in campaigns. We know if these activities occurred, they would be illegal, but we don't know what happened. We need a process to look into these things. We need a focused investigation into these allegations.

Yet, there are those who say we need to broaden the scope widely, narrow the money, and limit the time. It is a prescription for not getting the job done. This investigation, with the additional authority that is being provided of \$4.53 million, is for illegal activities, and they are rampant in this city. As I said earlier, the city seems to be burning while we are fiddling around with the process.

The Rules Committee has jurisdiction that it will take advantage of. The Governmental Affairs Committee is getting additional authority to look into illegal activities. Ethics has its responsibilities. There is attempt to cover up or avoid our responsibilities. We are going to do that.

I think this amendment that we have offered here further clarifies our intent to look into illegal activities by the special committee investigation and then to have the Rules Committee look

into corrupt practices that may be involved that may not be necessarily illegal but may need to be looked at for the possibility of changing the current practices.

AMENDMENT NO. 22, AS MODIFIED

Mr. LOTT. Mr. President, with that, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 22), as modified, is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. We added only one word, I say to the distinguished ranking member. In section C "Referral to Committee on Rules and Administration," we add the word "under rule 25." We only added one word to make it grammatically correct—"under rule 25."

Mr. President, I yield the floor at this time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it is good to review how we got to the current situation we are in, because this was not our doing on Governmental Affairs. It was not our suggestion that we be given the duty of investigating campaign finance reform. It was not our suggestion that the jurisdictions of other committees that might have an interest in this be given to us.

What happened—and I am recounting this mainly from press reports of what happened, and I presume they are accurate—was that there were several committees who saw themselves as wanting part of this investigation into campaign finance reform.

You had the Commerce Committee because there were trade matters involved that there had been some allegations about. Senator MCCAIN, who has a big interest in campaign finance reform, chairs that committee and could take an active role in what might happen with campaign finance reform.

The Judiciary Committee was concerned about some of the legal matters

regarding elections, and they had some things they were going to look into.

The Foreign Relations Committee certainly had an interest in this because foreign money supposedly came back in to our election campaigns here. So they wanted to find out what happened to foreign relations and foreign policy and were any of those things altered as a result of money coming back in.

The Rules Committee, which has a jurisdiction over election law, certainly had an interest in this particular area.

The Governmental Affairs Committee, of which I am the ranking member, also had their own interest in this in that we are basically the investigative committee of the Senate. We have investigated such things as drugs and drugs coming into the country and organized crime and fraudulent health programs and nonproliferation around the world of nuclear weapons and terrorism and a whole host of things that we have a broad experience investigating. Our mandate to do investigations is the broadest on Capitol Hill. We have been accustomed to doing this through many, many decades.

The suggestion was not made from the Democratic side that all these conflicting jurisdictions be combined into the Governmental Affairs Committee. This was a suggestion that was made by the Republican leadership. In fact, it was not only a suggestion, it was decided by the Republican leadership on their side of the aisle that these other jurisdictions would not be exercised and that this investigation would be focused in the Governmental Affairs Committee.

This was not a suggestion made from the Democratic side. It was Republican leadership that decided this. And so to act now as though we were somehow usurping authority of another committee by proposing a broad investigation on the Governmental Affairs Committee just is not the case. That is just not the way it happened.

I can tell you exactly what happened. And once again, this has all been out in public print. This is not something I know from being in meetings because I have not been in meetings that were involved with any of these decisions to assign it to the Governmental Affairs Committee.

But what happened, when it got to the Governmental Affairs Committee, was this: Senator THOMPSON had an interest in a broad investigation. I had an interest in a broad investigation. We had some ideas on scope. We sat down in a couple of meetings, and we worked out an agreement that was broad in scope, as it should be, because this whole investigation into campaign finance reform does not involve only illegalities, those things that are against the law. It involves much more than that.

Any fair observer of the campaign finance system agrees that in addition to illegalities, there are many, many

things out there that are legal but probably should not be. All the abuses of soft money, as it is called, that came up in this last election, all those abuses were so onerous to most people across this country that they just want us to get into campaign finance reform.

Every single poll that has been done across this country shows that people want campaign finance reform. They also see that polling has been interesting in that it has indicated that they think both parties, both campaigns this last election cycle—the fault that can be pointed at one direction or another is not all one direction, it is bipartisan. We have a bipartisan problem here, and we need a bipartisan solution.

Part of it is looking into illegalities where the existing law was violated. There is no doubt that that has to be done. The other part of this problem is looking into the soft money in particular and independent expenditures that were so vile, so onerous in this last election.

So when Republican leadership assigned this overall investigation of campaign finance to the Governmental Affairs Committee, it was not at our request, but at his suggestion, at his direction, so that the responsibilities would not be in quite a number of different committees but would be centered in the basic investigative committee of the U.S. Senate.

Now what happened?

Senator THOMPSON and I, in the two meetings I mentioned, sat down and we drew out a broad scope in which we planned to look into not only illegalities but also into the equally disturbing areas of where campaign finance reform is needed that involve soft money and independent expenditures.

In this last election I remember reading a newspaper account of a Congressman who, after the election, said he wound up feeling like a ping pong ball in the middle of this and he had no control over it because there were so many outside influences coming in and putting ads on that he did not even know anything about that he felt like a ping pong ball in his own election and completely out of control of the situation.

Now, if we are going to take any fair look at campaign finance reform, it is going to have to involve illegalities, of course. We plan to look into those. But we got to have soft money. Our scope, as we had outlined it on that committee, was put out. It disturbed some people.

Let me say, when Senator THOMPSON and I agreed to the scope, it was then taken to the committee. The committee has three members on the Governmental Affairs Committee that are also members of the Rules Committee. When this was brought before them, after considerable debate, the committee agreed upon the scope of our investigation. They voted on that and approved it. It was agreed upon.

What happened when that got to the Rules Committee? The fact is that on

the Rules Committee some of the people that are the most adamant against any campaign reform consideration at all disagreed strongly with what was being done and that any look be taken into the soft money area. When it got to the Rules Committee with the request for the additional funding of the \$6.5 million that had gone over, that disturbed them very much.

So what happened? They delayed funding in the Rules Committee because of their objection to us looking into soft money and some of the things that are legal but probably should not be what we were going to look into. They wanted to protect their ability to raise soft money because they outdo the Democrats about two to one in soft money raising.

Obviously, it is a factor in not only having gained control of the Senate but in maintaining control of the Senate. They objected over on the Rules Committee to the funding that had to be approved by the Rules Committee for additional funding for investigations.

Now, at that point things were stymied. They dug in their heels over there and were not going to approve any money, as I understand it, for investigation unless our jurisdiction on the Governmental Affairs Committee was reduced and those jurisdictions involving things we were going to look into with regard to soft money were brought over to the Rules Committee where they obviously would have much more say in what happened to that than they would if the jurisdiction stayed with the Governmental Affairs Committee.

That is how we got to where we are. So a reduced amount was agreed upon over in the Rules Committee but with the proviso that the Governmental Affairs Committee could investigate only illegal activities. Only illegal. That took out any investigation, any investigation whatever of soft money, unless it proved to be illegal, only illegal. But most of the soft money problem is legal. I do not think it should be. Our investigations in that area were going to, I think, lay out a good case of why we need campaign finance reform changes.

That is how we got to where we are. It was at least implied here on the floor yesterday and even this morning I think it could be implied that we somehow had overextended our jurisdiction on the Governmental Affairs Committee. It was leadership on the Republican side that combined all these other committees' interest and assigned to the Governmental Affairs Committee the task of looking into all of this whole campaign finance reform area.

Now, what about the substitute amendment that is before the Senate now, the substitute to my amendment? What it does, as I see it, and I just got it a few minutes ago so I have not had a chance to look into it in that much detail, but what it does basically is say

that we are taking back the authority of the Governmental Affairs Committee that we were asked to do. We did not ask to do it, we were assigned that task. They are now taking back our authority to look into any of these matters, any of the matters relating to Federal elections generally, including the election of the President, the Vice President, Members of the Congress, and corrupt practices, as I understand it.

Let me read this through. It is a short amendment.

Strike all after "(b)" and insert the following:

"The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns."

Now, my amendment would change that and change the scope back to what it was originally in the Governmental Affairs Committee. So that refers back to what we were assigned to do.

It goes on with subsection (c):

REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

(2) corrupt practices,
the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b).

What we are being told then is we have to refer back, because the Committee on Rules and Administration has jurisdiction in these matters, which we never quarreled with. That was there going in. It was Republican leadership that wanted us to take the jurisdiction and run with it on campaign finance reform.

Now, because it has become objectionable to some Members on their side and they see we are going to get into soft money, what happens? They are proposing to take that authority back from us. It was at least implied yesterday afternoon on the floor and again this morning that we somehow were in error, I guess, in what we were doing, even though we had been asked to do it by leadership. I do not quarrel with the fact that Federal elections generally are looked at by the Rules Committee. That is in their jurisdiction. I do not disagree that they can look into corrupt practices. I think maybe this could be interpreted to say that the Governmental Affairs Committee is not permitted to look into corrupt practices, whatever the definition of that is. We will have to discuss that a little, I guess.

In any event, here we are with the situation where on our side of the aisle

we have been pushing for campaign finance reform this whole year. It has been brought up time and time and time again. We wanted to bring up the McCain-Feingold bill and get it voted on. There has been very little support for that on the other side of the aisle. In fact, none, practically. Senator MCCAIN and Senator THOMPSON probably are the only sponsors of that bill on the Republican side.

So the intent here is obvious. The intent is to squelch the broad-based investigation that we were going to have on the Governmental Affairs Committee and put it back in the Rules Committee where some of the Members that are most adamantly opposed to campaign finance reform are members.

So it is not a very pretty picture this morning. I was going to have a speech on the scope of my amendment this morning, and it might be good, still, to run through some of that. I hope people would see through what a subterfuge this is in trying to change the amendment that I had before us. I had not been given the opportunity yet this morning to make some comments on my amendment, the underlying amendment to this second degree. I believe I will make those comments now and then see what discussion we want to have beyond that.

The amendment I offered last evening, or laid down last evening, corrected what I saw as the legislation in Senate Resolution 39 where it is most deficient, and that is in the scope of our investigation. Let me first address Senate Resolution 39 as approved by the Rules Committee and is on the floor now as the underlying resolution to be considered.

Where campaign finance reform is concerned, the proposed legislation, as far as I am concerned, could be called coverup for Congress, coverup for Congress' legislation. I think that is what it is. It does not do this incidentally or accidentally. It is not a coverup that is incidental or accidental. It is deliberate, intentional, and I think cynical. It is specifically defined and worded to thwart and curtail much of the campaign finance investigation that was planned by the Governmental Affairs Committee this year. After much discussion with the belief that the proposed investigation and hearings could set the informational basis for much needed campaign finance reform, Chairman THOMPSON and I had agreed upon the scope of the investigation, all fully within Governmental Affairs Committee jurisdiction, I might add. We were given additional guidelines by the majority leader and on his part they would see that other committees were not delving into their individual interest areas. That scope was to include investigating allegations wherever they might lead and with nothing off limits with regard to Federal elections.

I want to point out that the agreement was approved unanimously by the Governmental Affairs Committee,

three members of which are also on the Rules Committee.

That greatly disturbed some Members of the Senate who do not favor us looking at campaign finance practices on Capitol Hill and, more specifically, in the Senate. They had to find a way to control the process. Why? Why would anyone want to interfere with investigating every facet of campaign finance? So we can correct the abuses that have plagued recent elections and nearly made a mockery out of election 1996, and will be even worse next time around, unless we act to correct some of these practices.

The resolution stands good Government on its head. The amendment I proposed would change that. Let me stress that this is the very first time in my 22 years in the Senate, and on the Governmental Affairs Committee, that I have ever seen any committee approve and bring to the floor a resolution prohibiting another committee from investigating improper, unethical, or wrongful behavior in any area, whether it was special investigative funding or not. That is what is involved here. They keep pointing out that this is only the additional money. We still could use basic funds out of our committee's normal yearly basic funds to do this kind of investigating. But that would mean we would have to lay down all the other jurisdictional oversight matters that normally come before that committee. So it is deadly serious for those of us who are interested in fairness in elections and stamping out the growing abuses that have grown apace around the body politic.

What I am saying the resolution would do is prohibit another committee from investigating improper, unethical, or wrongful behavior in any area, where it was special investigative funding. Granted, that was going to be the source of how we were going to do this investigation.

The proposed resolution says that with the money provided for the Governmental Affairs Committee investigation, it may look at illegal actions and illegal actions only. Now, that is a far tougher test of what we can put on the table to be looked at. Some of those campaign activities involving both parties in Federal campaigns has smelled to high heaven, in the eyes of most citizens, and they cry out for correction, but are legal under current law. It may be legal now, but should not be if we are going to clean out the political stables.

One example of such a subject, as I mentioned, is soft money—money which, due to loopholes in the law, can be given in unlimited amounts by wealthy individuals, corporations, and unions. That is legal. Soft money was obtained and used in the 1996 Federal election in ways that turned fairness upside down and corrupted our whole political system. Few political scientists would disagree that, if left unchecked to grow in the future at the

same rate as it has in the past, soft money can become an even more destructive and virulent cancer in the body politic.

I was reading a booklet yesterday entitled "A Bag of Tricks; Loopholes in the Campaign Finance System." The first sentence of chapter one reads:

The biggest loophole by far in our campaign finance laws is soft money.

They are right—but it's legal. And now, by S. 39, we are to be prohibited from investigating soft money abuses, unless we come across some that are definitely illegal. We could look at them. But if an area is improper, if it is unethical or just flat common sense that it is wrong, we cannot look at it, even though it may be crucial to real campaign finance reform, and even though the Governmental Affairs Committee has the jurisdiction and experience to investigate.

Why, then, are we being cut back in scope to the point where only illegalities will be on the Governmental Affairs table? Why is our investigation being limited to 1996 only? Why cause such a drastic change in addressing what is properly viewed as an expanding national scandal? The basic question, I guess, is: Who is afraid of what?

The answer is not very pleasant, but it is obvious. Why the change? Because bad as the money chase may be, correcting it would upset the apple cart for those in the Senate who have learned how to work the system for their own personal or party political benefit.

Under present law, does one party have an advantage over the other in fundraising, in particular, with regard to soft money? Yes. There is a substantial difference in the usual supporting donor bases. Both Democrats and Republicans have some wealthy individual donors. But the preponderance in that area is tilted heavily in favor of wealthy Republicans. Both parties have some support from corporations and labor. Again, the tilt from labor is on the Democratic side. But, again, balancing the Democratic labor support against the Republican corporate or wealthy individual support comes out heavily in favor of the Republicans.

Let me read a few figures reported by the Federal Election Commission regarding the 1996 elections. Of the total spent on the elections—everything, not just the Senate, but across the board in the last election—the Democrats are estimated to have spent \$332 million. Republicans spent \$548 million. Just in the Senate campaign committees, let's look at that. In hard dollars, Democrats raised \$30 million; Republicans raised \$62 million. In soft money, Democrats raised \$14 million; Republicans raised \$27 million. That comes down just with regard to the Senate as over a 2-to-1 advantage, with Democrats having been able to raise \$44 million and Republicans \$89 million. So, in summary, under current law, Republicans are able to raise at least double what Democrats raised to help fund Senate races.

Now, we all know that money is certainly ahead of whatever is in second place with regard to winning an election these days. Two-thirds of the money goes to TV and other things, and so on. But with money being the biggest single factor in political control, it is no wonder Republicans in the Senate do not want to change the system. It is the "goose laying golden eggs" that was crucial to gaining, and now to retaining, their majority control in the Senate.

So we need to change S. 39. That is what my amendment would have done. In deciding whether to change it, the choice is plain and simple: Party and personal interests of the moment versus cleaning up the system, making it proper and fair for all Americans, not just a special few, for the long-term future.

Initially, those who were adamantly opposed to campaign finance reform on the Republican side—on the Republican side of the Rules Committee, which must approve Governmental Affairs Committee investigative funding above the normal committee budget—were able to prevent funding to the Governmental Affairs Committee for the investigations. Had that position prevailed, it would have entirely scheduled the hearings, and because the tarnished Republican public image which that would evoke was unacceptable to Republican leadership, the proposed resolution—S. 39—deal was cut, whereby the Governmental Affairs Committee was stripped of its authority to use money provided directly for the investigation to look into improper, unethical, or wrongful matters, unless they met the far more difficult standard of being illegal. And those jurisdictions were specifically given to the Rules Committee.

Now, I have the utmost confidence in Senator WARNER, chairman of the Rules Committee. I think he will do his best to fulfill the responsibilities given to his committee with this resolution. But therein lies a problem. Several of the most vocal Republican opponents of campaign finance reform are on the Rules Committee. They are opponents, in particular, of including Congress in investigations of what may, at the same time, be legal, but also improper, unethical, or wrong by any fair standard. These are the same people who refuse to give the Governmental Affairs investigative funding to begin with.

Now, they will be the investigators of what they so adamantly oppose. They will be the investigators of what they so adamantly oppose. Foxes guarding hen houses is indeed a good analogy. They got their way. To me, it is a high price.

The amendment I had proposed would change all this. Very simple. All it does is restore the original Governmental Affairs Committee scope of this investigation. It restores the scope the committee voted on unanimously, with not one dissenting vote on the Governmental Affairs Committee, including

three members that are also members of the Rules Committee. The amendment would allow the committee to look into all sorts of campaign behavior, whether illegal, legal, improper or unethical. That is what the American people want, a complete look at this whole problem. Restoring this scope to our investigation would allow us to conduct a broad, far-reaching inquiry into our current campaign system.

I think it is a high price that Republican leadership has paid to assuage a few Members and to place them in what will probably turn out to be a controlling position of any investigation into other than just strict illegalities. The Rules Committee would be permitted to look at issues surrounding soft money and independent expenditures. Our Committee on Governmental Affairs would be permitted to look at issues surrounding soft money and independent expenditures, which are two of our biggest problems today, but in most cases our committee would only be able to look at those which are illegal, we believe are illegal going in. And the Rules Committee would have everything else except those matters which are completely illegal.

If we followed my resolution, we would restore the scope, allow us to follow the money trail, and let the chips fall where they may.

Mr. President, I am fully aware there are serious differences of opinion surrounding how this resolution, S. 39, came to the floor, and there are differences of opinion surrounding what is going to happen to it. But there are probably few minds undecided as to how they will vote on these amendments and, in particular, on my amendment before it was amended here by the majority leader. But before any votes are cast, I hope all Senators will take a long, hard look at what has been proposed by the Rules Committee in S. 39. I would ask you to look ahead, look ahead about 20 years when your kids have grown up. The majority leadership in the Senate may well have changed. It may be in different hands by that time. I am sure we would all hope that when our children and grandchildren have reached their adult years, the political system will have been improved and political fundraising will not be in the mess it is today.

One way to gain that end is to assure that investigations are carried out now without fear or favor and spotlighting the dark corners, whether illegal, legal, wrong, improper or unethical. The amendment I was proposing to S. 39 would take us in that direction. If the shoe is on the foot 20 years from now, would that change any Republican votes today? I don't know. Think about it. They have an advantage today; it is about a 2 to 1 advantage, and they are preventing us from really looking into any of these matters on a meaningful basis.

Mr. President, the substitute that was submitted by the majority leader

would once again stand on its head what I think to be fairness and what the American people want. It would restrict us on the Governmental Affairs Committee as to what we can do. And I repeat what I said going in. This was not something we asked for. It was something that the Republican leadership decided to give to that committee, and then, when it turns out that some of their own members do not want us looking into some of these dark corners, they say, OK, we are going to take that assignment back. And because we have the members who are most objecting to any campaign reform on the Rules Committee, they are now going to look into some of these other areas.

I am sure the chairman of that committee, Senator WARNER, my good friend across the aisle, will do everything he can, but knowing what the membership of the committee is and knowing the views of the membership on the Rules Committee with regard to campaign finance reform, he is going to have a herculean job to try and get out meaningful legislation, legislation that is going to do anything meaningful for campaign finance reform. I do not ever go around saying I feel sorry for other Senators, but as far as getting anything out of that committee that is going to have a title of campaign finance reform on it, it is going to be a very difficult job for him. He is being a good soldier in taking this thing on.

Senator THOMPSON has said, well, OK, I guess something is better than nothing, and so he has not been involved with the debate over on the floor, so far at least, but I just think this is wrong. I think what they are trying to do with this substitute amendment to my amendment this morning is wrong. It spells out that the Rules Committee will be even more direct in denying us what we thought our investigative scope was on the Governmental Affairs Committee, a task, I repeat for the third time, we did not ask to have. It was assigned to the committee.

I want to make one other statement, too, and then I will turn this over to other people who are waiting to make their statements.

Mr. President, yesterday the big thrust by the Republican Party by any observation we have problems with China and we have problems with campaign financing coming in from China and whether it occurred, whether it was against the law, who did it, were there any favors given, and so on. And that was being used yesterday almost as if, although it wasn't so stated, they are for investigating that and we somehow are not just as much in full agreement of investigating that because it somehow involves the Democratic administration.

Nothing could be further from the truth. I am committed to looking into anything that happened in that area. The President has said he wants to look into that area. And I do not doubt

his sincerity in that. It is a blot on the whole body politic. Republican, Democrat, Senate, House, everybody else knows that has to be looked into.

So all the charts that were out on the floor yesterday showing Huang and Trie and all this and the subcategories and the fine print down here that implied there has to be some new look into that area as though we were opposing that on our side, they were for it and we were against it, that is wrong. I will borrow their charts and I will use them on the floor myself on the Democratic side if that is needed, and I am sure the President would like to have them down at the White House to show what has been dug out so far that is wrong, and he wants to correct it. So that is not one there is any difference on. Let us just make certain of that.

So for all those reasons I rise to oppose the proposal by the majority leader, the substitute amendment to the amendment that I had proposed. I will have other questions about some of the items in S. 39 as we go along.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Virginia.

Mr. WARNER. I first wish to thank my distinguished colleague for his references to the Senator from Virginia. And I wish to give him and all Members of the Senate my personal assurance that in my capacity as chairman, I will exercise due diligence, the fairest, most aggressive action by our committee in the areas delineated by the amendment that was sent to the desk here momentarily by the distinguished majority leader and joined in by myself.

We have clearly through the years—the Rules Committee—had jurisdiction in this area, and we will pursue it. I hasten to point out that the three members of the Rules Committee are members of the distinguished ranking member's committee, the Governmental Affairs Committee. Indeed, the past chairman, Senator STEVENS, has joined in supporting the amendment in the Rules Committee by the Senator from Virginia, which is now the underlying amendment here in the ardent debate this morning. To suggest that just one or two or three, or whatever it is, members of the Rules Committee can stop either the committee or the Senate from, at this juncture, a full and thorough investigation of all aspects of soft money, all aspects of other alleged areas of campaign finance or campaign reform that need to be addressed by the Senate I think is not a wise step to take at this point in time.

Mr. President, echoing, again, the very important message that the majority leader stated earlier today, we have to get on. This committee is ready to go to work. Reports are coming in that possible sources of evidence might be disappearing. I will leave that to others to discuss. But I do know that we are tied up here on process, and

I hope we can move at the earliest possible time to vote on the amendment of the Senator from Ohio, and the underlying amendment, and of course the amendment by the distinguished majority leader. That will be decided upon by the leadership.

But I urge all Senators to come to the floor now. Now is the opportunity to give your thoughts on this important matter. Let us get on with it so the committees as allocated under the resolutions here can get on with their business.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I have the honor of serving on both the Rules Committee, under the able leadership of the Senator from Virginia, and the honor and distinction of serving on Governmental Affairs Committee, under the leadership of Senator THOMPSON.

I witnessed, a month ago, a rare moment of bipartisanship. Democrats and Republicans came together in the Governmental Affairs Committee. We were apart from the glare of the television lights or the pressure of partisan leadership, and we reached what I think was a sound and a good judgment. Senator THOMPSON offered honest leadership, and he came to us with a proposed scope of investigation. Senator GLENN responded by not only accepting his scope of an investigation, but he expanded it. For several weeks, while we differed on the timing and the expense, we operated in a general belief that we had defined the parameters of a review of the 1996 Federal elections in the United States. That scope offered us a chance to not only look at specific misdeeds, but to inform this institution and to educate the American people generally about the need for general campaign finance reform and how individual parts of the system were now broken.

Our concern was that we learn, not only about the 1996 Presidential campaign, but that campaign be put in perspective in how previous Presidential campaigns operated so we could learn if there was a change, and if there was a change why it happened—both to find those who may have committed wrongful acts, but also how to improve the future process.

We also reflected, I think, the reality that Presidential campaigns do not take place in a vacuum. Indeed, there is no distinguishing line between where a Presidential campaign's financing operations stop and the congressional campaigns begin. The money, the advertising, the activities, are coordinated and intertwined. So our scope included both the Presidential campaigns and congressional campaign committees and those of individual Members. Our scope also reflected two other specific areas that probably represent the greatest change in electoral politics in the United States in 1996, the use of nonprofit organizations, often as surro-

gates for partisan political activity, and the use of independent expenditures, where soft money is used to influence Federal campaigns.

This scope was broad, it was comprehensive, it is what this institution and the country requires. And only a month after reaching this agreement, before the first hearing is held, the first witness notified, the first lesson learned, it is being put to a premature death. There is enough cynicism in America about our electoral system. The system has already convinced enough Americans that it does not operate and it does not reflect their needs or provide room for their concerns. We risk, today, adding one more pile of dirt on this mountain of doubt. The resolution that now comes before the Senate is an extraordinary departure from the bipartisan scope that Senator GLENN and Senator THOMPSON reached previously. It has become, in my judgment, a proxy fight in the larger battle for campaign finance reform, a cynical effort that the Nation, and the Senate as an institution, can be focused on a few narrow problems so the underlying deterioration of the Nation's system of campaign finance laws will not be noticed or exposed, the pressure building in the Nation to change the laws generally will be avoided.

So, in place of this bipartisan scope for what hopefully could have been meaningful hearings, the Senate, instead, is given a new scope of activities for the Governmental Affairs Committee. It differs in several important ways, but none more significant than that it identifies the scope of these hearings not as the Presidential campaign of the last two cycles generally, the operations of congressional campaign finance or nonprofits or independent expenditures—the new standard is illegal activities.

If illegal activities are to operate as the scope of the Governmental Affairs hearings, we are then establishing a committee with sufficient money, enough time, but no purpose. Illegal activities in our system would have to be defined by the standards as a people we have come to recognize would constitute an illegal act. Illegal acts in our country are defined by a system of justice. They require a burden of proof and a requisite state of mind. Indeed, in our system of justice, we have the highest levels of establishing illegal activity, perhaps, of any nation on Earth.

During the hearings in the Rules Committee last week, I asked Senator THOMPSON whether illegal activities in his mind were synonymous with a criminal act. Indeed, we were assured that this was the purpose and illegal activity was, by definition, it appeared, a criminal act. The Senate needs to consider this definition before it accepts this scope, because a violation of the campaign finance laws by the President of the United States, or Senator Dole, or any Member of the House or Senate is not a criminal act unless there was a willful intent. Indeed, vir-

tually none of the allegations raised in the popular press regarding the financing of congressional and Presidential campaigns would appear willful or potentially to meet the standard required to even be the subject of these hearings.

In the other body there were serious questions raised about the operation of tax-exempt foundations; whether or not the tax laws had been violated in order to engage in influencing political activity.

The operations of a tax-exempt foundation are not a criminal act unless there was a willful intent, which appears to be missing in the allegations made to date with regard to tax-exempt organizations.

Finally, there is the question of the operation of independent expenditures generally. The most significant change in the political culture in the United States in 1996 has been the operation of independent expenditures by philosophical or issue-oriented or partisan organizations to use soft money to enter the system. And yet, both that soft money and the operation of these independent expenditures would not rightfully be within the jurisdiction of this committee if we maintain the standard of illegal or criminal act.

The Senate, therefore, Mr. President, is left with a broad question of policy as we approach these hearings. If it is our intention to find specific criminal activity in the 1996 Federal campaign system, then I believe Members can rest assured that the Federal Bureau of Investigation and the Justice Department will find those acts and people will be brought to justice.

But Democrats and Republicans in the Governmental Affairs Committee began these discussions and the planning of this investigation with a different purpose. It was our goal to assure the American people that we would find not only those acts that were illegal but those that were improper. We would disclose to the American people those activities which do not belong in our system of electoral politics, expose them to the light of day in the hope that the net result would be a change of the law and a rising standard for operating political campaigns in the United States, while reassuring the American public of the integrity of the system.

That, Mr. President, is the question before the Senate: a narrow hearing, cynically designed to focus attention on one campaign of the President of the United States, or an honest conversation about the state of electoral politics in the United States today and what we can do to change it and be part of a rising standard. The vote on this resolution, on the amendments that follow, is a vote on that question.

Mr. President, there is, finally, the additional issue of the date for concluding the committee's work that needs to be part of this discussion and fully explained. While Democrats and Republicans in the Governmental Affairs Committee had generally agreed

to a scope, there was always disagreement about a concluding date. I believe that Senator THOMPSON came to the Senate with the best of intentions and good purpose in his belief that there should be no concluding date for the fear that witnesses would withhold information if they knew they could wait until the committee concluded its work. But there is another competing purpose, I believe, that requires the Senate to establish a concluding date, which I now believe both Democrats and Republicans accept.

These hearings are about educating the American people and ourselves about our system of campaign finance. These hearings are about finding specific misdeeds or illegalities, but they are also about something much more practical and immediate.

Within a year, the United States will begin a system of a general Federal election. With all that we now know about the breakdown of the campaign finance laws in the United States in 1996, it is inexcusable and inexplicable if the U.S. Senate were to allow this country to proceed to another general election in 1998 without a change in how this Nation governs its laws, governs these campaigns and finances this electoral system. It is imperative that the Senate retain a concluding date for these hearings so that the U.S. Congress and the American people have the benefit of everything that is learned to proceed to reform.

It is also, I believe, Mr. President, necessary to note that while specific changes in the law may follow the conclusions of these hearings, it is generally not necessary to wait for these hearings to conclude or, indeed, even to begin to proceed generally with campaign finance reform.

The hearings by the Governmental Affairs Committee may teach us a great deal about specific misdeeds or problems in the system, but every Member of this Senate already knows enough about the breakdown of the campaign finance laws in this country to proceed immediately for a review and a change in comprehensive campaign finance reform.

And so, Mr. President, I conclude with the hope that partisanship for a moment could be set aside for a review of the 1996 elections and our campaign finance system; that this country, through the voices of this Senate, could have an honest conversation about the health of our democracy and the operations of our democratic elections. That will require a standard far different than illegal activities. It will have to be far more general in focus than the Presidential campaign of 1996. It will require a conclusion at a date certain so that we can proceed to changes in the law, and it will require that, through the exercise of honest leadership, we begin the process of campaign finance reform, even as we learn new and troubling problems about the operation of the system.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder, while my good friend from Virginia is on the floor, if he would comment on a statement which he made yesterday and which the Senator from New Jersey made reference to indirectly, and that is the question as to whether or not the word "illegal" is broader than the word "criminal."

Yesterday, the good chairman of the Rules Committee said the following, and I am wondering if the Senator from New Jersey might also listen to this, because it gets to the very critical point which was raised by his comments. The chairman of the Rules Committee said yesterday that the Rules Committee gave "the Governmental Affairs Committee a scope of the investigation and illegal," he said, "illegal is a very broad scope." He added, "It goes beyond. And I will at a later time today put in the RECORD the definitions of illegal."

But this is now the key sentence from my good friend from Virginia: "But it goes beyond just criminal assertions of allegations of criminal violations. It goes beyond that."

That is at the bottom of page 2057.

The chairman of the Rules Committee is assuring the Senate that the definition of "illegal" goes beyond "criminal," and that is in keeping with, I think, a common understanding of the word "illegal."

I don't know whether the chairman put the definitions of "illegal" into the RECORD. We were unable to find them.

So my first question of the chairman of the Rules Committee would be whether or not those definitions have now been put into the RECORD.

Mr. WARNER. Mr. President, we did discuss this in our hearing. We discussed it yesterday and essentially this is a matter that is going to be placed directly before the chairman, the distinguished ranking member, my good friend from Ohio, Mr. GLENN, and the members of the committee.

I hope, in the context of their deliberations on what they define as "illegal," they will refer to traditional sources. I have here the dictionary definition of "illegal," which I will read. We, of course, recognize it as being an adjective. It means, "not legal, contrary to existing statutes, regulations, et cetera, unauthorized."

Then I went to Black's Law Dictionary, which all of us had in law school—at least I did. That is the first book I bought. As a matter of fact, I still have it. I really have coveted that little personal item. So I went back and read in that, and I cite that. "Illegal," "against or not authorized by law." "Illegal contract." "A contract is illegal where its formation of performance is expressly forbidden by civil or criminal statute or where penalty is imposed for doing an act agreed upon."

So I say to my colleagues, there seems to be not what I would call a

great wealth of debate. It is interesting we went back to examine court opinions. I would have thought in the history of our country someone would have argued that, but I am not sure that anything we found in the course of our research shed a great deal of light. Perhaps my distinguished colleague from Michigan, who is a student in many areas, could refer to some source that he has broader than what the Senator from Virginia has provided this morning.

Mr. LEVIN. No. I am happy with that assurance from the Senator.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. In just a minute.

I am very glad to hear that assurance from the Senator, that the intention of this resolution which he offered, that "illegal" includes violations of law, including civil law or other law, and goes beyond violations of criminal law. That gets us a little bit further towards what this committee ought to be doing. But nonetheless, it is an important clarification for the committee.

I would be happy to yield.

Mr. WARNER. Mr. President, if I might just reply to my good friend.

There is documentation. I examined both of those precedents at the time that I drafted the resolution.

Mr. President, the Senate is now working its will on the resolution that was proposed by the Rules Committee. This body eventually will vote and decide the issue. But I suggest, with all due respect to my colleague from Michigan and the distinguished chairman of the Committee on Governmental Affairs, the ranking member, and others, that we are making sort of legislative history as to what we think is the meaning of the term "illegal" and what we think this committee should do.

I hope that that legislative history that we are making for ourselves as a body will be the guidepost for that committee and that they will not continually be searching as to how to get around or evade what is the will of the Senate. That will be expressed eventually through a series of votes and the passage of some document in the form of a resolution. It is my hope that the resolution of the Rules Committee remains intact, but that is yet to be seen. So that will be the guidepost, the beacon.

I am confident that the chairman and the ranking member and the other members of that committee will in turn be guided by this very important debate on the scope of the jurisdiction.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. I will be happy to yield for a question.

Mr. TORRICELLI. I want to thank the Senator from Michigan for raising this issue because it appears to me we have come to the heart of the matter.

The Senate has given conflicting interpretations that make all the difference in the scope of these hearings

potentially. Senator WARNER's views, as the author of the legislation, should be controlling. But it is important to note that they are in direct contradiction with testimony given to the Rules Committee by Senator THOMPSON.

Senator THOMPSON's interpretation of "illegal" is that they had to constitute a criminal act. I am very reassured by Chairman WARNER's interpretation that "illegal act" would include a violation of a civil code. I assume, therefore, that the Senate could conclude that a violation of the campaign finance laws, even if it did not include a criminal penalty, is included in Senator WARNER's definition.

I am also seeking his reassurance, through the Senator from Michigan, that a violation of the Tax Code, though perhaps not sufficiently willful to involve a criminal penalty, would be an illegal act and, therefore, part of the investigation.

Indeed, I am hoping that we can be reassured that any violation of the regulations of the U.S. Government or any of its departments or agencies, any violation of the civil or criminal law, of which there is specific information that is sufficiently credible to warrant the attention of the committee, would be the subject of these investigations—meaning, that it does not require that a member of the committee have definitive proof to establish a criminal level of culpability and it does not have to relate specifically to a criminal penalty for violation.

I was hoping to receive his assurance, as a member of both the Rules Committee and the Governmental Affairs Committee, that if I come before this committee with a specific act, based on a broad but credible allegation, for violation of code or regulation, that will be sufficient for the scope of this investigation.

Through the Senator from Michigan, that is the assurance that I am seeking.

Mr. WARNER. Mr. President, at the present time I have stated my views as to the word "illegal" and its interpretation and its breadth. I predicated that interpretation carefully upon a dictionary definition as well as one citation from Black's Law Dictionary, which is somewhat broader.

But I want to make certain that my distinguished colleague from New Jersey pauses for a moment to go back and look at the RECORD as to exactly what Chairman THOMPSON said. And, if it is agreeable—I do not want to interrupt the distinguished Senator from Michigan.

Mr. LEVIN. I will be happy to yield.

Mr. WARNER. I read from page 74 of the transcript of the hearing of the Rules Committee on March 6.

The distinguished Senator from New Jersey was speaking.

Senator TORRICELLI. Mr. Chairman, if I could just for a moment—I do not want to delay the committee, but when the hearing began, I expressed concern, Senator Thompson, that the standard was being set extraor-

dinarily high in order to address any campaign abuses because of the "illegal" language that is used.

Do I understand that when I was absent from the room for a moment, in answer to Senator Ford's question, you have equated "illegal" with "criminal" and that in your mind they are relatively indistinguishable as the standard you are going to use in deciding which campaign activities are within our jurisdiction?

I will digress to go back to the colloquy with Senator FORD. I now read from page 65.

Senator FORD. Understand that. And we are used to that. But am I correct that violations of Federal campaign laws are not criminal?

Senator THOMPSON. Senator, I would rather not try to give you a legal opinion off the top of my head.

Then the colloquy went on, in which Senator THOMPSON further said:

Well, my idea, campaign finance reform does not have much to do with the statutory regulatory framework that you are referring to.

So at that point it seems to me that Senator THOMPSON was not definitive on this issue.

Now I return to page 74 where the distinguished Senator from New Jersey had posed the question, and I shall read Senator THOMPSON's reply:

Senator THOMPSON. Senator, I cannot say that in all respects, in every situation, that they are exactly the same, and I would rather not try to give you a precise legal opinion that will stay with me for the rest of the year. I think you are entitled to look into that if you want to do that, certainly. The illegal standard has been used time and time again with regard to other investigations. You allude to the high standard. It just goes to show whose ox is being gored, I suppose, in these matters, because I have been spending a lot of time answering some of my colleagues' questions about how can you subpoena somebody just on public information. You are tying up their lives. They are having to hire attorneys and all of that, and now others have a concern that we are not, it is not easy enough to get to them. In other words, the standard is too high. So those are all the things that we are going to have to balance out, but I am not sure that my top of the head legal opinion on the intricacies on the difference between illegal and criminal are as good as what you might be able to get from somebody who has got the books in front of him and can look it up.

I believe that is somewhat different from what my distinguished colleague said in his earlier comments as to the position taken by Chairman THOMPSON.

Mr. TORRICELLI. If the Senator from Michigan would yield.

Mr. LEVIN. I yield.

Mr. TORRICELLI. The discussion comes down to the phrase of Senator THOMPSON, saying that criminal and illegal may not in every situation be exactly the same.

For purposes of these hearings, if we were to do justice to what we want to achieve, it needs to be established that they specifically are not the same. It is not sufficient for the Senate to know that there may be some circumstances where illegal does not mean criminal. The point is illegal is not criminal. We seek civil jurisdiction, we seek viola-

tions of regulations, and we seek here on the floor to disassociate the two words.

I believe, for the record, the Senator from Virginia has done a great deal in allaying my fears, and I think we have separated permanently, irrevocably the two words. For purposes of this investigation they are unrelated, they are unconnected and never the two shall meet again.

I think, therefore, this discussion has been helpful.

UNANIMOUS CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask the indulgence of my colleagues to pose on behalf of the majority leader a unanimous consent.

On behalf of Leader LOTT I ask unanimous consent that the time between now and 12:30 be equally divided for debate between Senator WARNER and Senator GLENN, and further when the Senate reconvenes today at 2:15 there be an additional 15 minutes of debate equally divided between the two leaders or their designees, and immediately following that debate the Senate proceed to a vote on or in relation to the Lott Amendment No. 22, and no amendments be in order prior to the vote in relation to amendment 22.

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

Mr. WARNER. I thank the Chair.

Mr. LEVIN. Mr. President, are we under control time?

The PRESIDING OFFICER. Between now and 12:30 the time will be equally divided.

Mr. WARNER. We are under control starting now.

Mr. LEVIN. Can I ask the Senator from Ohio to yield 5 minutes.

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the question that I put to the Senator from Virginia is very important in terms of the future of this investigation, and his answer reasserting today what he said yesterday, which is that the jurisdiction of the Governmental Affairs Committee will go beyond criminal assertions and goes to civil violations of law as well as criminal violations of law, will help clarify a very important question for the committee down the road. I thank him for that.

It leaves open a huge question as to whether we ought to be able to look into improper practices, corrupt practices that are not technically violations of law, but nonetheless it is helpful, and I want to thank my friend from Virginia for that. I want to get to this question next.

Mr. WARNER. If the Senator will yield on my time, I was very careful to say I was speaking for myself, and I used precise language from the dictionary and one legal reference. That decision as to the experience of illegal, again, is to be left to the combined judgment, hopefully, of all members of the Governmental Affairs Committee, and using as a precedent that document that will be finally agreed upon by the U.S. Senate today or tomorrow.

Now, that is the response that I gave very carefully.

Mr. LEVIN. I thank the Senator for that response, and I also point out that response comes from the chairman of the Rules Committee, who is a sponsor of the pending resolution. This Senate, I think, has a right to traditionally place great stock in the sponsors' interpretation of his own resolution. That is precisely what I believe the Senate will be doing when we vote, because even though we differ as to whether or not the scope should get to practices which should be made illegal, practices which are offensive, or practices which violate what the public wants us to be doing, nonetheless the fact that the chairman of the Rules Committee is asserting to the Senate that the word illegal in his judgment and his intention as the drafter of this resolution goes to both—goes to any violation of law, not just a criminal violation, is a very important statement for the Senate and for the future of this investigation.

Following that statement, I ask my good friend from Virginia the following: That under his interpretation, therefore, would the Governmental Affairs Committee be able to investigate violations of the Federal Elections Campaign Act?

Mr. WARNER. Mr. President, at this time I reserve the timing of my response to that question. I have very carefully laid down what I believe is the definition of illegal but I am not prepared at this time to give you a response to that question.

Mr. LEVIN. Would that be true with other specific questions?

So that what we will have when we vote will be the assurance of the chairman of the Rules Committee as to what his interpretation of the word illegal is in a general way but not a specific application.

Mr. WARNER. Mr. President, that is correct.

I hasten to point out while I am privileged to be the chairman, I am not so sure the total weight of this debate would shift to what this Senator has to say.

I come back again, the Senate will work its will. This resolution that I offered which is the underlying matter before the Senate could well be amended. I hope not, but it could be. So I want to await the final decision of the Senate before I make any further comment as to what my response will be to the question.

Mr. LEVIN. I thank my friend.

I have a parliamentary inquiry. Under the pending amendment to the amendment, the language in subsection (c) says that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—"

And then No. 2 is "corrupt practices."

Now, my parliamentary inquiry is this: Under Senate Resolution 54, does

the Governmental Affairs Committee have jurisdiction as of this moment to study and investigate corruption or unethical practices and improper practices between Government personnel and corporations, individuals, companies, et cetera?

As of this moment, my parliamentary inquiry is, under Senate Resolution 54, does the Governmental Affairs Committee have jurisdiction to investigate corruption, unethical practices, and any and all improper practices, as I previously read?

The PRESIDING OFFICER. The jurisdiction of a committee is set out by rule XXV. Neither this resolution or rule XXV can explicitly change or alter without an explicit change in language.

Mr. LEVIN. Does the Governmental Affairs Committee, as of this moment, have jurisdiction, as set forth in Senate Resolution 54, to investigate corruption, unethical practices, and any and all improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, et cetera? That is my parliamentary inquiry.

The PRESIDING OFFICER. Committees, historically, have investigated areas within their jurisdiction under rule XXV. The jurisdiction of a committee is normally based on what is referred to that committee and its jurisdiction.

Mr. LEVIN. My parliamentary inquiry is, Does Senate Resolution 54 refer that subject to this Governmental Affairs Committee? That is my parliamentary inquiry.

The PRESIDING OFFICER. Matters are not referred by resolution. Matters are referred by the Presiding Officer of the Senate.

Mr. LEVIN. Mr. President, what we have here is, I believe, the first time that the U.S. Senate is going to remove from a committee of jurisdiction its right to investigate something that has been within its jurisdiction traditionally, as has corruption and improper practices. They have been looked into by the Governmental Affairs Committee over the decades. They are specifically referred, in Senate Resolution 54, to the Governmental Affairs Committee.

I don't think there is any doubt in anybody's mind—and I will ask the question again—that the Governmental Affairs Committee has jurisdiction to investigate improper practices. Now, that doesn't mean the Rules Committee doesn't have jurisdiction to legislate. It does. But it means that the committee of jurisdiction—this is one of the great investigatory committees of this body, traditionally, which has looked into illegal practices, and legal practices which should be made illegal—is being taken off the case, is being told that what is within its jurisdiction cannot be investigated, even though the unanimous vote of the Governmental Affairs Committee was to investigate improper practices.

There is no doubt, I don't think, in anybody's mind that we have that jurisdiction, which is the reason why this amendment is before us, which is to remove the jurisdiction of the committee into improper and corrupt practices with respect to the 1996 Federal elections. That is what we will be voting on today—whether or not the U.S. Senate wants to take that power away from a committee that has jurisdiction to look into and investigate improper and corrupt practices. It is unprecedented.

Now, does the Rules Committee have legislative jurisdiction? Yes. But the Governmental Affairs Committee has investigative jurisdiction. I don't think anybody doubts that we have investigative jurisdiction, should we seek to exercise it and look into improper and corrupt practices. I haven't heard anybody allege that. As a matter of fact, the reason the amendment is pending before us is to remove that jurisdiction from us when it comes to campaign finance reform. I wonder if the Senator from Ohio would yield 3 additional minutes to me.

Mr. GLENN. I yield such time as the Senator from Michigan may desire.

Mr. LEVIN. This is an unprecedented removal of jurisdiction from a Senate committee that is seeking to exercise what is within its jurisdiction by Senate rule, by Senate resolution—Senate Resolution 54—which specifically refers to improper and corrupt practices, and by precedent.

Now, why are we doing this? Why is the majority about to tell a committee that has jurisdiction to investigate that it may not do so? The answer is, the fear that there will be momentum given to campaign finance reform. That is the issue. It is that fear that so terrorizes, apparently, some in the majority of this body that if there is an investigation carried out by the Governmental Affairs Committee, which it now has jurisdiction to carry out, it will somehow or other give momentum to something which, apparently, a majority of the majority does not want.

But this is unprecedented, and we are skating now out on a pond which this Senate, I don't believe, has done before. I have heard my good friend from Virginia say, "Well, there is no legislative authority in Governmental Affairs in the area of campaign finance reform." That's true. But we have investigative authority. There is no authority in the Governmental Affairs Committee to get involved in recommending changes in the criminal law. We don't have jurisdiction to legislate in the area of the criminal law, generally. That is in the area of the Judiciary Committee. Yet, we are left with the jurisdiction here to investigate illegal activities, even though we don't have legislative jurisdiction, for the most part, in the area of criminal law.

Where is the logic here? We are told you can't legislate in the area of campaign finance reform. Therefore, we are not going to let you investigate, even

though you otherwise would have jurisdiction to do so.

(Mr. INHOFE assumed the chair.)

Mr. WARNER. Mr. President, if the Senator will entertain a comment, which I hope is constructive and helpful to my good friend and colleague, you are talking about the actual Rules Committee as if we just took everything away from them. Let's go back and take a moment to see exactly what happened, because I know, having worked these 18 years with my good friend—this is on my time—that he deals in precision. We have served together side by side these many years on the Armed Services Committee.

Now, let me walk my colleague through exactly what happened. First, we have the Standing Rules of the Senate, which defines the basic parameters of the authority of the Governmental Affairs Committee. Each year, Mr. President—and it is rather interesting—the chairman of Governmental Affairs comes to the Rules Committee with a twofold request: first, for a sum of money to operate the committee for the coming fiscal year, and then a request to enlarge the jurisdiction as set forth in the Standing Rules of the Senate. That was done this year. I hasten to point out to my good friend—

Mr. FORD. Mr. President, can I get into this for a minute? I don't think we accepted the enlargement of it. It was more to carry it out than to enlarge it.

Mr. WARNER. Mr. President, I disagree with my distinguished colleague and ranking member. I would like to engage him in the colloquy at the proper time. I want to refer to Senate Resolution 54, which was passed by this body upon the recommendation of the chairman and ranking member of the Rules Committee. All I have to say to my good friend from Kentucky—and we welcome him back this morning—

Mr. FORD. You went back to the rules.

Mr. WARNER. The Rules Committee issued Senate Resolution 54, which was voted on by the Senate.

Any reading of Senate Resolution 54 shows a considerable broadening and enlargement beyond the scope of the authority vested in that committee under the Standing Rules of the Senate. That is my point. And it is, I say to my friend from Kentucky and my friend from Michigan, an enlargement. Let me read the language as recommended by the chairman and presumably the ranking member and the Rules Committee accepted it.

Mr. LEVIN. I wonder if the Senator would tell us what he is reading from.

Mr. WARNER. Yes. I am reading from Senate Resolution 54 which is that document voted on in the Senate to give \$4.53 million to the committee to conduct its affairs, and this is the language of the charter.

Mr. LEVIN. On page 16?

Mr. WARNER. Page 18 of Senate Resolution 54. I will pause for a moment until my colleague has it. Section (d)(1).

The committee or any duly authorized subcommittee thereof is authorized to study or investigate—

(A) The efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

That is your language. It is broad. It includes the word "corruption," which is not in the standing rules for the Governmental Affairs Committee, which is, Mr. President, of course, in the standing rules for the Rules Committee.

So the Senator made the statement that we had taken it all away.

Mr. LEVIN. Senate Resolution 54 now is governing.

Mr. WARNER. Senate Resolution 54 governs the expenditure of \$4.53 million.

Mr. LEVIN. The Senator agrees with me.

Mr. WARNER. Beg pardon?

Mr. LEVIN. Senate Resolution 54 is what is currently in effect.

Mr. WARNER. That is correct.

Mr. LEVIN. What is in effect gives the Governmental Affairs Committee the power to look at corrupt practices, just as I read—I read from the exact same Senate Resolution that the good Senator from Virginia read that we have jurisdiction in Governmental Affairs to look at corruption, unethical practices, and improper practices. That is what is in effect now and that is what would be changed by the pending resolution before us.

Mr. WARNER. Mr. President, what the Senator said, as I understood him to say, we took away all your jurisdiction. That is not correct. As to the \$4.53 million, it is there. As to the second allocation of funds in the nature of a supplemental, it is quite true the Rules Committee laid down in the resolution a more precise definition as to what you do with the second allocation of funding and that is restricted to illegal activities in the 1996 campaigns, Presidential and congressional. But the Senator made the statement that it took it all away. I am pointing out the distinction. No, no, it relates to the second allocation of funding.

Mr. LEVIN. Is the Senator from Virginia saying today that relative to the allocation of funds in Senate Resolution 54, the committee is then free to look at improper practices in the area of campaign financing? Is that what the Senator is saying today? Because I thought I heard something different.

Mr. WARNER. What I am saying is the language sets forth the definition, and it is up to the chairman and ranking member and the Governmental Affairs members to decide for themselves.

Mr. LEVIN. My question—

Mr. WARNER. What I am saying for great clarity, for the second allocation, supplemental funding, the Rules Committee exercised what I regard as its authority to restrict the use of those funds to the clause "illegal" for 1996.

Mr. LEVIN. Is my friend, however, saying as to the original allocation of funds that the committee may exercise jurisdiction to look into improper practices or practices which should be made illegal? Is that what my friend from Virginia is saying?

Mr. WARNER. Mr. President, my response to that question is that the use of the first allocation of funds pursuant to this resolution is limited to this, and it is up to the Members to interpret it. And, second, it would be my hope that the members would interpret this language in accordance with whatever resolution is finally passed by the Senate today because I view that as an expression by the Senate as to what the scope should be of activities of the Governmental Affairs Committee with regard to both the underlying \$4.53 million and the additional funds.

Mr. LEVIN. I want to be real clear at this point. What the Senator, the chairman of the Rules Committee, is telling us is that technically we can spend the first pot of money as we determine to do so within our jurisdiction and within Senate Resolution 54, but as to the supplemental funds, that would be governed by the pending amendment, if it passes. Is that correct?

Mr. WARNER. Not necessarily the pending amendment. The ultimate resolution passed by the Senate.

Mr. LEVIN. Ultimate resolution.

Mr. WARNER. I simply say, going back to the underlying rules of the Senate, it was enlarged in Senate Resolution 54. You can decide for yourself, but I hope you will decide within the framework of this debate and the ultimate resolution, which resolution applies to the second allocation of funds.

Mr. LEVIN. Mr. President, then if I could conclude, let me reiterate what I said as I think it is still accurate. If we adopt this resolution today, we will be removing from the Governmental Affairs Committee a jurisdiction which it now has to investigate corrupt practices, improper practices, practices which should be made illegal, practices which we could investigate within the Senate Resolution 54 jurisdiction of our committee—the current jurisdiction of our committee would allow us to look at improper practices, but what the pending resolution tells us, if it is adopted and becomes the final expression of this body's will, what the pending resolution tells us is Governmental Affairs, with this special fund which we are providing you to look into the 1996

election, you may not do what you otherwise can. You may not look into improper practices with this fund, although you could normally look into improper practices with the funds that we provide to you.

Now, why the difference? Why are we told when it comes to look at the 1996 election that we cannot exercise the same jurisdiction, look into the same type of practices, corrupt, improper practices that have an odor, why are we being told we cannot do that with the funds that are given to us specially to look into the 1996 election?

The answer is very obvious. The answer is that there is a fear on the part of a majority of the majority that such an investigation will get into the area of soft money, which is legal—part of it we believe is illegal, but most of it is probably legal. And so we are being told that with this sum of money being given specially to look at the 1996 election, we cannot look at what is legal in the area of soft money, even though it has an odor to it, even though its purpose is to evade the current law, even though it allows corporations to give millions of dollars to campaigns when the clear purpose of current law is that corporations not give money to candidates in elections.

That is the purpose of the pending amendment from the Rules Committee. We should have no doubt about what its purpose is. It is to restrict the investigation so that the Governmental Affairs Committee cannot do with this money that is given to us to look into the 1996 elections, cannot do what we have traditionally done with all other funds given to the Governmental Affairs Committee, which is to look into improper practices or unethical practices or practices which should be made illegal.

We are told that with this funding that we are being given to look into the 1996 election, that we cannot do what we could do with the funds that were given to us under Senate Resolution 54, and which have traditionally been part of the jurisdiction of the Governmental Affairs Committee.

I am going to close by reading this resolution language again because it is so important. Senate Resolution 54 is what gives the Governmental Affairs Committee its mandate. It is now the law. It is what is in place. It is what we are operating under in Governmental Affairs. And Senate Resolution 54 says, on page 16 and 17 that:

The committee, or any duly authorized subcommittee thereof, is authorized to * * * investigate—* * * corruption * * * unethical practices * * * and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government* * *.

That authority given to us in Senate Resolution 54 to look into corruption and unethical practices and improper practices, we will not be allowed to exercise when it comes to the use of this special fund that is given to us for the purpose of looking into the 1996 elections.

The argument technically is: But you don't have legislative authority in campaign finance reform. That is true. We don't have legislative authority to amend the criminal laws either, but we are allowed to look into illegal practices. There is utterly no logic in this.

The argument which was used to restrict this funding to illegal practices was: Governmental Affairs doesn't have legislative authority—which is true—to legislate in the area of campaign finance reform. But we do not have legislative authority to legislate relative to illegal practices either, but we are allowed, in fact we are restricted, in terms of our investigation, to the area of illegal practices. So the logic for this restriction is not there. What is there, and I think a number of Members of the majority have been very open about this, is that they do not want us to give any momentum to the reform movement in the area of campaign finance. And the fear is there, that if the Governmental Affairs Committee investigates within the area of its traditional jurisdiction, improper practices, unethical practices, and corruption as we have in Senate Resolution 54—if we do that, the fear is that we will somehow or other give a boost to campaign finance reform. And to that I say: Amen, it is long overdue.

And what is unprecedented, unprecedented, is the restriction of a fund to prevent a committee from looking into an area which it has traditionally looked into. That is what is unprecedented. It is something which the public, I believe, will totally disagree with. I believe this institution will regret doing it, because it sets a precedent for this institution which is not a wise precedent. And I do not think it will withstand the scrutiny, either of the public or of the media.

What we are left with will be this. If this resolution passes in the form that it is now in from the Rules Committee, or something like it, we will then be limited to illegal, which I am happy to hear, at least in the opinion of the chairman of the Rules Committee, includes both civil as well as criminal illegality. And I presume we will do the best that we can with that. But we all ought to realize that what is off the table, as far as this investigation is concerned, by Governmental Affairs Committee—what has been removed, taken away from us, restricted, is the bright light of day into what is currently legal but which should be, at least arguably, made illegal.

I thank the Chair and I also thank my friend from Virginia. As always, he has shown great courtesy in terms of attempting to respond to inquiries on the floor, and to helping this institution work its way through some very difficult issues.

I yield the floor.

Mr. WARNER. Mr. President, I thank my colleague. But just before he departs, I hope he would recognize that, while he uses the phrase "taken it off the table," it is the jurisdiction of the

Rules Committee. And I hope that you, as a colleague, will give us the benefit of the doubt, that the Rules Committee will diligently—certainly speaking for myself, and I think for many members of that committee, if not all—will diligently pursue the issues that are of great importance. I share your concern over the importance of both independent expenditures and soft money. The phrase "soft money" must be terribly complex to the American public. What is soft money? I guess we are going to get a tight definition of that at some point. But we will pursue it with diligence. And I hope you acknowledge that fact.

Mr. LEVIN. If the Senator will yield?

Mr. WARNER. Yes.

Mr. LEVIN. I thank him for that. Soft money is most of the money that is out there. It is the unregulated money. It is the millions.

As it turns out, under the current definition, if I could just ask my good friend to yield for 1 more minute, under the current definition by the Attorney General and Boyden Gray—who was the counsel for President Bush, they both agree on this—I cannot use my phone, even a cell phone, at my own expense in my office, to solicit a contribution to my campaign for \$100. I cannot do that, even using my own cell phone in my office. But I can use my Government phone to solicit \$1 million for the Democratic National Committee, right from my office. That is the current state of the law. That is the soft money "exception," which is really the rule, because it is most of the money which is now received.

But to answer my friend's question, I was very careful saying what is off the table, as far as the Governmental Affairs Committee investigation is concerned, if this resolution is adopted in its current form, will be the investigation into what is currently legal in the area of soft money, independent expenditures. I did not comment on what the Rules Committee might or might not do, and that is going to be in the good judgment of the Rules Committee and its chairman and ranking member.

Mr. WARNER. Mr. President, I hope the Senator will give us the benefit of the doubt that we as Senators will pursue that with equal vigor.

I thank my colleague. It was a very profitable exchange.

Mr. AKAKA. Mr. President, as a member of the Senate Governmental Affairs Committee, I am naturally interested in this debate over Senate Resolution 39—a funding resolution for the Senate Governmental Affairs Committee special investigation, as amended by the Senate Rules Committee. I object to the action taken by the Rules Committee on Thursday that forces the Governmental Affairs Committee to limit its investigation solely to illegal activities related to the 1996 elections.

I object because the Governmental Affairs Committee had a bipartisan agreement on a broad scope for this fundraising investigation. However, in

an effort to appease those opposed to reforming our campaign finance laws, the Rules Committee overrode the agreement unanimously adopted by the Governmental Affairs Committee on January 30, 1997. The scope of the investigation is now so narrow that we are being forced to operate with blinders. If a fundraising activity is improper—we cannot look at it. If the activity occurred prior to 1996—we cannot look at it. If the activity involves soft money or questionable use of tax-exempt organizations—we cannot look at that, unless it is clearly illegal.

The Rules Committee resolution narrows the definition of illegal so that the Governmental Affairs Committee would have to show evidence of criminal activity beyond a reasonable doubt before an activity or individual can be investigated. Is there anyone who does not believe that there are some serious allegations that are improper rather than illegal? How can we legislate changes in our campaign finance laws if we cannot look into activities that are not currently illegal, but should be illegal?

Mr. President, I am proud to be a member of the Governmental Affairs Committee because it is one committee that continually operates in a bipartisan and fair manner. We hammered out the scope of our investigation over a period of several days and it received support from Democrats and Republicans alike.

Last Friday, I participated in a press conference called by the ranking member of the Governmental Affairs Committee, Mr. GLENN, to express concern with the newly amended funding resolution that came out of the Rules Committee. At that news conference, I said that the committee had taken the high ground by unanimously agreeing to a resolution setting forth the scope of its investigation.

Back on January 30, 1997, the committee agreed on a number of issues relating to illegal or improper fundraising and spending practices which would lead to a consensus of how to best consider the issues at hand. Regrettably, since the adoption of that agreement, there has been discord, insinuations, accusations, and other obstacles to resolving the impasse over the committee's special investigatory funding.

I object to the revision of the scope previously agreed upon by the Governmental Affairs Committee because past investigations into allegations of misconduct examined improper and unethical conduct as well as illegal conduct. Moreover, if the funding resolution before us today is adopted, we will limit the scope of the investigation to only the 1996 election cycle, thereby eliminating the possibility of looking into the issue of soft money, issue advocacy, and possible illegal use of tax-exempt organizations.

Under the amended resolution, the Governmental Affairs Committee investigation would be precluded from

investigating allegations that may be embarrassing to Congress, and potential problems related to individual members would be referred to the Senate Ethics Committee. I know that most Members of Congress are honest; however, if our citizenry believes that money buys access, then we must look into allegations that point to improper use of office.

The statement of purpose of the Governmental Affairs special investigation, as amended by the Rules Committee last Thursday, authorizes funds for "the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns." We have been told that the scope agreed to in the resolution before us was patterned after the Watergate resolution. However, the omission of two key words from that original Watergate resolution—unethical and improper—will undermine any investigation into the influence of money on Federal elections.

Mr. President, I shall not belabor this issue as I know there are other Members who wish to speak. I want to reiterate, however, that the scope agreed to on January 30, 1997, was very inclusive—it would provide for an investigation into the business of fundraising by both parties. The purpose of our inquiry was to examine all aspects of campaign fundraising—both Presidential and congressional—with the eventual outcome to be substantive and effective campaign finance reform legislation. I fear that without ensuring that improper fundraising practices are included in the investigation that this may never come about. We cannot deny the public a full and thorough inquiry into allegations that may eventually lead to tough campaign finance laws.

Mr. WARNER. Mr. President, will the Chair kindly advise the Senator from Virginia and the Senator from Ohio as to the remainder of the time?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes, 14 seconds; the Senator from Ohio, 3 minutes and 17 seconds.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I offer my sincere appreciation to my distinguished friend, the chairman of the committee.

Mr. WARNER. Mr. President, I am happy to do it. It is a very important matter, and I was quite interested in what the Senator from Missouri had to say.

The Senator from Virginia yields back such time as he has remaining, and I understand my colleague from Ohio will have further remarks, at the conclusion of which we will stand in recess until the reconvening hour of 2:15.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, this debate comes down to a simple choice: You are in favor of campaign finance reform or you are opposed to campaign finance reform, and that is what the argument is all about. I believe both sides of the aisle want to correct things as far as illegalities are concerned, I don't have any question of that. But the other area that is so big is the area of independent expenditures, soft money and all the other practices that grew up and came to a peak in the 1996 election.

There was no doubt that the public was demanding that we look into this, and there were various committees that wanted a part of that activity. There was the Commerce Committee, Judiciary Committee, Foreign Relations Committee, Rules Committee, and Governmental Affairs Committee. The Republican leadership decided to talk the other committees into not exercising their jurisdictions they normally would have in this area and assign that to the Governmental Affairs Committee, which has the broadest investigative authority on Capitol Hill.

My friend, the Senator from Virginia, read into the RECORD a little while ago the Governmental Affairs Committee's jurisdiction out of Senate Resolution 54, which details what we are to look into with the money that comes out and we are given each year. It involves the whole gamut of anything to do with the Federal Government in any way, shape, or form, any type of corruption, anything we want to look into on that. We have exercised that jurisdiction through the years.

It was assigned to the committee. Senator THOMPSON, chairman of the Governmental Affairs Committee, and I worked out an agreement on what the scope of this investigation would be. We didn't have agreement on the money yet or some other things like that, but we at least had the \$1.8 million we agreed to. Today, we are going up to the \$4.5 million that was stated, but we object strongly to cutting back on our normal jurisdiction of what we can look into.

Why is this being cut back? Because a few members on the Rules Committee that has to pass on our additional money for investigative activity over and above our normal committee budget dug in their heels, the people who are publicly outspoken against any campaign finance reform, and they are the ones who, on the Rules Committee, were able to stop that type funding, unless they got an agreement, unless a deal was cut.

So a deal was cut that we would not be able to look into any of the things involved that we wanted to look into with regard to soft money and independent expenditures with regard to Capitol Hill, with regard to congressional campaigns, Senate or the House. They were dead set against that. They didn't want that looked into. The reason, I guess, is because Republicans

outdo the Democrats about 2 to 1 in this fundraising area and particularly in the area of soft money. It was crucial, as we see it, a couple of years ago in changing the majority in the Senate, because money is the mother's milk of politics. It is really what has more impact than anything else. So they objected to any changes or to any investigation in those areas.

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

Mr. GLENN. I ask unanimous consent to finish my statement.

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

Mr. GLENN. Mr. President, they wanted to cut out any investigation of Capitol Hill. That is the reason we came to this situation. It was not that most Members don't want to correct campaign finance reform on our side. We asked for campaign finance reform legislation to be brought to the floor all this year. We would like to see the McCain-Feingold proposal voted on.

But regardless of that, we think that an airing of everything to do with what happened in campaign financing over the past several elections, really, as this has built up to a crescendo that just inundated us in 1996, we think that should be looked into to lay the base for real campaign finance reform and give us that kind of educational base.

What happened? Those who were against this got a deal cut, and instead, all the things we were going to look into which was submitted as the original part of Senate Resolution 39 from the Governmental Affairs Committee to the Rules Committee for approval were all struck, the total language, and the additional funds in the last part of this that are operable in Senate Resolution 39 as brought to the floor state that funds can only be used for the sole purpose of conducting an investigation of illegal activities. That takes out all those other areas of soft money that we wanted to look into.

The amendment I proposed would restore the scope of the investigation, as the chairman and I and as all members of the Governmental Affairs Committee, including those who are on the Rules Committee, voted out of committee. They voted for these things to go into this type of scope. They did not disagree with it then. But as part of the deal that was cut then, that kind of scope was taken away from us. Now I would propose, with my amendment, to restore that.

What has happened this morning is now the majority leader has proposed an amendment to my amendment, a second-degree amendment in the nature of a substitute, that would again say that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—(1) Federal elections generally * * * [and] (2) corrupt practices * * * [and] the Committee on Governmental Affairs shall refer to the Committee on Rules

and Administration any evidence of activities * * * [that] are not illegal but which may require investigation * * *'' In other words, this takes us back where we were. It second-degrees my amendment and takes us back to the intent of Senate Resolution 39, which cut back the authority on the committee.

There has been a good discussion of this this morning. But to my way of thinking, this boils down, very, very simply, to one area. And one thing that is correct is, it is a choice. Do we want campaign finance reform or do we not?

We want the broadest possible investigation so we can come out with good campaign finance reform that I think will be follow on to McCain-Feingold if we are ever able to get it to a vote. On the other side, they do not want any investigation in this area and are opposed to campaign finance reform. That is the bottom-line choice we are talking about here.

I will end with that because my good friend from Virginia has been very kind in granting me extra time here. I have run over several minutes, I know. I thank him very much.

Mr. WARNER. I thank my colleague. I would have to say to my good friend and colleague, we will have more debate on this as the day goes on and perhaps tomorrow. Hopefully, we can finish tonight, but I will be ready to take the floor tomorrow again.

Mr. President, he misstates the case. This Senator is for campaign finance reform of some measure. I am not able to give the parameters in totality now. The distinguished majority leader sat here and opened this debate this morning indicating what is taking place. He, together with Senator NICKLES, is conducting a task force on this side of the aisle which meets on a regular basis to examine those provisions, which, hopefully, we will insert at some point in time in a bill which is clearly campaign finance reform. So, I have to strongly disagree with my good friend and colleague on that point.

Now, Mr. President, we shall stand in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWNBACK).

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. There are 15 minutes equally divided to each side.

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

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. WARNER. Mr. President, in the absence of anyone on this side of the aisle, I suggest a quorum be reinstated and that the time not be counted against either side.

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

The clerk will call the roll.

The legislative 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 (Mr. ENZI). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, we have a unanimous consent process that we will go through here that would allow for the withdrawal of the pending second-degree amendment and the offering of a new amendment. We are very close to an agreement on not only this procedure, but a number of other aspects of how we will deal with this pending resolution this afternoon.

We would like to get this consent agreed to, and then we will take a few minutes more to make sure everybody understands exactly what we are proposing to agree to, and we will come back and go through that process. It could lead to our having perhaps just one more recorded vote and final passage. But we want to make sure everybody understands and is comfortable with what we are doing to the maximum degree possible.

I ask unanimous consent, Mr. President, notwithstanding the consent agreement, that it be in order for me to withdraw amendment No. 22 in order to offer a separate amendment, and the amendment be in order notwithstanding the fact that it hits the resolution in more than one place.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Glenn amendment be laid aside in order for me to offer an amendment, and no further amendments be in order prior to the vote on or in relation to my amendment.

Mr. SPECTER. Mr. President, reserving the right to object, I ask whether that is intended to preclude any further amendments on the resolution.

Mr. LOTT. At this point it is just no further amendments in order to my amendment. We are discussing the possibility of an agreement that would not provide for additional amendments, but we have not reached a final agreement on that at this point. So we would have to just talk that through with you and

other Senators and make sure everybody understands and agrees before we enter that next request. But it is not applicable here.

Mr. SPECTER. As long as this unanimous consent request is not precluding further amendments to the resolution, I do not object.

Mr. DASCHLE. Reserving the right to object, I only do so for purposes of clarification.

I think what the majority leader is proposing here goes a long way to resolving one of the issues that divided Democrats and Republicans. First, I commend him and commend those responsible for offering this amendment.

What this would do is to add the word "improper" at the appropriate places within the authorization to allow us to look at both improper and illegal activity. So, as I say, this goes a long way to resolving the conflict that we have discussed now for some time and that was the subject of debate this morning. So this moves this process along. I would certainly urge all of my colleagues to agree to this unanimous consent request.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator for his comments. I might say, just for further clarification, it would add to "illegal" the words "and improper." The Glenn amendment of course has a number of descriptions. We are working on a discussion here of how that might be handled in a colloquy here today. But this would just add the words "and improper" at the appropriate places in the resolution.

The PRESIDING OFFICER. Is there further objection in regard to this request? Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that following the disposition of the Lott amendment, the Senate resume the Glenn amendment No. 21, and no amendments be in order prior to the vote on or in relation to the Glenn amendment No. 21 and he be permitted to withdraw his amendment if he chooses after our discussions take place.

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

AMENDMENT NO. 23

Mr. LOTT. Mr. President, I now send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. THOMPSON, and Mr. WARNER, proposes an amendment numbered 23.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 10, line 19 after the word "illegal" add "and improper".

On page 10, line 23 after the word "illegal" add "and improper".

Mr. LOTT. 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. DOMENICI. 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. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for 5 minutes to introduce a measure, after which time I will suggest the absence of a quorum.

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

Mr. DODD. Will my colleague yield to make that 6 minutes so I could get a minute in?

Mr. DOMENICI. I ask unanimous consent for 7 minutes and give 3 of my minutes to Senator DODD.

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

(The remarks of Mr. DOMENICI and Mr. DODD pertaining to the introduction of S. 422 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I ask unanimous consent I may proceed for 12 minutes as in morning business.

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

RETIREMENT ANNOUNCEMENT

Mr. FORD. Mr. President, when the 94th Congress convened in January 1975, I was 93d in Senate seniority. When the 105th Congress convened this past January, I was 12th. What a difference 22 years make.

My 22 years of service to the people of Kentucky, as their U.S. Senator, has been during a remarkable period in history. We have witnessed the end of the cold war and the fall of the Berlin Wall. We have witnessed a technological boom that was unthinkable 22 years ago and we've witnessed the growth of democracy in practically every underdeveloped nation in the world.

We have also seen the cost of a college education skyrocket. We have seen the cost of medical care skyrocket. And last but not least, we've seen the cost of a political campaign skyrocket.

The average cost of a U.S. Senate race in 1974, the first year I ran, was less than \$450,000. In fact, \$437,482. The average cost of a Senate race last year was approximately \$4.5 million. There is no job, especially the job of public servant, that is worth or deserves the effort necessary to raise and spend that much money.

The job of being a U.S. Senator today has unfortunately become a job of raising money to be reelected instead of a job doing the people's business. Traveling to New York, California, Texas,

or basically any State in the country, weekend after weekend, for the next 2 years is what candidates must do if they hope to raise the money necessary to compete in a senatorial election.

Democracy as we know it will be lost if we continue to allow government to become one bought by the highest bidder, for the highest bidder. Candidates will simply become bit players and pawns in a campaign managed and manipulated by paid consultants and hired guns.

Because of the political money chase, Washington, DC is fast becoming the center of our lives, not our people back home. The money chase has got to stop. We must reform the system so that ordinary, everyday people, who want to run for political office and make our country a better place are able to do so.

I have spent a good part of my Senate career and political life working to nudge and, occasionally shove our party back toward the center of the political road. I came to Washington as a moderate Democrat, believing then as I still do, that the will of the people comes first. I've tried to be a moderate voice and will continue to do so. I love our country too much to let the extremists ram their agenda down our throats.

There are many challenges facing the Senate and our party as we march into the next millennium. More than ever, I want to be involved in addressing some of them.

I am not in the business to get my name in lights or to appear on the national TV talk shows or make headlines in the national newspapers. My philosophy has always been and will continue to be keep a low profile, work behind the scenes with my colleagues on both sides of the aisle, and come up with a solution that benefits everyone. Compromise is not a dirty word. I plan on working this way in the months ahead.

Now of a more immediate and personal concern. Do I run again for another term in 1998? My health is good, my mind is sharp, and I enjoy what I do as much as life itself. However, because my mind is sharp, it is quick to remind me that I am 72 years old and I will be 74 in November of 1998. The good Lord has a plan for every one of us, even me. My heart says that my love affair with the people of Kentucky is not over. My head says it has been a long ride and a good ride but now it is time to pass the reins on to a younger generation.

Today I will lead with my head and not my heart. So the time has come for me to announce that I will not be a candidate for reelection in 1998.

As you try to understand my decision, let me ask you to do something for me, if you will. Don't say that I'm ready to go because I'm not and, frankly, I never will be. I still get goose bumps every time I look up at the Capitol dome on my way to and from work.

You can say that my reelection campaign would be my most expensive race

ever. I do not relish—in fact, I detest—the idea of having to raise \$5 million for a job that pays \$133,000 a year. To reach that mark, I would have to raise \$100,000 a week, starting today, for the next year.

Please don't say that my time has passed and I should be put out to pasture, because I don't believe that it has. The political philosophy that I embrace is just as relevant today as it was when I first entered public life 30 years ago. It is a philosophy centered on the fact that most Kentuckians cherish personal freedom more than either a liberal agenda or a competing conservative agenda that just uses Government in a different way to promote its goals.

I thank the people of Kentucky from the bottom of my heart for giving me the chance to be their voice for these four-plus terms here in the U.S. Senate. I have been blessed with good friends and dedicated supporters all around my State, who have been there time and time again when I have called for their help.

No one serves the people alone. He or she must have a good, bright, hard-working staff for support. I have been blessed with an abundance of such a staff. They have proven themselves more than capable of handling any situation thrown at them. Their unequalled loyalty and total devotion to their work, especially in handling constituent services, both in my district offices and here in Washington, is proven time and time again. My staff is simply the best, as the thousands of constituents who have used them will attest.

In announcing last month that he would not run again, my good friend and colleague, JOHN GLENN, put it in perspective when he said, "There still is no cure for the common birthday." I believe that 100 percent, and I want to leave here knowing that I have a lot more birthdays to celebrate with my family.

Now, speaking of family, no one—and I repeat, no one—could ask for a more supportive and loving family than mine. My wife, Jean, has been my anchor for over 50 years. My children, Shirley and Steve, have had to grow up with an absentee father a lot of the time. But they know in their hearts how much I love them. I plan on helping them in the years to come the way they have been there for me all these many years. As for my grandchildren, I can't wait to spend more time with them and, hopefully, learn a thing or two from them. I'll finally have the time to dote on them and spoil them the way a grandfather is supposed to do.

Mr. President, let me close by reading the last paragraph from a poem entitled "A Year," which I have carried with me for many, many years. My son had it right when he wrote this back during his sophomore year at Frankfort High School. He is now married and has three lovely sons and, still, he

had it right much earlier than I thought he did. This is the last of four paragraphs, referring to the seasons:

Another year has passed,
the days not slow or fast,
Burned deep within our brain,
its memories will ever remain,
And although you look back and stood,
wishing there had been more good,
No one can change the seasons,
'cept God, and he's had no reason.

I thank the Chair for giving me this time. I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for about 4 minutes in reference to the speech we just heard.

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

Mr. LEAHY. Mr. President, I have listened to my good friend from Kentucky, who has been my good friend from the time we first met as newly elected Members of the class of 1974. We came here together, and I can honestly say, Mr. President, that I have looked to Senator FORD for guidance on every issue since then. I came from a small county office, and he came from being Governor of a State much larger than Vermont ever has been or ever will be.

I remember debates we had when we were in the majority and in the minority, and back to the majority and then back to the minority. WENDELL FORD's was one of the voices we would listen to as we tried to find the answers that made sense for the country and for each other.

WENDELL FORD also had a quality that was very much the quality of all Senators, Republican and Democrat, when he first came here—a quality that, perhaps, some today should remind themselves of, because it existed universally then, and that is the quality of when a Senator gives his word, his word is gold. There is not one single person who has served here in the 22 years that WENDELL FORD has been here who has ever questioned his word. There is not one single Senator here who found him to be someone who did not keep totally to his commitments.

What I have enjoyed in our personal relationship is that he is a man I have been able to go to for counsel and guidance and know that I could discuss anything with him without it ever being given out, if I told him it was in confidence.

Marcelle and I have been privileged to be here with Jean and WENDELL FORD. They are the kind of people that future generations of the Senate should look to for the best, not just for Kentucky, but for the country. Ultimately, what is most important in this body is not whether you are liberal, moderate, or conservative, but whether you serve with integrity for the best interests of the country. I have served with many, many people who fit that description, but I have been fortunate that, for 22 years, I have served here with a man who epitomizes that—WENDELL FORD of Kentucky.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, when I came here as a freshman, I remember the first parliamentary situation I got snarled up in, and the man who stepped up to help me unsnarl it and begin to understand the way the Senate worked was the senior Senator from Kentucky [Mr. FORD]. He sits on the other side of the center aisle from the side I sit on. We have not cast very many votes in the same way. But he has been an un-failing source of good humor and good fellowship, and he has become a close friend.

I remember, as I contemplate this occasion, one night when I was called upon for late service in the Chair. As things happened that night, the two leaders, for one reason or another, could not seem to get together, and the hour went on and on and on, and they could not call anybody to relieve me in the Chair. I was there until almost midnight. Absolutely nothing was happening on the floor; indeed, nobody was on the floor—except the Senator from Kentucky, who had duty himself that night on behalf of his party. I remember asking him, as a freshman seeking wisdom, as I was looking up in the gallery, "Why are they here at 11 o'clock at night or 11:30 at night, with nothing going on?" They sat there patiently in the gallery. Senator FORD said, "Because the zoo is closed."

He has been a delight to be around. I serve now on a task force with him, and I appreciate his candor, his directness, his clear honesty, and his great respect for this institution. This is the kind of Senator we need in terms of this respect.

There are many who come here who do not recognize the great honor it is to be here and sometimes bring a degree of dishonor to this body and the work it does on behalf of the people. Senator FORD is not in that category. He is in the other category of those who will be missed on both sides of the aisle, a good friend whom we shall look forward to seeing for many years to come even after his service here has ended because we find him such good company and such a fine, fine friend.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join those in expressing our good wishes to both the senior Senator from Kentucky and, indeed, his wife and family for their next chapter.

Yesterday afternoon, I say to my good friend from Kentucky, I interrupted the proceedings in relation to the underlying amendment to speak briefly on behalf of our good friend and colleague, who at that time was necessarily detained in that State he loves most, Kentucky. But I have been privileged now to serve as chairman of the Rules Committee with my distinguished colleague as the ranking member, and I have been a member of this

committee for many, many years. We have all come to know and respect WENDELL FORD. And I think within the institution of the Senate, certainly as it relates to all the employees, no matter whether they are in the cafeteria, no matter whether they are here on the dais, wherever they are, he feels a very keen sense of responsibility for their welfare and their safety and for their ability to achieve their goals and care for themselves and their families.

He has done a remarkable job on the Rules Committee over these years, and I look forward to working with him the balance of this distinguished Senator's term. The Rules Committee is often thought of as housekeeping. Fine, call it housekeeping if you wish. We saw an example today where it occasionally is a little more than housekeeping. But whether it is the complicated issue like today or caring for any employees in this institution of the Senate and working with the House on the overall protection of the Capitol of the United States, where the two bodies share joint jurisdiction, Senator FORD is always there, keeping in mind what is in the best interests of the Congress and of the Senate and of those people who serve the Senate. I salute my good friend and wish him well.

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. 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. I ask unanimous consent that I be allowed to address the Senate as if in morning business for up to 12 minutes.

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

Mr. GRAMS. I thank the Chair.

NUCLEAR WASTE STORAGE

Mr. GRAMS. Mr. President, as the Senate further deliberates on the nomination of Federico Peña to become the next Secretary of Energy, I rise again to discuss an issue of paramount importance to our Nation's ratepayers and taxpayers: nuclear waste storage.

While I have already discussed on this floor the long history of this debate, I believe a brief review of this history is warranted.

Since 1982, energy consumers have been required to pay almost \$13 billion into a trust fund created to facilitate the disposal of our Nation's commercial nuclear waste.

In return for such payments, nuclear utilities and their ratepayers were assured that the Department of Energy would begin transporting and storing nuclear waste in a centralized Federal repository by January 31, 1998.

This deadline is less than a year away. Over \$6 billion of the ratepayer's money has been spent by the Depart-

ment of Energy, with very little progress being made by the Department in living up to the Federal law which requires the DOE to accept commercial nuclear waste. In fact, late last year, the DOE politically punted their problem by notifying utilities and States that it would not meet the deadline, despite a Federal court's ruling that it must do so or be liable for substantial damages.

Since then, the Department has failed to set forth a single, constructive proposal to meet its legal obligations, thereby threatening the interests of ratepayers and ultimately the taxpayers.

Who will be most affected by the lack of DOE action? Obviously, ratepayers come to mind. As I have stated before, our Nation's energy customers have already paid almost \$13 billion into the Nuclear Waste Fund. At the same time, since the DOE has not met its obligations to accept nuclear waste, utilities and ratepayers have paid and will continue to pay for onsite storage at over 70 commercial nuclear powerplants. In other words, ratepayers are being hit twice because the Department of Energy has failed to meet its legal obligations to the American people.

In addition, the Energy Department's failure to move nuclear waste out of the States affects not just our Nation's consumers; it compromises our taxpayers as well.

Last year, the Federal courts ruled that the DOE will be liable if it does not accept commercial nuclear waste by January 31, 1998. But under current law, no one at the DOE itself will have to pay the damages—that bill will go to the American taxpayers at an estimated cost of 40 to 80 billion taxpayer dollars. This staggering and irresponsible potential damage liability and the DOE's reluctance to provide specific answers to resolve this situation should be an affront to the President, the Vice President, the Congress and more importantly, the American taxpayer.

To make matters worse, DOE officials under the Clinton-Gore administration have not only avoided specific responses to this fiasco, but have openly indicated that the States—not the Department—have the responsibility to address the problem in the absence of action by the Federal Government. In other words, in the last hours, the DOE is saying that it will not meet its responsibility and is tossing the ball to the States and the ratepayers to handle the DOE's mistake.

For example, in a recent hearing before the Energy and Natural Resources Committee, DOE Under Secretary Thomas Grumbly argued that nuclear waste storage problems facing States like Minnesota are not the Federal Government's responsibility.

Mr. President, I find that attitude completely arrogant, devoid of the facts, and a threat to the viability of long-term energy resources for the American public. In 1982, States, utili-

ties and through them, ratepayers, signed a contract with the Federal Government to dispose of commercial nuclear waste, a contract upheld by the courts last year.

With that understanding, States planned for limited onsite temporary storage capacity, relying upon the Federal Government's fulfillment of its contractual obligation.

Yet, as the years passed, it became apparent that the Federal Government would not keep its word, prompting threats of potential energy crises in States with limited storage space.

For example, the depletion of storage space in my home State of Minnesota will mean that one of our utilities will lose its operating capacity by 2002 if the Federal Government does not act soon. This plainly means that consumers in Minnesota would not only lose 30 percent of their energy resources but would also have to pay higher energy prices—estimated as much as 17 percent more—as a result of Federal inaction.

Therefore, ratepayers will not get hit just once or twice, but potentially three times, if a resolution is not found on a national level.

The crisis facing both our ratepayers and taxpayers is simply unacceptable. The American people do not deserve excuses and inaction; they need real answers from the Clinton-Gore administration. They need leadership on this issue—not a crass political debate arising out of Presidential politics.

With that in mind, I took the opportunity to ask Secretary-designate Federico Peña of his specific and definitive views to resolve this issue.

Since I believe the American people deserve answers from their leaders, I sent a letter to Mr. Peña asking for a detailed response outlining the specific steps he would urge to meet the January 31, 1998, deadline.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an exchange of letters.

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

(See exhibit 1.)

Mr. GRAMS. After this exchange of letters, I still felt troubled by Mr. Peña's inability to provide specific answers about how he and the Clinton-Gore administration intend to resolve our Nation's nuclear waste storage problem.

Because I have not received a sufficient response to date, I objected to an effort to expedite full consideration of Mr. Peña's nomination late last week.

Since that time, however, I had a telephone conversation with the Secretary-designate over the nuclear waste issue. While I am still concerned with his continued lack of specific answers, I was pleased to hear Mr. Peña agree with me and the Federal courts that any resolution of this issue ultimately involves Federal responsibility. Contradicting what DOE Under Secretary Grumbly stated before the Energy and Natural Resources Committee

last month, Mr. Peña provided verbal assurances of his commitment that our nuclear waste storage situation is a Federal problem worthy of a Federal solution. But what that means is taxpayers will still be asked to pay extra for the DOE's failure to do its job, and it creates the possibility of taxpayer liability high enough to make the public bailout of the savings and loan collapse seem small in comparison.

While I am not completely satisfied with Mr. Peña's overall incomplete response to this quickly approaching crisis and will vote against his nomination based on his inability to provide specific answers, I will not object to moving his nomination forward for the sake of advancing this debate.

For this reason, I hope that as the new DOE Secretary, Mr. Peña will play an active role in pulling the administration's head out of the sand and becoming a constructive player in this debate.

Specifically, it is my hope that Mr. Peña will show the necessary leadership and push the administration to support the common-sense solution crafted by Senate Energy Chairman FRANK MURKOWSKI, Senator LARRY CRAIG and myself. We will mark up this bill in the Energy and Natural Resources Committee tomorrow, and I believe the chairman will deliver a bipartisan resolution.

With the January 31, 1998 deadline fast approaching, the administration and Congress owe the States, ratepayers, and the taxpayers nothing less than the assurance that promises made by the Federal Government will be promises kept.

EXHIBIT 1

WASHINGTON, DC, March 4, 1997.

Mr. FEDERICO PEÑA,
Secretary-designate, Department of Energy,
Washington, DC.

DEAR MR. PEÑA. As the Senate Energy and Natural Resources Committee further deliberates on your nomination as Secretary of the Department of Energy (DOE), I'm writing to solicit your views on recent comments made concerning our nation's failed commercial nuclear waste disposal program.

As you know, the DOE has announced that it will be unable to meet its legal deadline of January 31, 1998 to begin accepting commercial nuclear waste despite a mandate by a federal court and the collection of over \$12 billion in ratepayer's funds. As a result of this failure, the Court of Appeals will decide the appropriate amount of liability owed by the DOE to certain utilities, possibly putting taxpayers at risk because of the Department's lack of measurable action. Meanwhile, the federal government continues to collect and transport foreign-generated spent fuel for interim storage without any apparent technical or environmental risks.

In light of these activities, it was no surprise that former DOE Secretary Hazel O'Leary recently contradicted the Clinton Administration's longstanding objection to resolving the centralized interim-storage impasse for our ratepayers and, ultimately, our taxpayers. Her comments on the need to move forward with a temporary waste storage site upon completion of the viability assessment at Yucca Mountain reflect the bipartisan, common-sense reforms contained in S. 104, the Nuclear Waste Policy Act of

1997. Unfortunately, the Clinton Administration has ignored this reality by failing to become a constructive player in this process.

Although I am disappointed that Mrs. O'Leary's comments came after her tenure as Secretary, I applaud her courage in expressing her views honestly and thoroughly. I strongly believe that the next DOE Secretary must provide the committed leadership necessary to resolve this critical situation while in office. With this in mind, I want to know your specific thoughts on Mrs. O'Leary's comments that the DOE should move forward on a temporary nuclear waste storage site next year at Yucca Mountain if a viability assessment is completed at the permanent site. If you disagree with Mrs. O'Leary, I want to know what specific alternatives you would propose to meet the federal government's legal obligation to accept nuclear waste by January 31, 1998.

For too long, our nation's ratepayers and taxpayers have been held hostage to what has become a political debate. They deserve better and, more importantly, deserve an immediate solution to this issue. For that reason, I expect a specific, constructive response to my questions before the Senate votes to confirm your nomination.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for your letter of March 4, 1997 concerning the Department of Energy's civilian nuclear waste disposal program and the comments made recently by former Secretary Hazel O'Leary. I have not spoken with Secretary O'Leary about her remarks and, therefore, am not in a position to comment on them.

As I stated when I appeared before the Committee on Energy and Natural Resources, I am committed to working with the Committee and the Congress toward resolving the complex and important issue of nuclear waste storage and disposal in a timely and sensible manner, consistent with the President's policy, which is based upon sound science and the protection of public health, safety, and the environment.

I am very cognizant of the Department's contractual obligation with the utilities concerning the disposal of commercial spent fuel, and, after confirmation, I also expect to meet with representatives of the nuclear industry and other stakeholders to discuss the Department's response to the recent court decision and the consequences of the delay in meeting that contractual obligation.

As Chief of Staff Erskine Bowles emphasized in his February 27 letter to Chairman Murkowski, the Administration believes that the Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste policy. Accordingly, the Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability of the Yucca Mountain site has been determined.

In conclusion, I want to strongly emphasize again that I am committed to working with you and other members of the Committee and the Congress on these difficult issues.

Sincerely,

FEDERICO PEÑA.

WASHINGTON, DC, March 5, 1997.

Mr. FEDERICO PEÑA,
Secretary-designate, U.S. Department of Energy,
Washington, DC.

DEAR MR. PEÑA: I received your letter, dated today, in response to my most recent questions on our nation's nuclear waste policy. Although I appreciate the timeliness of your response, I am still concerned about the absence of specific proposals from you on how best to resolve this important issue.

In your letter, you wrote that the Clinton Administration "believes that a decision on the siting of a storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998." Frankly, this response states nothing more than the position you have taken in the past, leaving questions about whether the viability study can be completed in time for the DOE to realistically accept waste by the legal deadline on January 31, 1998 and what can be done to meet the deadline if the permanent site at Yucca Mountain is not determined to be viable.

I certainly hope you can understand my concerns, given that you yourself have publicly admitted that following this track would make it impossible for the DOE to meet the January 31, 1998 deadline.

More importantly, you did not answer my central question regarding what specific, constructive alternatives you would propose in order for the DOE to begin accepting waste from states by January 31, 1998, as outlined in statute and ordered by the courts.

With that in mind, I would again request a specific response from you—prior to the Senate vote on your confirmation—to the following question: given that the current Administration position would result in the failure of the DOE to accept waste from states by January 31, 1998, what specific, constructive alternatives would you propose to guarantee that the DOE will meet this legal, court-imposed deadline?

I look forward to your response.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 6, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: Your letter of March 5, 1997 asks me to outline the specific, constructive steps that may be taken to guarantee the Department of Energy will meet its contractual commitments to begin taking nuclear waste discharged from civilian nuclear reactors on January 31, 1998.

Let me say again that I am committed to carrying out a responsible strategy for disposing of nuclear waste. I will work with you and your colleagues toward that end, consistent with sound science and the protection of public health, safety, and the environment. I cannot, however, outline for you specific steps for meeting the January 31, 1998 date. The Department of Energy has indicated to the court and in responses to the Congress that there is no set of actions or activities that could be taken under the Nuclear Waste Policy Act to enable the Department to begin receiving spent fuel at an interim storage facility or a repository on that date. The Senate Energy and Natural Resources Committee has itself recognized that compliance with the January 31, 1998 date is not possible under the law or even under the Committee's bill reported in the last Congress.

In recognition of this state of affairs, I have indicated that following confirmation I intend to meet with representatives of the nuclear utility industry and other stakeholders to address the consequences of delay in

DOE's meeting its contractual obligations and the Department's response to the recent court action.

Again, I wish to emphasize my pledge to work with the Congress in addressing this matter, consistent with the President's policy.

Sincerely,

FEDERICO PEÑA.

Mr. GRAMS. Mr. President, I yield the floor and 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.

Mrs. HUTCHISON. 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 NOMINATION OF FEDERICO PEÑA

Mrs. HUTCHISON. Mr. President, I am going to speak until the beginning of the vote. As soon as that is called and they are ready, I would ask to be interrupted. But I want to speak briefly on the nomination of Federico Peña for Secretary of Energy. This is a very important position, and one that I think will certainly have an impact on the energy policy of our country in the future. Knowing how important having a healthy energy policy and a strong industry that can produce our own energy domestically is to this country, I think this nomination and the support for Federico Peña is important to all of the Senate.

I am cochair, along with Senator BREAUX, of the oil and gas caucus. We are going to work this year to make sure that we eliminate redundant and unnecessary regulations on the energy industry so we will be able to go out and drill in our country for our natural resources. We want tax incentives which encourage oil and gas drilling, especially marginal wells and formations which are difficult to develop. These are important because we want to have energy sufficiency in our country. Not only does it create jobs, but it creates security.

A country that is dependent on foreign oil and gas is not going to be a strong country. It is not going to be a superpower. So, having a healthy energy policy in our country will be most important for us to be able to strengthen the ability to get oil and gas on our own shores.

I see, Mr. President, that our leaders are ready to start a vote. I will stop and then hope to be able to speak on behalf of Secretary Peña's nomination at a later time.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 23

Mr. WARNER. Mr. President, I see my distinguished colleague [Mr. GLENN], is in the Chamber. So, at this time, on behalf of both leaders, I ask unanimous consent that there be 5 minutes for debate equally divided on amendment No. 23; following the debate, the Senate proceed to vote on amendment No. 23 without any intervening action or debate.

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

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not object to this proposal for 5 minutes for debate equally divided on the amendment, and following debate, we proceed to vote. There has been a lot of negotiating going on here, as has been obvious to everyone. I think we have some satisfactory procedures worked out that will be generally far more acceptable than what we had prior to that. I look forward to the vote. I think that most people on both sides will probably be happy to vote for this because this is a way we get to a final solution out of the disagreements we have had here. I look forward to the vote.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate my distinguished colleague, because I doubt that we would be where we are right now had we not had the debate yesterday and the debate this morning. I think the Senator from Ohio would concur in that.

Mr. GLENN. I would, indeed.

Mr. WARNER. Therefore, Mr. President, I express my appreciation to the distinguished Republican leader, the Republican whip and others who worked on this resolution. The amendment, which was reported out from the Rules Committee, will be amended by the distinguished majority leader, and I will be a cosponsor, whereby we add the word "improper." That reflects on the original document that I drew from, namely the Watergate amendment which we referred to several times on the floor. That contained that particular word, and it has been throughout the various expressions by the Governmental Affairs Committee as to their desire. But that does not in any way infringe on the continuing role of the Rules Committee or the continuing role of the Ethics Committee.

Again, there is a clear division under the underlying resolution from the Rules Committee that these three committees will work together as a team

and, hopefully, resolve many problems relating to campaign reform and campaign finance and otherwise. I certainly will say to my distinguished colleague, and I see on the floor the distinguished chairman of the Governmental Affairs Committee, with whom I have had a dialog just about every day, their main focus will be on the question of allegations of illegality and the presence, or lack thereof, of illegality in the generic subject of campaign finance and campaign reform.

Mr. President, unless the distinguished Senator from Ohio has further remarks, I yield back the time and we can proceed with the vote.

Mr. GLENN. Mr. President, I don't want to get into another debate before we even get around to this vote, but I think the focus on where the wrongdoing is can be either on illegalities or on improprieties with the change that has been proposed by the leaders. I would not want to let it be said right now or let it be indicated that the main focus—what the main focus will be, I think, is up to the committee chairman and the ranking minority member to work out. I think we have language in here that will do that. It might be inappropriate at sometime to take up an illegality if it was looked at as fairly minor, or a giant impropriety over that, in our judgment, needed to be looked at first. I would not agree at this point that this vote we are about to take specifies exactly which direction we would go. I hope that my colleague will agree with that.

Mr. WARNER. Mr. President, at this time, I think all time has expired, has it not?

The PRESIDING OFFICER. The Senator has 30 seconds remaining. The Senator from Ohio also has 30 seconds remaining.

Mr. GLENN. I yield such time as I have to the Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we can ask directly, the Senator, with this amendment, is not establishing any priorities between illegality and impropriety; is that correct? Either one would be within the scope, is that accurate?

Mr. WARNER. Very clearly we have drafted the language so that the word "improper" is added to the underlying resolution of the Rules Committee in two places.

Mr. LEVIN. And it is not given any lesser strength than the word "illegality," is that correct?

Mr. WARNER. I say to the Senator, we simply added one word. It speaks for itself.

Mr. LEVIN. Except that our good friend from Virginia suggested there might be a greater emphasis on one than the other. Is there anything in this—

Mr. WARNER. If I did, I did not wish to infer that. I thank my colleague.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 23, offered by the Senators from Mississippi, Tennessee, and Virginia.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Before the roll is called—I withdraw my request, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll on amendment No. 23.

The assistant legislative clerk called the roll.

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

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

[Rollcall Vote No. 28 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,
Collins	Kempthorne	Smith,
Conrad	Kennedy	Gordon 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

The amendment (No. 23) was agreed to.

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

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 23, AS MODIFIED

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment No. 23 just agreed to be modified so that the word "and" is replaced with the word "or" each time it appears.

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

The amendment (No. 23), as modified, is as follows:

On page 10, line 19 after the word "illegal" add "or improper".

On page 10, line 23 after the word "illegal" add "or improper".

Mr. LIEBERMAN. Mr. President, I rise today to support the Senate's wise decision to amend the scope provision

of Senate Resolution 39, the funding resolution for the Governmental Affairs Committee investigation into campaign finance. I had planned to offer this afternoon an amendment virtually identical to what the Senate has now adopted. This amendment addresses what most deeply troubled me about that resolution: the restriction in the version that came to the Senate floor of the scope of the investigation that previously every member of the Governmental Affairs Committee unanimously agreed to. Each and every member of our committee—Republican and Democrat alike—had voted to authorize an investigation into both illegal and improper campaign finance activities. Unfortunately, before our funding resolution got to the floor it had been modified in the rules committee to preclude the Governmental Affairs Committee from exercising authority to look into "improper" activities, arguing that it was enough for us to look into only "illegal" activities.

Mr. President, I applaud the bipartisan decision to reverse that decision and to return the term "improper" to the scope of the Governmental Affairs Committee's investigation. Without the return of that authority, I was concerned that our committee's hopes of conducting a thorough and bipartisan investigation would have been dashed. We would have been forced to conduct an investigation that I feared would have failed to expose the ills of our campaign finance system and would have further undermined the public's confidence in the working of our political institutions.

The continuing revelations about the state of our campaign finance system may not only shake the American people's confidence in the integrity of our political system, but our own confidence and self-respect. It is therefore our obligation in Congress to conduct a thorough investigation into the cause and scope of those problems, into the extent of any illegal and improper activities that occurred, and then, on the basis of those inquiries, to decide what action Congress must take to prevent these things from ever happening again and what activities should be illegal. For that reason, and like each and every one of my colleagues on the Governmental Affairs Committee—Republican and Democrat alike—I voted to conduct a broad-based inquiry into the problems that have plagued our campaign finance system. In a unified and strong voice, our Committee declared an intention to explore and expose all improper activities taken during recent Federal campaigns. If there were illegal activities taken by anyone, we declared—whether they be in the White House, in the national parties or in the Congress—we planned to investigate them. If there were activities taken that some would call illegal, but because of a technicality in the law, may not be—still, we declared, we want to investigate them. And, if there were activities taken that clearly were not

illegal, but just as clearly were improper and so threatened to undermine the integrity of our political system, we declared, then we must be able to investigate those too, so that we could decide what behavior is now legal that we want to make illegal. That is what we mean by campaign finance reform. On January 30, 1997, I joined all of my colleagues on the Governmental Affairs Committee—Republicans and Democrats alike—in voting to authorize an investigation that would do all of those things.

Unfortunately, some disagreed with the Governmental Affairs Committee's desire to expose all improprieties in our campaign finance system, not just acts that are illegal. In what I have been told is an unprecedented action, there was an effort to deny the Governmental Affairs Committee this jurisdiction.

Accepting that vote and limiting the scope of the Governmental Affairs Committee's investigation to merely "illegal" activities would have limited us in investigating what most people agree is wrong with the system; it would have damaged our ability to obtain evidence and subpoena witnesses; and it ultimately may have led to a partisan breakdown on the Governmental Affairs Committee over the meaning of the term "illegal." The net effect clearly would have been to make it less likely for Congress to adopt campaign finance reform this session.

Let me give just a couple of examples of how this restricted scope would have caused problems for the Governmental Affairs Committee investigation. Most people seem to agree that our committee should look into the influence of so-called foreign money. Those supporting the limitation of our investigatory scope to illegal activities argue that that limitation has no impact on our ability to investigate foreign money. And, it is true that we have a statute, section 441e of title 2 of the United States Code that makes it—and I quote—"unlawful for a foreign national * * * to make any contribution * * * in connection with an election to any political office * * * or for any person to solicit, accept, or receive any such contribution from a foreign national." This provision has been cited for the proposition that any and all contributions by non-U.S. citizens or greencard holders to political parties is a criminal offense.

But as is often true with the law, not everything is as it seems. Instead, under the election law's own definition of the term "contribution" and the Supreme Court's previous interpretations of election law terms similar to "in connection with an election,"—provisions, I might add, that those seeking to limit our investigation seem not to want to change—under those laws it is highly likely that the Court would find that section 441e does not criminalize so-called soft money contributions to national parties by foreigners. Let me say that again: soft money donations

from non-U.S. citizens likely are not "illegal." That is because under the way our campaign laws now are drafted, soft money contributions are, by definition, not made in connection with an election, and only contributions made in connection with an election are illegal. Instead, "soft money" contributions go to fund party building and grassroots activities, as well as to help pursue issues advocacy, and apparently no statute says that foreign money cannot go to that. In fact, it is a similar statutory term that allows corporations and unions to give millions of dollars to the national parties, despite the fact that our Federal election laws make it illegal for those entities to make contributions in connection with elections for Federal office.

In short, under a strict reading of the statute, if foreign money goes for issues advocacy or for grassroots activity or for practically anything else but to fund a particular candidate's direct campaign, it is likely not illegal, and therefore the Governmental Affairs Committee, absent this amendment, would not have been able to investigate it.

Now I know that some will say that I am splitting legal hairs, and I would agree with you. It is splitting legal hairs. But, as a former State Attorney General, I can tell you that the splitting of legal hairs is precisely what often goes into making a determination of what is legal and what is illegal. For as long as our Bill of Rights has been in place, the enforcement of our laws—and particularly of our criminal laws—has not rested on what we think a criminal statute should have said or what we wish it did say. Instead, it rests with what Congress actually did say, regardless of whether you or I in hindsight wish we had said something different. And the reason for this is a very good one. Our Constitution requires that everyone of us have clear notice of what is and is not legal, and consequently requires us in Congress to say in precise and clear terms what is criminal and what is not. Whenever there is any doubt about whether a statute makes conduct criminal or not, the Supreme Court has told us on innumerable occasions, the law requires a finding against criminality. And I can say with confidence that that is precisely the finding our courts would make if asked whether foreign contributions for issues advocacy and grassroots activities violate our laws. So again, we would not have been able to investigate a critically important issue.

Let me give you another example of what would not have been within our investigation's scope had we not expanded it to cover improper as well as illegal activities. There has been a lot of criticism about soliciting or receiving contributions in the White House. Some have claimed that there was a violation of the criminal law based on a statute that says that "it shall be unlawful for any person to solicit or re-

ceive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties * * *." But, as Attorney General Reno declared the other day, and for reasons similar to the ones I just cited, that provision does not make it unlawful to receive all contributions in the White House. Instead, it only applies to what the campaign laws define as a contribution—what we usually call "hard money."

This, of course, does not mean that it is proper for anyone to solicit or receive any contributions in the White House. And, even more importantly, it clearly does not mean that foreigners should be able to contribute to the DNC or the RNC—I think that neither is proper and that we need to fully investigate whether our elections were in any way wrongly influenced by people who have no business being involved in our political system. What it does, of course, mean is that we need to reflect upon the fact that our laws don't make these things illegal and to change our laws to make sure it doesn't happen again.

Now, none of this matters so long as the Governmental Affairs Committee can investigate both illegal and improper activities, because I can tell you for sure that foreign contributions—regardless of their legality—are improper and should be investigated and exposed. But had we not amended the Rules Committee's scope provision, we likely would not have been able to investigate these things because they are not illegal.

The problems with limiting our committee's scope to just illegal activities would not have ended with being forced to exclude critical issues from our investigation. No—there were many more problems with this definition of our scope. For one, it would have seriously jeopardized our committee's ability to obtain evidence and get witnesses to testify, and it therefore would have threatened the very ability of our committee to proceed with its investigation. After all, our committee has authority to subpoena only those documents that are related to the legitimate scope of its inquiry. If the scope of our committee's investigation were limited to illegal activities alone, then I would suggest that any attorney representing a client whose documents have been subpoenaed would have responded by saying "my client did nothing illegal and therefore you have no rights to these documents." Our investigation would have been stopped dead in its tracks right there.

In sum, it would have been wrong on every level to limit our investigation to just illegal activities. It would have prevented us from investigating things that should be investigated, it would have led us to prolonged battles with witnesses who otherwise would be obliged to come forward and cooperate and it would have made it likely that

the partisan rift we have thus far been seeing on the committee would grow wider rather than undergo the seriously needed repair we began making today. But the worst of it could have been the harm our institution will suffer in the minds of the public. Had we not expanded the scope of this investigation, the U.S. Senate would have gone on record, in full public view, opposing the investigation of unethical and improper campaign activities of Members of Congress. If that would not have been perceived as a stonewall and a coverup, I don't know what would be.

Finally, let me say just a few words about one other issue: That the Rules Committee could have separately investigated the improprieties I wish to see exposed by our committee. With all due respect to the members of the Rules Committee, for whom I have tremendous respect, that simply is not a viable—or a rational—option. As the examples I gave above demonstrate, although some of what is now under scrutiny may be illegal, most of it probably is just improper. The task of investigating the massive universe of improper activities is therefore an enormous one, as is deciding what should be illegal. In light of the facts that many of the same people will have committed both improper and illegal activities and that much of the conduct under investigation arguably would fall into both categories, it just would not have made sense for the Rules Committee to conduct an investigation that will, in many ways, duplicate what our committee will be doing. In fact, it was this precise insight—that it did not make sense from a resource allocation standpoint to spend taxpayer funds on duplicative investigations—that led the majority at the beginning of this Congress to wisely decide to consolidate all investigations in the Governmental Affairs Committee.

Mr. President, let me just close with a few thoughts on what the goal of this investigation should be. We're about to enter a long, dark tunnel, and the question of whether that tunnel has a dead end, or there is light at the other end, hinges entirely on whether we get serious about this campaign finance investigation and about campaign finance reform. The public didn't send us here to bicker; that's essentially what President's Bush and Clinton had to say in their inaugural addresses. They also didn't send us here to dicker endlessly, especially on matters of importance to them like investigating and straightening out our campaign finance laws. I hope that the showing of bipartisanship we made today in agreeing to return a broader scope to the Governmental Affairs Committee's investigation can continue through the rest of our investigation and, I hope just as strongly, can bring us together to enact the reforms that our campaign finance system so sorely needs.

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 longstanding 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.

My heartfelt condolences go to the Slate family, to Marty's wife, Dr. Caroline Poplin, to his parents, Albert and Selma Slate, to his brother, Dr. Jerome Slate, to his sister, Emily Slate, and to all of Marty's friends and coworkers. He touched all our lives, and we will never forget him.

THE HARSH IMPACT OF THE WELFARE BILL ON IMMIGRANTS.

Mr. KENNEDY. Mr. President, last year Congress passed a comprehensive welfare reform bill that drastically restricted the ability of legal immigrants to participate in public assistance programs. It prohibits legal immigrants from receiving food stamps, SSI, and Federal non-emergency Medicaid benefits. The bill also gives States the option to ban legal immigrants from State Medicaid services and temporary assistance to needy families (formerly AFDC).

In the past 2 months, we have begun to see the harsh impact of this bill on legal immigrant families in all parts of the country. Many face being turned out of nursing homes, and cut off from disability payments. These human tragedies will only continue to grow in number and severity without congressional action.

Last month, President Clinton proposed some changes to the law to prevent these harsh effects. I urge Congress to act quickly on these proposals, and I ask unanimous consent that recent news stories on this crisis may be printed in the RECORD.

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

[From Newsday, Feb. 28, 1997]

ON THEIR OWN—ELDERLY, AILING NONCITIZENS FACE LOSS OF FEDERAL BENEFITS (By Geoffrey Mohan)

Gladys Boyack will be 106 by the time tough new federal regulations on welfare go in to effect in August.

She'll also find herself cut from the rolls of a federal program designed to be a safety net for the elderly, disabled and blind.

A British citizen who has lived in the United States for 40 years, working most of those years as a nanny, Boyack never applied for U.S. citizenship. Now, the Islip resident regrets her omission; welfare regulations enacted by Congress are expected to cut nearly 5,000 elderly, blind and disabled immigrants on Long Island from Supplemental Security Income rolls. All of them are legal permanent residents, a status that is a step below citizenship.

Among them is Lucrecia Lopez, 75, of Freeport, a Dominican immigrant who has been in Freeport for 17 years and labored for eight years in a local factory assembling artificial Christmas trees.

Boyack and Lopez received letters this month saying they will lose their monthly payments—\$556 and \$570, respectively—because neither became a citizen during their stay in the United States.

"I couldn't believe it when I got that letter," said Susan Levin, Boyack's granddaughter, who takes care of Boyack in a first-floor apartment at Levin's house. "There's nothing we can do. The last check will come in July."

Boyack and Lopez face a difficult choice at a late juncture in life: struggle through the forms, tests and language requirements of naturalization, or enroll in local aid programs.

Boyack is household and nearly deaf. Lopez, who speaks only Spanish, would have to learn English at 75.

So both will probably apply for less-generous state aid, and depend on their families or charities to make up the difference.

"She's 75 years old," said Lopez' son Jose, an import-export businessman from Miami who supports a wife and two children. "Who's going to take the load? As we say in the Dominican Republic, we have to put more water in the soup."

Boyack and Lopez are just two of 4,929 immigrants on Long Island considered likely to lose their SSI benefits as part of Congress' get-tough welfare policies, adopted in August and scheduled to take effect Aug. 22.

The changes, aimed at saving the federal government \$9 billion over four years, will cut off all but a narrow sector or noncitizen immigrants from SSI.

Similar cuts are looming in the food stamp, Medicaid and Aid to Families With Dependent Children programs.

Congress enacted the cutbacks in an effort to slow so-called chain migration, which occurs when immigrants who obtain citizenship petition to bring elderly family members to America from their home country. The elderly relatives often have a few wage-earning and taxpaying years ahead of them and little means of support from their sponsors.

"We are paying for the sinners who abuse the system," Jose Lopez said.

Congress also made sponsors' pledges of support as legally binding as a contract and increased the period of time in which the sponsors' income can be considered in calculating the new immigrant's need for federal aid.

In part, the moves were inspired by statistics showing that the number of immigrants using welfare programs has greatly increased. For example, the number of immigrants receiving SSI quadrupled in a decade ending in 1993, and immigrants rose from 4 percent of all SSI clients to more than 11 percent over that time period, according to the General Accounting Office, Congress' investigative arm.

"The SSI system is available to people who come to this country and never pay into the system and didn't work," said Dan Stein, executive director of the Federation for American Immigration Reform, which supported the welfare revisions.

But Stein acknowledged that Congress may not have intended to pull the safety net away from unemployable immigrants over age 64 who worked and paid taxes.

"The fact that there are tough cases out there has underscored the need for some grandfathering of hardship cases," Stein said. "But we won't support this if we encourage more chain immigration."

On this point only, Stein agrees with activists like Margie McHugh, executive director of the New York Immigration Coalition. "We still don't believe the American people really intended to throw elderly people out onto the street in the name of welfare reform," she said.

"No one that I know of argues with the idea of people being responsible for the folks they bring into the country, but I think that for immigrants, like everyone else, unforeseen things happen," McHugh added.

Federal officials have since loosened citizenship rules for the disabled, but have not moved to reinstate benefits to unforeseen hardship cases, McHugh said.

Pro-immigration activists like McHugh worry that the philosophical shift from fed-

eral to local responsibility implied in welfare overhauls is not accompanied by a shift of money from federal to local coffers.

Such may be the case for SSI. Current state budget proposals would provide a maximum of \$350 in vouchers to people like Boyack and Lopez, according to Terrance McGarth, spokesman of the State Department of Social Services.

So if both qualify for the maximum, their families or charities would have to bridge the \$200-plus gap between their SSI benefits and the new state benefits.

Not all noncitizens face this peril. Immigrants granted asylum and refugees were excluded, and anyone who can show roughly 10 years of work, even combined with their spouse's work history, can remain on the rolls.

SSI benefits are administered by the Social Security Administration, but they come from general tax revenues, not Social Security taxes.

Boyack, who worked off the books as a nanny, never paid federal income taxes. Lopez did, but not for the required 10 years. Neither woman's husband ever came to the United States, so they cannot be counted in the work experience minimum; both men are deceased.

Activists say women like Lopez and Boyack are victims of flawed reasoning behind welfare cuts for immigrants, a population that frequently works off the books or has not been in the United States long enough to draw meaningful Social Security benefits, SSI becomes their only alternative, by default.

That option is about to disappear.

"I feel very worried and sad," said Lucrecia Lopez. "I asked myself, 'How am I going to support myself?' And so many people are having the same thing happen." SSI and Welfare law.

Supplemental Security Income was established in 1974 to provide monthly payments for the aged, blind and disabled. It is run by the Social Security Administration, but draws its resource from general tax revenues. SSI pays out about \$2.4 billion per month to nearly 6 million beneficiaries.

Nationwide, 12 percent of those recipients are legal immigrants, or were when they applied for SSI benefits. On Long Island, 19.8 percent of recipients are legal immigrants, or were when they applied.

Nationwide, 522,000 immigrant SSI recipients could become ineligible under welfare revisions to take effect in August. On Long Island, 4,929 are likely to lose SSI. An additional 2,552 will be asked to show evidence of eligibility, but are not considered in jeopardy.

According to the Social Security Administration, welfare changes will cut off all non-citizen immigrants from SSI benefits except:

Refugees and immigrants granted asylum, who are eligible only for the first five years after arrival.

Immigrants whose deportation has been suspended; eligibility is limited to the first five years after arrival.

Certain active-duty military personnel, including honorably discharged veterans, their spouses and dependent children.

Permanent residents who can document 10 years of work by themselves or in conjunction with a spouse. * * * Immigrants and SSI Percent of SSI recipients who are classified by the Social Security Administration as legal immigrants:

WELFARE REFORM STARTS HITTING HOME

(By Kathy Matheson)

Changes mandated by federal welfare reform are beginning to ripple slowly through Montgomery County, but not slowly enough for Silver Spring resident Marta Medina.

Medina, who came to America in 1987 after fleeing civil war and communism back home in Nicaragua, received notice earlier this month that her Supplemental Security Income benefits will end in August unless she becomes an American citizen or meets one of five other narrow criteria.

Medina has received SSI checks for three years since breaking her arm and injuring her back while working at a hotel in San Antonio. SSI, which is run by the Social Security Administration, is a federal assistance program for elderly and disabled people with low incomes.

Through an interpreter, Medina said she needs the monthly \$484 SSI check she receives from the government to buy medication for lingering physical and emotional problems she suffered as a result of the accident. She is currently unemployed.

To find out how she may still qualify for disability benefits, Medina and her husband, Luis, met with SSI officials last week at a special office in Wheaton Plaza.

"We want to know what we can do," said Luis Medina.

The Medinas are not alone. Under the Welfare Reform Act signed by President Clinton last year, most legal immigrants are no longer eligible for SSI.

Approximately 4,000 Montgomery County immigrant residents receive SSI checks each month, and they, too, will be getting notification letters soon. About 400 letters are going out each week, and recipients have 90 days to respond and have their eligibility re-evaluated.

To meet the anticipated response, officials at the Wheaton Social Security office have leased a former Crestar Bank facility at Wheaton Plaza and staffed it with five new workers to evaluate cases like Medina's.

Rich Fenton, manager of the Wheaton office, said the temporary site currently handles about 25 to 30 people per day. But he expects visits from as many as 50 to 60 people each day as more residents are notified.

"I'm expecting that the volume will increase pretty substantially," Fenton said.

SSA spokesman Tom Margenau said out of 6.5 million SSI recipients nationwide, approximately 900,000 are legal immigrants. Benefit checks will stop flowing to an estimated 500,000 of those, according to federal officials, resulting in government savings of \$9.9 billion through 2002.

The government also will save money by cracking down on SSI fraud, officials said. SSA's Office of the Inspector General closed 833 fraud cases in fiscal 1996, spokesman Dan Devlin said.

States also may save money when immigrants lose their SSI benefits. As non-citizen residents are removed from SSI, Margenau said most also will lose Medicaid benefits, which come from a state program administered through the county Department of Health and Human Services.

Local officials are unsure how many people may be dropped.

"We don't have a good sense yet of what the numbers are," said Corinne Stevens, chief of Montgomery County's Crisis, Income and Victim Services. "So many people, if they're able to, are really moving toward citizenship."

Marta Medina said she would like to be a U.S. citizen, especially since Helene DiGravio, an interpreter and manager of the temporary SSI site in Wheaton, said it doesn't look like Medina will qualify for SSI any other way.

"She's going to apply for citizenship, but she knows it'll take a while," DiGravio said.

Medina, who holds a college degree from a university in Guatemala, has lived in the United States for 10 years, twice as long as needed to become a citizen. Her husband,

who is unemployed but does not receive SSI, has been here since 1989.

Marta Medina said she knows education and work are needed to get ahead in America, and she'd like to take training courses for home health care workers offered by the county's Workforce Development Corp., formerly called the Private Industry Council.

But Medina said that as a result of her emotional problems and injuries from her hotel job, she hasn't felt well enough to enroll in job training or English classes, or to study for the citizenship test.

Some experts argue that the test, which requires knowledge of the English language as well as American government, is not difficult to pass—especially for someone who has been here as long as Medina.

"The language exams are extraordinarily easy," said Robert Rector of the Heritage Foundation, a conservative think tank based in Washington. "The language exam does not pose much of a barrier, partly because you can take it over and over."

Rector was a major congressional adviser during the welfare reform debate in 1996. When the law was finally signed, Clinton was criticized for excluding legal residents from SSI benefits, since many have worked and paid taxes for years just like U.S. citizens.

Some states, including Maryland, are considering picking up the tab for immigrant residents denied SSI. Margenau said there are 9,645 immigrant SSI recipients in Maryland—about half of whom live in Montgomery County—receiving average monthly benefits of \$345.

Gov. Parris N. Glendening has said he wants to continue food and medical support for children of legal immigrants who would otherwise be cut off, Glendening spokesman Ray Feldmann said.

The governor appointed a Task Force on the Loss of SSI Benefits for Legal Immigrants in Maryland, which issued a draft report Feb. 6. Its findings have not yet been made public.

[From the Nogales International, Feb. 21, 1997]

HUNDREDS OF NON-CITIZENS HERE LEGALLY FACE AID LOSS

(By Kathy Vandervoet)

Hundreds of non-citizens living legally in Nogales or other Santa Cruz County communities will lose their supplemental Social Security income this summer under the new federal welfare reform law.

They will no longer be eligible for food stamps, cash welfare, Medicaid and disability.

Roberto Mendez, manager of the Nogales Social Security Administration office, said there are 1,300 individuals receiving the supplemental payments.

Of those, 475 are legal residents, but not citizens of the United States. All are subject to losing their monthly benefits checks in about four months, he said.

"But there aren't going to be that many. There will be exceptions," Mendez said.

It's up to the men and women to visit the office, located at 441 No. Grand Ave., to determine if they fit under the exceptions clause.

The 475 recipients are being notified by a letter, which are being sent out in weekly batches. Some will receive their letter earlier than others, Mendez said.

They then have 90 days to comply if they want to retain their monthly check.

Those who will qualify for continued aid have worked and earned 40 quarters of coverage, Mendez said.

It can be the individual, a parent, a husband, a wife or the combination of a couple's work to arrive at the 40 quarters total, he said.

Mendez said he is urging concerned recipients, some of whom have lived in the United States for 20 or 30 years, to earn their U.S. citizenship.

"I refer a lot of them to the public library for their citizenship program," Mendez said. He's been told it takes about eight months from the time a person applies until he or she meets the citizenship requirements.

As well, the person must have been a permanent U.S. resident for five years. Those married to a citizen can apply after three years.

Mendez said he's heard from worried residents who say they will have to give up their independence and move in with a family member, while others will be left with no choice but to leave Nogales and move to Mexico.

For additional information, call the Social Security Administration at 1-800-772-1213.

TRIBUTE TO SENATOR WENDELL H. FORD OF KENTUCKY

Ms. MIKULSKI. Mr. President, with sadness, I rise today to pay tribute to a remarkable Member of this body and a very dear friend, the senior Senator from Kentucky, WENDELL FORD. Senator FORD has announced his retirement after a third of a century in public service, including the last 22 years in the U.S. Senate. When WENDELL FORD leaves the Senate at the end of next year to return to his family and his beloved Kentucky, I will miss his leadership and his friendship tremendously.

For the past 3 years, it has been my pleasure to serve with Senator FORD in the Democratic leadership in my capacity as conference secretary. Since 1990 Senator FORD has served in the leadership as Democratic whip, where he has been an energetic leader and has had a positive impact on the Senate's agenda. During the years I have served with him I have appreciated his good advice and his no-nonsense style. Senator FORD's insights into the issues and problems we address in the Senate, as well as his good word, have made him a valuable and trusted leader. Our leadership, the Senate, and most of all the State of Kentucky have greatly benefited from his service.

Throughout his career in public service, Senator FORD has remained true to his constituents by being a strong advocate for his home State of Kentucky. He knows that a Senator's ultimate responsibility is to the people of his State. As a result of his advocacy and his honesty, Kentucky voters have returned him to Washington three times with landslide election victories.

Senator FORD has also served as an advocate for the Senate. As chairman of the Rules Committee he has helped ensure the smooth operation of the Senate and has been a leader in looking for ways to make the Senate work more efficiently. As a member of the Committees on Commerce, Science, and Transportation, as well as Energy and Natural Resources, Senator FORD has been at the center of many of our most important national debates.

I believe that I speak for all of my colleagues when I say that the departure of Senator FORD will leave a huge

void in this institution. He has been an effective leader, a strong legislator, a fearless defender of his State, and a good friend. As he approaches retirement, I want to thank WENDELL FORD for his service to his country and congratulate him for his extraordinary career. We will truly miss him.

THE 86TH BIRTHDAY OF ARNOLD ARONSON

Mr. LEAHY. Mr. President, I come to the Senate floor to wish Arnie Aronson a happy 86th birthday and to commend him on his many achievements.

Arnie has been working for civil rights for over 50 years. He began at a time when help wanted ads openly specified "Gentile only" or "Irish need not apply." In the early 1940's he organized a coalition of religious, ethnic, civil rights, social welfare, and labor organizations into the Chicago Council Against Religious and Racial Discrimination. By 1950 he was working with Roy Wilkins and many others to organize support for President Truman's proposed civil rights effort and engineered the combination of national organizations that created the Leadership Conference on Civil Rights.

He and the leadership Conference were instrumental in the enactment of the first extensive Federal civil rights laws since Reconstruction, the landmark 1964 Civil Rights Act, the fundamental Voting Rights Act of 1965, and the pivotal Fair Housing Act of 1968. They have been critical to our civil rights efforts at every turn every since.

The statement of purpose he drafted for the Leadership Conference says a great deal about this extraordinary man and his dedication to the rights of all:

We are committed to an integrated, democratic, plural society in which every individual is accorded equal rights, equal opportunities and equal justice and in which every group is accorded an equal opportunity to enter fully into the general life of the society with mutual acceptance and regard for difference.

Arnie went on to help organize clergy, churches, and synagogues. He was a founding member of the National Urban Coalition and a charter member of Common Cause. In the last 10 years, while well in his 70's, he assumed the presidency of the Leadership Conference Education Fund and helped invigorate its educational and public service activities.

While he gave leadership and inspiration to the country he never forgot his family. I know the influence he had on his niece and nephew, Jenette and Si Kahn.

Their lives were changed as were ours. I wish him a happy birthday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 10, the Federal debt stood at \$5,354,330,021,048.50.

One year ago, March 10, 1996, the Federal debt stood at \$5,017,404,000,000.

Five years ago, March 10, 1992, the Federal debt stood at \$3,848,675,000,000.

Ten years ago, March 10, 1987, the Federal debt stood at \$2,249,369,000,000.

Fifteen years ago, March 10, 1982, the Federal debt stood at \$1,048,663,000,000 which reflects a debt increase of more than \$4 trillion, \$4,305,667,021,048.50 during the past 15 years.

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.)

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-1342. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures from April 1 through September 30, 1996; to the Committee on Appropriations.

EC-1343. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Child Nutrition Programs, (RIN0584-AC15) received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1344. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to approval of applications, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1345. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to financial reports, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1346. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to contract market review, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1347. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to brucellosis in cattle, received on March 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1348. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Depart-

ment of Agriculture, transmitting, pursuant to law, the report of a rule relative to quarantine regulations, received on March 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1349. A communication from the Assistant Secretary for Human Resources and Administration, Department of Energy, transmitting, pursuant to law, the 1996 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-1350. A communication from the Director of Fiscal Services, Department of the Interior, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1351. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1352. A communication from the Assistant Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1353. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1996 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC-1354. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1995 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC-1355. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1356. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1357. A communication from the General Counsel of the National Science Foundation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1358. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1359. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1360. A communication from the Acting Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1361. A communication from the Secretary of Defense, transmitting, pursuant to law, the notice concerning a retirement; to the Committee on Armed Services.

EC-1362. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a rule entitled "National Flood Insurance Program" (RIN3067-AC54) received on March 6, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1363. A communication from the Acting Secretary of Labor, transmitting, pursuant

to law, the report relative to Regular Trade Adjustment Assistance for fiscal year 1997; to the Committee on Finance.

EC-1364. A communication from the Director of the U.S. Information Agency, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999; to the Committee on Foreign Relations.

EC-1365. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "The National Vaccine Injury Compensation Program" (RIN0906-AA36) received on March 10, 1997; to the Committee on Labor and Human Resources.

EC-1366. A communication from the Congressional Affairs Officer of the Federal Election Commission, transmitting, an errata sheet; to the Committee on Rules and Administration.

EC-1367. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Veterans' Affairs.

EC-1368. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of rules received on March 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1369. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty rules including a rule relative to Airworthiness Directives (RIN2120-AA64, AA65, AA66, AE47, AE92); to the Committee on Commerce, Science, and Transportation.

EC-1370. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology for 1996; to the Committee on Commerce, Science, and Transportation.

EC-1371. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, five rules including a rule entitled "American Lobster Fishery" (RIN0648-XX81, AJ48, XX72); to the Committee on Commerce, Science, and Transportation.

EC-1372. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a program for flood damage reduction; to the Committee on Environment and Public Works.

EC-1373. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules including a rule entitled "Clofencet" (FRL5679-4, 5591-9, 5593-1, 5592-2, 5591-7) received on March 6, 1997; to the Committee on Environment and Public Works.

EC-1374. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Truck Size and Weight" (RIN2125-AE08) received on March 6, 1997; to the Committee on Environment and Public Works.

EC-1375. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered Status" (RIN1018-AC85) received on March 10, 1997; to the Committee on Environment and Public Works.

EC-1376. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC-1377. A communication from the Chairman of the Occupational Safety and Health

Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC-1378. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Executive Agency Ethics Training Program Regulation Amendments" (RIN3209-AA07) received on March 6, 1997; to the Committee on Governmental Affairs.

EC-1379. A communication from the Human Resources Manager of CoBank, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Governmental Affairs.

EC-1380. A communication from the Executive Director of the D.C. Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report concerning procurement; to the Committee on Governmental Affairs.

EC-1381. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, a report for fiscal year 1996; to the Committee on Governmental Affairs.

EC-1382. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the correctional complex in Lorton, Virginia; to the Committee on Governmental Affairs.

EC-1383. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-533 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1384. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-534 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1385. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-15 adopted by the Council on February 4, 1997; to the Committee on Governmental Affairs.

EC-1386. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-5 adopted by the Council on February 4, 1997; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Keith R. Hall, of Maryland, to be an Assistant Secretary of the Air Force.

(The above nomination was reported with the recommendation that he 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. BOND (for himself, Mr. LOTT, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. KOHL, Mr. INOUE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE,

Mr. BREAUX, Mr. HELMS, Mr. WYDEN, Mr. KERREY, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, Mr. BINGAMAN, and Mr. DORGAN):

S. 419. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself and Mr. BUMPERS):

S. 420. A bill to amend the Internal Revenue Code of 1986 to phase in by the year 2000 a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 421. A bill to amend title 35, United States Code, to establish the Patent and Trademark Office as a Government corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 422. A bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act; to the Committee on Labor and Human Resources.

By Mr. ROBB (for himself and Mr. WARNER):

S. 423. A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to adjust the Federal medical assistance percentage determined for Alaska under the medicaid program to reflect Alaska's cost-of-living; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 425. A bill to provide for an accurate determination of the cost of living; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. LOTT, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. KOHL, Mr. INOUE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE and Mr. BREAUX):

S. 419. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

THE BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BOND. Mr. President, I rise today to introduce the Birth Defects Prevention Act of 1997. I introduce this on behalf of myself, Senators LOTT, DASCHLE, HOLLINGS, HUTCHINSON of Arkansas, COCHRAN, KOHL, INOUE, MOYNIHAN, CHAFEE, and BREAUX.

The March of Dimes and their volunteers are here today to lend support to an often overlooked, but a very compelling health care problem in the

United States today. Many people do not realize that birth defects are the leading cause of infant deaths in the United States. This year alone, an estimated 150,000 babies will be born with a serious birth defect, and one out of every five of these babies will die. Nationally, birth defects affect 3 percent of all births, and among the babies who survive, birth defects are a significant cause of lifelong disability. Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation and other services may be required into adulthood, costing billions of dollars each year.

A 1995 Centers for Disease Control and Prevention report revealed that the lifetime cost for just 18 common birth defects occurring in a single year is \$8 billion. Yet, only about 22 percent of those born with birth defects are included in these figures. And, of course, it is impossible to measure the pain and the heartache that birth defects cause.

Let me share with you just a couple of experiences I have had in Missouri. I have worked for a long time to improve children's health. I appropriated money in the early 1970's in Missouri to fund the high-cost, but highly effective, neonatal care units at our hospitals. They do a wonderful job of saving very-low-birth-weight babies and babies with severe defects. But that is not enough. We can do some things to lower the incidence of birth defects, and birth defects can strike any family.

I know, many people say one of the real problems is we have too many young women, often unmarried, who do not know that you cannot use tobacco or alcohol or drugs during pregnancy without expecting a bad birth outcome.

But there are many other things that we have only recently learned that are extremely important. Four hundred milligrams a day of folic acid, vitamin B, for women of childbearing years can substantially reduce the risk of a child born with spina bifida. A very good friend of ours had a child born with spina bifida. He was a wonderful young man, but he has had to go through many expensive operations. His parents went through much heartache, and he still is not able to move as the rest of us can.

Birth defects can be dealt with if we have a concerted national strategy to direct the Centers for Disease Control to collect the information on birth defects, to provide funding and support in research at the State level and to set up five regional centers to deal with birth defects. A few years ago, the incidence of birth defects became a very major concern in certain Hispanic communities in southwest Texas, and, as a result, the Hispanic caucus joined with me in past years, in past sessions of Congress, to sponsor this legislation.

We were able to appropriate some moneys for the Centers for Disease Control, but we have not been able to establish a national strategy, maybe

because there are not lobbyists for those who have not yet been born who may be at risk of birth defects, but there are effective spokespeople, like the March of Dimes, the American Academy of Pediatrics, and a long list of distinguished organizations.

The time has come to join with them, with the Easter Seals Society, the American Hospital Association, and all of the other organizations, in developing and directing the Centers for Disease Control to work with States and local governments to survey birth defects, to bring together the information on birth defects so that researchers have a means of dealing with it.

Mr. President, birth defects are the leading cause of infant death in the United States. This year alone, an estimated 150,000 babies will be born with a serious birth defect, and 1 out of every 5 of these babies will die.

In addition, birth defects affect 3 percent of all births nationally.

Among babies who survive, birth defects are a significant cause of lifelong disability. Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation, and other services may be required into adulthood—costing billions of dollars each year.

A 1995 Centers for Disease Control and Prevention report revealed that the lifetime cost for just 18 common birth defects occurring in a single year is \$8 billion—yet only about 22 percent of those born with birth defects are included in these figures.

And, of course, it is impossible to measure the pain and heartache that birth defects cause.

It may surprise you to learn that the United States does not have a coordinated strategy for reducing the incidence of birth defects. It is both shocking and disappointing how few Federal resources are devoted to prevent this tragic, perhaps even partly preventable public health problem.

So today, in an effort to tackle this devastating problem head on, I am introducing the Birth Defects Prevention Act of 1997. Congressmen SOLOMON ORTIZ and HENRY BONILLA are simultaneously introducing this bill in the House of Representatives.

This bill will prioritize our efforts and make congressional intent clear—more resources should be directed to the prevention of the leading killer of babies, birth defects.

An unfortunate situation in the State of Texas a few years ago exemplifies how the lack of a birth defects prevention strategy delayed the response to an outbreak of birth defects and may have needlessly cost innocent lives. Health professionals in Texas observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fetal birth defect characterized by an absence of brain tissue.

The Texas Department of Health conducted a study after this information was reported. The study revealed that

since 1989, at least 30 infants in south Texas had been born without or with little brain tissue. However, because Texas did not have a birth defects surveillance program, the severity of the problem was not recognized until the incidence of anencephaly was so high that it was difficult to miss.

This tragic event in south Texas underscores the need for a coordinated national effort to research the causes of birth defects and to prevent such defects from occurring in the first place. A little prevention goes a long way in preventing family pain and heartache. It is up to our Nation to seize on this excellent opportunity to protect our most vulnerable resources—our children.

To achieve the goal of protecting our Nation's kids, this legislation does several things.

First, the bill provides Federal grants to State health authorities for the purpose of collecting, analyzing, and reporting birth defects statistics. Today, only about half of the States have some kind of birth defects surveillance system.

Second, this legislation calls for the establishment of at least five regional centers of birth defects prevention research. These regional programs will collect and analyze information on the number, incidence, and causes of birth defects within a region as well as provide education and training for health professionals aimed at the prevention of birth defects.

At least one of the centers will focus on birth defects among ethnic minorities.

Third, the Centers for Disease Control and Prevention [CDC] is directed to be the coordinating agency for birth defects prevention activities. The CDC will serve as a clearinghouse for the collection and storage of data generated from State and regional birth defects monitoring programs.

Finally, grants will be available to State departments of health, universities, or other private, or nonprofit entities to develop and implement birth defect prevention strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance strategies to prevent fetal alcohol syndrome.

Again, when we talk about birth defects, it is important to note that many birth defects are preventable. For instance, we now know that a simple 400 mg dose of the B vitamin folic acid each day could prevent 50 to 70 percent of all cases of spina bifida and anencephaly—saving about \$245 million annually and more importantly, saving some families the heart ache that many of us have witnessed friends and families go through.

We must broaden public and professional awareness of birth defects and prevention opportunities, and we must have a coordinated national strategy to achieve this goal.

The economic and emotional burden of birth defects on families and society

as a whole presents a vivid, human picture of the need for a national research and prevention strategy.

Although infant mortality in the United States has been falling steadily over the past few decades, 25 other countries have lower infant mortality rates than the United States.

This bill is an important step in improving the health of our Nation. The tragedy of birth defects compels our Nation to become a stronger partner for charitable and medical groups in fulfilling our obligation to protect our Nation's most vulnerable population. Let us hope that more tragedies are not necessary to push Congress into action.

This legislation has the support of many national organizations, including: the March of Dimes Foundation, the Spina Bifida Association of America, American Academy of Pediatrics, National Association of Children's Hospitals, the National Easter Seals Society, American Association of Mental Retardation, Association of Maternal and Child Health Programs, and the American Hospital Association.

The bill also has broad bipartisan support.

Let me conclude by taking special note of the help of the National and Missouri March of Dimes, as well as numerous health and child advocate organizations, for their assistance in developing and advocating this legislation. Specifically, I wish to thank Dr. Jennifer Howse, Jo Merrill, and Marina Weiss of the March of Dimes for their persistence and commitment to this endeavor.

Mr. President, I send a copy of the bill to the desk and ask unanimous consent that it be printed in the RECORD.

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

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—The Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveil-

lance and research efforts are underdeveloped and poorly coordinated.

SEC. 2. BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317F the following:

"BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAMS

"SEC. 317G. (a) NATIONAL BIRTH DEFECTS SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control, may award grants to, enter into cooperative agreements with, or provide direct technical assistance in lieu of cash to States, State health authorities, or health agencies of political subdivisions of a State for collection, analysis, and reporting of birth defects statistics from birth certificates, infant death certificates, hospital records, or other sources and to collect and disaggregate such statistics by gender and racial and ethnic group.

"(b) CENTERS OF BIRTH DEFECTS PREVENTION RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish at least five regional birth defects monitoring and research programs for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of birth defects, to include information regarding gender and different racial and ethnic groups, including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(2) AUTHORITY FOR AWARDS.—For purposes of paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control, may award grants or enter into cooperative agreements with State departments of health, universities, or other private, nonprofit entities engaged in research to enable such entities to serve as Centers of Birth Defects Prevention Research.

"(3) APPLICATION.—To be eligible for grants or cooperative agreements under paragraph (2), the entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may prescribe, including assurances that—

"(A) the program will collect, analyze, and report birth defects data according to guidelines prescribed by the Director of the Centers for Disease Control;

"(B) the program will coordinate States birth defects surveillance and prevention efforts within a region;

"(C) education, training, and clinical skills improvement for health professionals aimed at the prevention and control of birth defects will be included in the program activities;

"(D) development and evaluation of birth defects prevention strategies will be included in the program activities, as appropriate; and

"(E) the program funds will not be used to supplant or duplicate State efforts.

"(4) CENTERS TO FOCUS ON RACIAL AND ETHNIC DISPARITIES IN BIRTH DEFECTS.—One of the Centers of Birth Defects Prevention Research shall focus on birth defects among ethnic minorities, and shall be located in a standard metropolitan statistical area that has over a 60 percent ethnic minority population, is federally designated as a health professional shortage area, and has an incidence of one or more birth defects more than four times the national average.

"(c) CLEARINGHOUSE.—The Centers for Disease Control shall serve as the coordinating agency for birth defects prevention activities through establishment of a clearinghouse for the collection and storage of data and generated from birth defects monitoring programs developed under subsections (a) and (b). Functions of such clearinghouse shall in-

clude facilitating the coordination of research and policy development to prevent birth defects. The clearinghouse shall disaggregate data by gender and by racial and ethnic groups, the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(d) PREVENTION STRATEGIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, shall award grants to or enter into cooperative agreements with State departments of health, universities, or other private, or nonprofit entities to enable such entities to develop, evaluate and implement prevention strategies designed to reduce the incidence and effects of birth defects including—

"(A) demonstration projects for the prevention of birth defects, including—

"(i) at least one project aimed at enhancing prevention services in a 'high-risk area' that has a proportion of birth to minority women above the national average, is federally designated as a health professional shortage area, and has a high incidence of one or more birth defects; and

"(ii) at least one outcome research project to study the effectiveness of infant interventions aimed at amelioration of birth defects; and

"(B) public information and education programs for the prevention of birth defects, including but not limited to programs aimed at educating women on the need to consume the daily amount of folic acid (pteroylmonoglutamic acid) as recommended by the Public Health Service and preventing alcohol and illicit drug use during pregnancy in a manner which is sensitive to the cultural and linguistic context of a given community.

"(2) CONSULTATION.—In carrying out programs under this subsection, the Secretary, acting through the Centers for Disease Control and Prevention, shall consult with State and local governmental agencies, managed care organizations, nonprofit organizations, physicians, and other health professionals and organizations.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish an Advisory Committee for Birth Defects Prevention (in this subsection referred to as the 'Committee'). The Committee shall provide advice and recommendations on prevention and amelioration of birth defects to the Secretary and the Director of the Centers for Disease Control.

"(2) FUNCTIONS.—With respect to birth defects prevention, the Committee shall—

"(A) make recommendations regarding prevention research and intervention priorities;

"(B) study and recommend ways to prevent birth defects, with emphasis on emerging technologies;

"(C) identify annually the important areas of government and nongovernment cooperation needed to implement prevention strategies;

"(D) identify research and prevention strategies which would be successful in addressing birth defects disparities among the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans; and

"(E) review and recommend policies and guidance related to birth defects research and prevention.

"(3) COMPOSITION.—The Committee shall be composed of 15 members appointed by the Secretary, including—

"(A) four health professionals, who are not employees of the United States, who have expertise in issues related to prevention of or care for children with birth defects;

“(B) two representatives from health professional associations;

“(C) four representatives from voluntary health agencies concerned with conditions leading to birth defects or childhood disability;

“(D) five members of the general public, of whom at least three shall be parents of children with birth defects or persons having birth defects; and

“(E) representatives of the Public Health Service agencies involved in birth defects research and prevention programs and representatives of other appropriate Federal agencies, including but not limited to the Department of Education and the Environmental Protection Agency, shall be appointed as *ex officio*, liaison members for purposes of informing the Committee regarding Federal agency policies and practices;

“(4) STRUCTURE.—

“(A) TERM OF OFFICE.—Appointed members of the Committee shall be appointed for a term of office of 3 years, except that of the members first appointed, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of 3 years, as determined by the Secretary.

“(B) MEETINGS.—The Committee shall meet not less than three times per year and at the call of the chair.

“(C) COMPENSATION.—Members of the Committee who are employees of the Federal Government shall serve without compensation. Members of the Committee who are not employees of the Federal Government shall be compensated at a rate not to exceed the daily equivalent of the rate in effect for grade GS-18.

“(f) REPORT.—The Secretary shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a biennial report regarding the incidence of birth defects, the contribution of birth defects to infant mortality, the outcome of implementation of prevention strategies, and identified needs for research and policy development to include information regarding the various racial and ethnic groups, including Hispanic, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

“(g) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) For the purpose of carrying out subsections (a), (b), and (c), there are authorized to be appropriated \$15,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.

“(2) For the purpose of carrying out subsection (d), there are authorized to be appropriated \$15,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.

“(3) For the purpose of carrying out subsections (e) and (f), there are authorized to be appropriated \$2,000,000 for each of the fiscal years 1998 through 2001.”

By Mr. DORGAN (for himself and Mr. BUMPERS):

S. 420. A bill to amend the Internal Revenue Code of 1986 to phase in by the year 2000 a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Finance.

THE HEALTH INSURANCE COST TAX EQUITY ACT
OF 1997

• Mr. DORGAN. Mr. President, today I rise to introduce the Health Insurance Cost Tax Equity Act of 1997, which is legislation to finally put our Nation's sole proprietors on par with their larger corporate competitors with respect to the tax treatment of health insurance costs.

Last summer in the Health Insurance Portability and Accountability Act, Congress took a great stride in addressing one of urgent tax matters facing our family farmers and ranchers. This act, which was passed by Congress and signed into law by the President, included a proposal to increase the amount that farmers, ranchers and other sole proprietors may deduct for their health insurance costs to 80 percent by the year 2006, a significant improvement from its current level of 40 percent.

But we cannot stop at this point. It is indefensible that our tax laws tell some of our biggest corporations that they still can deduct 100 percent of their health insurance costs, while others, mostly smaller businesses, are told they can deduct only a smaller share of their health insurance costs.

This provision is absolutely critical to the health care concerns of farmers, ranchers and small business owners who conduct their businesses as sole proprietors. That is why I'm reintroducing legislation this year to ensure complete fairness in the Tax Code for sole proprietors who acquire health insurance coverage for themselves and their families. My bill will increase the deduction for the health insurance costs of the self-employed to 60 percent and 80 percent in 1998 and 1999, respectively. After that, Americans who work for themselves could deduct 100 percent of their insurance costs, just as large corporations do.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact.

I urge my colleagues to cosponsor this legislation. It promotes tax justice and the well-being of our independent producers and the entire country. •

By Mr. LAUTENBERG:

S. 421. A bill to amend title 35, United States Code, to establish the Patent and Trademark Office as a Government corporation, and for other purposes; to the Committee on the Judiciary.

THE PATENT AND TRADEMARK OFFICE REFORM
ACT

• Mr. LAUTENBERG. Mr. President, today I reintroduce the Patent and Trademark Office Reform Act, a bill to establish the Patent and Trademark Office as a Government corporation and to provide needed reforms to its operations. The handful of changes I have made from the legislation I sponsored in the last Congress are designed

to provide assurance to the Office's users that their fees will only be applied toward Patent and Trademark Office purposes and additional protections to the Office's employees.

Our country's Patent and Trademark Office is one of the finest in the world. It has been and continues to be integral to America's competitiveness and economic growth. It is no exaggeration to state that tens of millions of jobs have been created as a result of the PTO's actions. I have seen first-hand the benefits of this Office in my home State of New Jersey, which although it is the ninth most populated State in the Union, receives the third largest number of patents per capita. Despite the comparative quality of work of the current PTO, laws and regulations outside of the control of the PTO's management have prevented it from being as efficient as it should be, and as its users deserve. And unless remedied by legislation, certain circumstances that I will detail below will cause PTO's performance to decrease dramatically.

The Patent and Trademark Office is currently subject to the same procurement and personnel requirements, including personnel ceilings, as other Federal agencies. While these requirements make sense and, indeed, are essential for other Government entities, they hinder the effectiveness of the PTO and are not appropriate for a completely user fee-funded agency. By converting the PTO into a Government corporation, we would free the Office from most of these laws and regulations, but would keep its inherently governmental function within the Federal Government and its work would be continued by federal employees.

Mr. President, the new PTO will be a wholly owned Government corporation run by a commissioner and two assistants. They will report to the Secretary of Commerce on patent and trademark policy matters only. Like my bill from the last Congress, I have inserted a firewall to prevent the Commerce Department from interfering with internal management decisions of the Office, as opposed to policy decisions. My legislation establishes an Office of the Under Secretary for Intellectual Property within the Commerce Department. The Under Secretary will ensure both attention to intellectual property issues at the Cabinet level and a coordinated Government approach to these matters.

The new PTO will be able to procure equipment, supplies, even office space without the constraints of the Brooks Act, the Public Buildings Act, and the Federal Property and Administrative Services Act. These changes are in response to criticism of undue procurement delays that have resulted in lower quality products at higher costs to the Office. My legislation would also permit PTO to lease, buy, or build office space that is more practical for PTO's needs. Currently, PTO is spread throughout over a dozen buildings, which is not only inconvenient for its employees, it's inefficient.

Much of the work performed at the PTO requires specialized skills. Those skills are the main reason that the PTO's employees are so highly sought by the private sector. Limited by the general schedule and an overly structured employee classification system, the Office has been hindered in its ability to retain a large number of its workers. My legislation will enable the new PTO to provide its employees with competitive pay so that it might keep and hire top talent. The Office will no longer be subject to personnel ceilings, including those established in the Federal WorkForce Restructuring Act of 1994. There will also be a one-year carry-over of all PTO employees during the transition from the current PTO to the PTO as a Government corporation.

One of the more significant differences between the bill I am introducing today and the one I sponsored last Congress involves personnel issues. Although both bills give the new PTO the flexibility to competitively compensate its employees, S. 421 permits collective bargaining over pay and other important terms and conditions of employment. This increased employee participation will provide an essential balance to needed managerial flexibility. I have also established a floor on basic pay for current PTO employees so that they will be assured of receiving no less than they do now after PTO becomes a Government corporation.

Mr. President, this bill would give the users, who have fully funded the Office's operations since 1991, an advisory role over such matters as PTO's performance, fees, and budget. This advisory board will review and recommend changes to promote the Office's patent and trademark operations. This board will be comprised of 12 persons selected by the President and Congress who will serve for 4-year terms and who will meet at least quarterly. The Commissioner is required to consult with the board prior to changing or proposing to change fees or regulations. The board will submit an annual report containing its review of the Office to the President, the Commissioner, and Congress.

In addition to the oversight of the Office's operations provided by the advisory board, I have included safeguards to ensure the new PTO remains accountable to Congress and its users. The new Office will have its own inspector general, who will be appointed by the President, to investigate waste, fraud, and abuse. The Office's annual financial statements will be audited by either an independent CPA or the Comptroller General, and the results of such audits shall be provided to Congress. Furthermore, the new PTO is required to submit annual management reports to Congress and business-like budgets to the President. These reports and budgets must include statements on cash flows, operations, financial position, and internal accounting and administrative control systems.

Congress will continue to set the user fees for the new Office, and thus, control, to a large extent, the PTO's revenue stream. This should provide comfort to my colleagues and the PTO's users concerned that, with its newfound freedom, the Office will move into plush offices or pay its employees unwarranted sums. I realize the decision to keep the fee-setting authority with Congress is counter to most government corporations. Hopefully we can revisit this issue in a few years after we see how well the new PTO is performing.

Mr. President, there is one last difference between S. 421 and the bill I introduced 2 years ago that I would like to discuss today and that involves the patent surcharge fee. When Congress created the patent surcharge fee in the Omnibus Budget Reconciliation Act of 1990, it was done to make the Office completely user fee funded, and therefore, to reduce the budget deficit. Although the surcharge, which amounted to an almost 70 percent increase in fees, was intended to be applied only to Patent and Trademark Office uses, Congress has diverted approximately \$140 million over the past 6 fiscal years for unrelated purposes. Until this year, the administration has not advocated, nor even supported, such action. In the President's proposed budget for fiscal year 1998, however, over \$90 million of the patent surcharge account will be applied for deficit reduction. In following fiscal years, the administration has proposed diverting all of the patent surcharge fees through 2002.

As the ranking Democrat on the Budget Committee, I understand the strain on the administration and on this body to balance the budget. This is a goal supported by colleagues on both sides of the aisle. While I share the administration's budget priorities and commend the President for putting forth a budget that balances in 2002, I regretfully disagree with this component of his budget. Should this proposed diversion be enacted, the PTO would be prevented from hiring over 500 patent examiners this year, and patent pendency rates would double from the current 21 months to an estimated 42 months by 2003. The PTO projects that this delay will reduce PTO's revenues by over \$400 million in lost issue and maintenance fees on top of the lost \$570 million in surcharge fees. Not only will PTO suffer from this diversion, our economy will as well. Doubling the pendency times will slow the development of new technologies, hurt our productivity, and put us at a competitive disadvantage in the world marketplace.

Mr. President, the legislation I introduced in the last Congress would have ended the patent surcharge fee in October 1, 1998. However, I am now convinced that the PTO needs the fees it should receive from the surcharge to make necessary hires and improvements to the Office's operations. Therefore, S. 421 continues the sur-

charge but reclassifies it as an "offsetting collection" like all other PTO user fees rather than an "offsetting receipt." This modification to the 1990 OBRA would ensure that these fees are only applied toward PTO uses.

Mr. President, although I might disagree with the administration on the surcharge diversion issue, the President and the Vice-President, in particular, deserve commendation for their support of reinventing the Patent and Trademark Office. The Vice President has been a tireless advocate on reforming Government and making it more responsive to the public. It is my understanding that the administration will soon send its own PTO reform legislation to Capitol Hill. The legislation I am introducing today is merely the starting point for discussion and I look forward to working with the administration to advance the concepts I have described above.

I would also like to acknowledge the efforts of my colleagues and former colleagues in both Houses for their contributions on this issue. Unbeknownst to many Members, we came very close to enacting PTO government corporation legislation in the last Congress, largely due to the work of Senator HATCH and former Representatives Moorhead and Schroeder. I am pleased to note that Representative Moorhead's successor, Representative COBLE, has continued the momentum and his Judiciary subcommittee favorably reported out a patent bill last week that contained a PTO government corporation section as well as protection against patent surcharge fee diversion.

Mr. President, I hope my colleagues will support this bill, which will provide the means to improve the Patent and Trademark Office's operations and which will make the Office more accountable to its users. I ask unanimous consent that a copy 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. 421

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 "Patent and Trademark Office Reform Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—UNITED STATES PATENT AND TRADEMARK OFFICE

Sec. 101. Establishment of Patent and Trademark Office as a Government corporation.

Sec. 102. Powers and duties.

Sec. 103. Organization and management.

Sec. 104. Management Advisory Board.

Sec. 105. Conforming amendments.

Sec. 106. Trademark Trial and Appeal Board.

Sec. 107. Board of Patent Appeals and Interferences.

Sec. 108. Suits by and against the Office.

- Sec. 109. Annual report of Commissioner.
 Sec. 110. Suspension or exclusion from practice.
 Sec. 111. Funding.
 Sec. 112. Audits.
 Sec. 113. Transfers.
 Sec. 114. Nonapplicability of Federal work-force reductions.

TITLE II—EFFECTIVE DATE; TECHNICAL AMENDMENTS

- Sec. 201. Effective date.
 Sec. 202. Technical and conforming amendments.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. References.
 Sec. 302. Exercise of authorities.
 Sec. 303. Savings provisions.
 Sec. 304. Transfer of assets.
 Sec. 305. Delegation and assignment.
 Sec. 306. Authority of Director of the Office of Management and Budget with respect to functions transferred.
 Sec. 307. Certain vesting of functions considered transfers.
 Sec. 308. Availability of existing funds.
 Sec. 309. Definitions.

TITLE IV—UNDER SECRETARY FOR INTELLECTUAL PROPERTY

- Sec. 401. Under Secretary for Intellectual Property.

TITLE I—UNITED STATES PATENT AND TRADEMARK OFFICE

SEC. 101. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A GOVERNMENT CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

“§ 1. Establishment

“(a) **ESTABLISHMENT.**—The United States Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, separate from any department of the United States, and shall be an agency of the United States under the policy direction of the Secretary of Commerce. For purposes of internal management, the United States Patent and Trademark Office shall be a corporate body not subject to direction or supervision by any department of the United States, except as otherwise provided in this title.

“(b) **OFFICES.**—The United States Patent and Trademark Office shall maintain its principal office in the metropolitan Washington, D.C. area, for the service of process and papers and for the purpose of carrying out its functions. The United States Patent and Trademark Office shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located, except where jurisdiction is otherwise provided by law. The United States Patent and Trademark Office may establish satellite offices in such other places as it considers necessary and appropriate in the conduct of its business.

“(c) **REFERENCE.**—For purposes of this title, the United States Patent and Trademark Office shall also be referred to as the ‘Office’ and the ‘Patent and Trademark Office.’”

SEC. 102. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

“§ 2. Powers and duties

“(a) **IN GENERAL.**—The United States Patent and Trademark Office shall be responsible for—

- “(1) the granting and issuing of patents and the registration of trademarks;
 “(2) conducting studies, programs, or exchanges of items or services regarding domestic and international law of patents, trademarks, and related matters, the admin-

istration of the Office, or any other function vested in the Office by law, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

“(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

“(4) disseminating to the public information with respect to patents and trademarks.

“(b) **SPECIFIC POWERS.**—The Office—

“(1) shall have perpetual succession;
 “(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

“(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 7;

“(4) may indemnify the Commissioner, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

“(5) may adopt, amend, and repeal bylaws, rules, regulations, and determinations, which—

“(A) shall govern the manner in which its business will be conducted and the powers granted to it by law will be exercised;

“(B) shall be made after notice and opportunity for full participation by interested public and private parties;

“(C) shall facilitate and expedite the processing of patent applications, particularly those which can be filed, stored, processed, searched, and retrieved electronically, subject to the provisions of section 122 relating to the confidential status of applications; and

“(D) may govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office;

“(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

“(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following), the Public Buildings Act (40 U.S.C. 601 and following), and the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 and following); and

“(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

“(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reim-

bursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

“(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

“(10) when the Commissioner determines that it is practicable, efficient, and cost-effective to do so, may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

“(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’);

“(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, including for research and development and capital investment;

“(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents’ estates;

“(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

“(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers; and

“(16) may provide for liability insurance and insurance against any loss in connection with its property, other assets, or operations either by contract or by self-insurance.

“(c) **CONSTRUCTION.**—Nothing in this section shall be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the United States Patent and Trademark Office.”

SEC. 103. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

“§ 3. Officers and employees

“(a) **COMMISSIONER.**—

“(1) **IN GENERAL.**—The management of the United States Patent and Trademark Office shall be vested in a Commissioner of the United States Patent and Trademark Office (in this title referred to as the ‘Commissioner’), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent or trademark law, is especially qualified to manage the Office.

“(2) **DUTIES.**—

“(A) **IN GENERAL.**—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks, and shall perform these duties in a fair, impartial, and equitable manner.

“(B) **ADVISING THE PRESIDENT.**—The Commissioner shall advise the President, through the Secretary of Commerce, on the operation of the Office.

“(C) CONSULTING WITH THE MANAGEMENT ADVISORY BOARD.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

“(D) SECURITY CLEARANCES.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

“(3) TERM.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

“(4) OATH.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

“(5) COMPENSATION.—The Commissioner shall receive compensation at the rate of pay in effect for level II of the Executive Schedule under section 5313 of title 5 and, in addition, may receive as a bonus awarded by the Secretary, an amount up to the equivalent of the annual rate of basic pay for such level II, based upon an evaluation by the Secretary of Commerce of the Commissioner's performance as defined in an annual performance agreement between the Commissioner and the Secretary. The annual performance agreement shall incorporate measurable goals as delineated in an annual performance plan agreed to by the Commissioner and the Secretary.

“(6) REMOVAL.—The Commissioner may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

“(7) DESIGNEE OF COMMISSIONER.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

“(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

“(1) ASSISTANT COMMISSIONERS.—The Commissioner shall appoint an Assistant Commissioner for Patents and an Assistant Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Assistant Commissioner for Patents shall be a person with demonstrated experience in patent law and the Assistant Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Assistant Commissioner for Patents and the Assistant Commissioner for Trademarks shall be the principal policy and management advisers to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

“(2) OTHER OFFICERS AND EMPLOYEES.—

“(A) IN GENERAL.—The Commissioner shall—

“(i) appoint such officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out the functions of the Office;

“(ii) fix the compensation of such officers and employees, except as otherwise provided in this section; and

“(iii) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

“(B) LIMITATIONS.—The Office shall not be subject to any administratively or statutorily imposed limitation on positions or

personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation.

“(C) LIMITS ON COMPENSATION.—Except as otherwise provided by law, the annual rate of basic pay of an officer or employee of the Office may not be fixed at a rate that exceeds, and total compensation payable to any such officer or employee for any year may not exceed, the annual rate of basic pay in effect for the Commissioner for that year involved. The Commissioner shall prescribe such regulations as may be necessary to carry out this subsection.

“(d) INAPPLICABILITY OF TITLE 5 GENERALLY.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

“(e) CONTINUED APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5.—

“(1) IN GENERAL.—The following provisions of title 5 shall apply to the Office and its officers and employees:

“(A) Section 2302 (relating to prohibited personnel practices).

“(B) Section 3110 (relating to employment of relatives; restrictions).

“(C) Subchapter II of chapter 55 (relating to withholding pay).

“(D) Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively).

“(E) Chapter 71 (relating to labor-management relations), subject to paragraph (2) and subsection (g).

“(F) Section 3303 (relating to political recommendations).

“(G) Subchapter II of chapter 61 (relating to flexible and compressed work schedules).

“(2) COMPENSATION SUBJECT TO COLLECTIVE BARGAINING.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of applying chapter 71 of title 5 pursuant to paragraph (1)(D), basic pay and other forms of compensation shall be considered to be among the matters as to which the duty to bargain in good faith extends under such chapter.

“(B) EXCEPTIONS.—The duty to bargain in good faith shall not, by reason of subparagraph (A), be considered to extend to any benefit under title 5 which is afforded by paragraph (1), (2), (3), or (4) of subsection (f).

“(C) LIMITATIONS APPLY.—Nothing in this subsection shall be considered to allow any limitation under subsection (c) to be exceeded.

“(f) PROVISIONS OF TITLE 5 THAT CONTINUE TO APPLY, SUBJECT TO CERTAIN REQUIREMENTS.—

“(1) RETIREMENT.—(A) The provisions of subchapter III of chapter 83 and chapter 84 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

“(B)(i) The amount required of the Office under the second sentence of section 8334(a)(1) of title 5 with respect to any particular individual shall, instead of the amount which would otherwise apply, be equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

“(ii) The amount required of the Office under section 8334(k)(1)(B) of title 5 with respect to any particular individual shall be equal to an amount computed in a manner similar to that specified in clause (i), as determined in accordance with clause (iii).

“(iii) Any regulations necessary to carry out this subparagraph shall be prescribed by the Office of Personnel Management.

“(C) The United States Patent and Trademark Office may supplement the benefits provided under the preceding provisions of this paragraph.

“(2) HEALTH BENEFITS.—(A) The provisions of chapter 89 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

“(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office pursuant to subsection (h) and before separation.

“(ii) The Government contributions authorized by section 8906 of title 5 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

“(iii) For purposes of this subparagraph, the term ‘annuitant’ has the meaning given such term by section 8901(3) of title 5.

“(C) The Office may supplement the benefits provided under the preceding provisions of this paragraph.

“(3) LIFE INSURANCE.—(A) The provisions of chapter 87 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

“(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2) of such title, but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

“(ii) Government contributions under section 8708(d) of such title on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

“(C) The Office may supplement the benefits provided under the preceding provisions of this paragraph.

“(4) EMPLOYEES' COMPENSATION FUND.—(A) Officers and employees of the Office shall not become ineligible to participate in the program under chapter 81 of title 5, relating to compensation for work injuries, by reason of subsection (d).

“(B) The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Reform Act in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

“(g) LABOR-MANAGEMENT RELATIONS.—

“(1) LABOR RELATIONS AND EMPLOYEE RELATIONS PROGRAMS.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity, efficiency, and the quality of working life of Office employees, incorporating the following principles:

“(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

“(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2108, 3308 through 3318, and 3320 of title 5.

“(C)(i) The right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

“(ii) No person shall be required, as a condition of employment or continuation of employment—

“(I) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

“(II) to become or remain a member of a labor organization;

“(III) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

“(IV) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or

“(V) to be recommended, approved, referred, or cleared by or through a labor organization.

“(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a ‘supervisor’, ‘management official’, or ‘confidential employee’ as those terms are defined in section 7103(a) (10), (11), and (13) of such title.

“(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

“(2) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Reform Act, with respect to such Office (as then in effect).

“(h) CARRYOVER OF PERSONNEL.—

“(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Reform Act, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office established under this Act or may be reassigned to the Office of the Under Secretary for Intellectual Property, without a break in service.

“(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Reform Act, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

“(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

“(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent’s work time, as determined by the Secretary of Commerce; or

“(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

“(3) NONSEPARATION.—No person who becomes an officer or employee of the Office under this subsection shall, for a period of 1 year after the effective date of the Patent and Trademark Office Reform Act, be subject to separation as a consequence of the establishment of the Office.

“(4) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by those becoming officers or employees of the Office pursuant to this subsection, are obligations of the Office.

“(5) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Reform Act shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the board under such procedures as it may prescribe.

“(6) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Reform Act may serve as the Assistant Commissioner for Patents until the date on which an Assistant Commissioner for Patents is appointed under subsection (b).

“(B) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Reform Act may serve as the Assistant Commissioner for Trademarks until the date on which an Assistant Commissioner for Trademarks is appointed under subsection (b).

“(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Reform Act, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

“(j) SAVINGS PROVISIONS.—

“(1) IN GENERAL.—Compensation, benefits, and other terms and conditions of employment in effect immediately before the effective date of the Patent and Trademark Office Reform Act, whether provided by statute or by rules and regulations of the former Patent and Trademark Office or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Office, until changed in accordance with this section (whether by action of the Director or otherwise).

“(2) PROVISIONS SPECIFIC TO BASIC PAY.—(A) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the rate of basic pay for such officer or employee may not, on or after the effective date of the Patent and Trademark Office Reform Act, be less than the rate in effect immediately before such effective date, except—

“(i) pursuant to a collective-bargaining agreement entered into under this section; or

“(ii) for inefficiency, neglect of duty, or misconduct, on the part of such individual.

“(B) For purposes of this paragraph, the term ‘basic pay’ includes any amount consid-

ered to be part of basic pay for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

“(k) REMOVAL OF QUASI-JUDICIAL EXAMINERS.—The Office may remove a patent examiner or examiner-in-chief, or a trademark examiner or member of a Trademark Trial and Appeal Board, only for such cause as will promote the efficiency of the Office.”

SEC. 104. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

“§ 5. Patent and Trademark Office Management Advisory Board

“(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

“(1) APPOINTMENT.—The United States Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the ‘Board’) of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives, and 4 of whom shall be appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

“(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

“(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 4 years.

“(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Reform Act, and vacancies shall be filled within 3 months after they occur.

“(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor is appointed.

“(6) COMMITTEES.—The Chair shall designate members of the Board to serve on a committee on patent operations and on a committee on trademark operations to perform the duties set forth in subsection (e) as they relate specifically to the Office’s patent operations, and the Office’s trademark operations, respectively.

“(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the United States Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

“(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

“(d) MEETINGS.—The Board shall meet at least quarterly and at any time at the call of the chair to consider an agenda set by the chair.

“(e) DUTIES.—The Board shall—

“(1) review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office, and advise the Commissioner on these matters; and

“(2) within 60 days after the end of each fiscal year, prepare an annual report on the

matters referred to in paragraph (1), transmit the report to the President, the Commissioner, and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

“(f) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(g) ACCESS TO ASSISTANCE AND INFORMATION.—

“(1) ASSISTANCE.—The Office shall provide at the request of the Board such assistance as is necessary for the Board to perform its functions.

“(2) INFORMATION.—Members of the Board shall be provided access to records and information in the United States Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122.”

SEC. 105. CONFORMING AMENDMENTS.

(a) DUTIES.—Chapter 1 of title 35, United States Code, is amended by striking section 6.

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, and the item relating to such section in the table of sections for chapter 3 of title 35, United States Code, are repealed.

SEC. 106. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”) (15 U.S.C. 1067) is amended to read as follows:

“SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

“(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.”

SEC. 107. BOARD OF PATENT APPEALS AND INTERFERENCES.

Chapter 1 of title 35, United States Code, is amended by striking section 7 and inserting after section 5 the following:

“§ 6. Board of Patent Appeals and Interferences

“(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the United States Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

“(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a). Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.”

SEC. 108. SUITS BY AND AGAINST THE OFFICE.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 6 the following new section:

“§ 7. Suits by and against the Office

“(a) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the United States Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

“(b) REPRESENTATION BY THE DEPARTMENT OF JUSTICE.—The United States Patent and Trademark Office shall be deemed an agency of the United States for purposes of section 516 of title 28.

“(c) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.”

SEC. 109. ANNUAL REPORT OF COMMISSIONER.

Section 14 of title 35, United States Code, is amended to read as follows:

“§ 14. Annual report to Congress

“Not later than 180 days after the end of each fiscal year, the Commissioner shall report to Congress the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the United States Patent and Trademark Office under section 9106 of title 31, and the Commissioner shall not file a separate report under such section.”

SEC. 110. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: “The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the United States Patent and Trademark Office to conduct the hearing required by this section.”

SEC. 111. FUNDING.

(a) IN GENERAL.—Chapter 4 of title 35, United States Code, is amended by striking section 42 and inserting the following:

“§ 42. Patent and Trademark Office funding

“(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the United States Patent and Trademark Office shall be payable to the Office.

“(b) USE OF MONEYS.—Moneys from fees shall be available to the United States Patent and Trademark Office to carry out the functions of the Office. Moneys of the Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Office under this title shall be used for the processing of patent applications and for other services and materials relating to patents. Fees available to the Office under section 31 of the Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1113), shall be used only for the processing of trademark registrations and for other services and materials relating to trademarks.

“(c) BORROWING AUTHORITY.—The United States Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evi-

dences of indebtedness (hereafter in this subsection referred to as ‘obligations’) to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriations Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any borrowing under this subsection shall be repaid only from fees paid to the Office. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the United States Patent and Trademark Office shall be treated as public debt transactions of the United States.

“(d) REFUND.—The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.”

(b) EXTENSION OF SURCHARGES ON PATENT FEES.—

(1) IN GENERAL.—Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended by striking subsections (a) through (c) and inserting the following:

“(a) SURCHARGES.—There shall be a surcharge on all fees authorized by subsections (a) and (b) of section 41 of title 35, United States Code, in order to ensure that the amounts specified in subsection (c) are collected.

“(b) USE OF SURCHARGES.—Notwithstanding section 3302 of title 31, United States Code, all surcharges collected by the United States Patent and Trademark Office—

“(1) shall be credited to a separate account established in the Treasury and ascribed to the United States Patent and Trademark Office activities in the Department of Commerce as offsetting collections;

“(2) shall be collected by and made available to the United States Patent and Trademark Office for all authorized activities and operations of the Office, including all direct and indirect costs of services provided by the Office; and

“(3) shall remain available until expended.

“(c) ESTABLISHMENT OF SURCHARGES.—The Commissioner of the United States Patent and Trademark Office shall establish surcharges under subsection (a), subject to the provisions of section 553 of title 5, United States Code, in order to ensure that \$119,000,000, but not more than \$119,000,000, are collected in fiscal year 1999 and each fiscal year thereafter.

“(d) APPROPRIATIONS ACT REQUIRED.—Notwithstanding subsections (a) through (c), no fee established by subsection (a) shall be collected nor shall be available for spending without prior authorization in appropriations Acts.”

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

SEC. 112. AUDITS.

Chapter 4 of title 35, United States Code, is amended by adding at the end the following new section:

“§ 43. Audits

“(a) IN GENERAL.—Financial statements of the United States Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

“(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the United States Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

“(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

“(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

“(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.”

SEC. 113. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except to the extent that such functions, powers, and duties relate to the direction of patent or trademark policy, there are transferred to, and vested in, the United States Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this Act, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the United States Patent and Trademark Office, on the effective date of this Act, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable, which are related to functions, powers, and duties which are vested in the United States Patent and Trademark Office by this Act.

SEC. 114. NONAPPLICABILITY OF FEDERAL WORKFORCE REDUCTIONS.

No full-time equivalent position in the United States Patent and Trademark Office shall be eliminated to meet the requirements of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note).

TITLE II—EFFECTIVE DATE; TECHNICAL AMENDMENTS**SEC. 201. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect 4 months after the date of the enactment of this Act.

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.**(a) AMENDMENTS TO TITLE 35.—**

(1) The item relating to part I in the table of parts for chapter 35, United States Code, is amended to read as follows:

“**I. United States Patent and Trademark Office** 1”.

(2) The heading for part I of title 35, United States Code, is amended to read as follows:

“**PART I—UNITED STATES PATENT AND TRADEMARK OFFICE**”.

(3) The table of chapters for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

“**1. Establishment, Officers and Employees, Functions** 1”.

(4) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

“CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

“Sec.

“1. Establishment.

“2. Powers and duties.

“3. Officers and employees.

“4. Restrictions on officers and employees as to interest in patents.

“5. Patent and Trademark Office Management Advisory Board.

“6. Board of Patent Appeals and Interferences.

“7. Suits by and against the Office.

“8. Library.

“9. Classification of patents.

“10. Certified copies of records.

“11. Publications.

“12. Exchange of copies of patents with foreign countries.

“13. Copies of patents for public libraries.

“14. Annual report to Congress.”.

(5) The table of sections for chapter 4 of title 35, United States Code, is amended by adding after the item relating to section 42 the following:

“43. Audits.”.

(6) Section 41(a)(8)(A) of title 35, United States Code, is amended by striking “On” and inserting “on”.

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

“(R) the United States Patent and Trademark Office.”.

(2) Section 500(e) of title 5, United States Code, is amended by striking “Patent Office” and inserting “United States Patent and Trademark Office”.

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking “Patent and Trademark Office, Department of Commerce” and inserting “United States Patent and Trademark Office”.

(4) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Under Secretary for Intellectual Property, Department of Commerce.”.

(5) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Inspector General, United States Patent and Trademark Office.”.

(6) Section 5316 of title 5, United States Code (5 U.S.C. 5316) is amended by striking “Commissioner of Patents, Department of

Commerce.”, “Deputy Commissioner of Patents and Trademarks.”, “Assistant Commissioner for Patents.”, and “Assistant Commissioner for Trademarks.”.

(7) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)) is amended to read as follows:

“(B) the Commissioner of the United States Patent and Trademark Office; and”.

(8) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking “(d) Patent and Trademark Office;” and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(9) Section 1127 of title 15, United States Code, is amended by striking “Commissioner of Patents and Trademarks” and inserting “Commissioner of the United States Patent and Trademark Office”.

(10) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r) is amended—

(A) by striking “Patent and Trademark Office of the United States” and inserting “United States Patent and Trademark Office”; and

(B) by striking “Commissioner of Patents” and inserting “Commissioner of the United States Patent and Trademark Office”.

(11) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by striking “Commissioner of Patents and Trademarks” and inserting “Under Secretary for Intellectual Property”.

(12) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)) is amended by striking “Commissioner of Patents and Trademarks” and inserting “Under Secretary for Intellectual Property”.

(13) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking “Patent Office” and inserting “United States Patent and Trademark Office”.

(14) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking “Patent and Trademark Office of the Department of Commerce” and inserting “United States Patent and Trademark Office”.

(15) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)) is amended by striking “Commissioner of Patents” and inserting “Commissioner of the United States Patent and Trademark Office”.

(16) Section 2151t-1(b)(1) of title 22, United States Code, is amended by striking “Patent and Trademark Office” and inserting “Under Secretary for Intellectual Property”.

(17) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking “United States Patent Office” and inserting “United States Patent and Trademark Office”.

(18) Section 1744 of title 28, United States Code is amended—

(A) by striking “Patent Office” each place it appears in the text and section heading and inserting “United States Patent and Trademark Office”; and

(B) by striking “Commissioner of Patents” and inserting “Commissioner of the United States Patent and Trademark Office”.

(19) Section 1295(a)(4) of title 28, United States Code, is amended—

(A) in subparagraph (A) by inserting “United States” before “Patent and Trademark”; and

(B) in subparagraph (B) by striking “Commissioner of Patents and Trademarks” and inserting “Commissioner of the United States Patent and Trademark Office”.

(20) Section 1745 of title 28, United States Code, is amended by striking “United States Patent Office” and inserting “United States Patent and Trademark Office”.

(21) Section 1928 of title 28, United States Code, is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(22) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181) is amended in subsections c. and d. by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(23) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended by striking "Commissioner of Patents and Trademarks" each place it appears and inserting "Commissioner of the United States Patent and Trademark Office".

(24) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking "United States Patent Office" and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(25) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(26) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Commissioner of the United States Patent and Trademark Office".

(27) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(28) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(29) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(30) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(31) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(32) Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1)—

(i) by striking "and" before "the chief executive officer of the Resolution Trust Corporation";

(ii) by striking "and" before "the Chairperson of the Federal Deposit Insurance Corporation";

(iii) by striking "or" before "the Commissioner of Social Security,"; and

(iv) by inserting "or the Commissioner of the United States Patent and Trademark Office;" after "Social Security Administration,"; and

(B) in paragraph (2)—

(i) by striking "or" before "the Veterans' Administration,"; and

(ii) by striking "or the Social Security Administration" and inserting "the Social Security Administration, or the United States Patent and Trademark Office".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this Act—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 302. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this Act may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

SEC. 303. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this Act, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the effective date of this Act before an office transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this Act, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review

that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this Act.

SEC. 304. TRANSFER OF ASSETS.

Except as otherwise provided in this Act, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this Act shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 305. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this Act, an official to whom functions are transferred under this Act (including the head of any office to which functions are transferred under this Act) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this Act shall relieve the official to whom a function is transferred under this Act of responsibility for the administration of the function.

SEC. 306. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under this Act.

(b) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

SEC. 307. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this Act, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 308. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this Act shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 309. DEFINITIONS.

For purposes of this Act—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term "office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

**TITLE IV—UNDER SECRETARY FOR
INTELLECTUAL PROPERTY**

SEC. 401. UNDER SECRETARY FOR INTELLECTUAL PROPERTY.

(a) **APPOINTMENT.**—There is established in the Department of Commerce, an Under Secretary for Intellectual Property, who shall be appointed by the President by and with the advice and consent of the Senate. Pending appointment of the Under Secretary by and with the advice and consent of the Senate, the individual serving as Commissioner of Patents and Trademarks prior to the enactment of the Act shall perform the functions of the Under Secretary.

(b) **FUNCTIONS.**—The Under Secretary for Intellectual Property, under the direction of the Secretary of Commerce, shall—

(1) advise the President, through the Secretary of Commerce, on national and international intellectual property policy issues;

(2) advise the Secretary of Commerce on international trade issues concerning intellectual property;

(3) promote in international trade the United States industries that rely on intellectual property;

(4) advise Federal agencies on ways to improve intellectual property protection in other countries through economic assistance and international trade;

(5) review and coordinate all proposals by agencies to assist foreign governments and international intergovernmental agencies in improving intellectual property protection;

(6) carry on studies related to the effectiveness of intellectual property protection throughout the world; and

(7) in coordination with the Department of State, carry on studies cooperatively with foreign intellectual property offices and international organizations.

(c) **CONSULTATION.**—In connection with the performance of this section, the Under Secretary for Intellectual Property shall, in advance of major policy initiatives, consult with the Commissioner of the United States Patent and Trademark Office and the Register of Copyrights.●

By Mr. DOMENICI (for himself,
Mr. JEFFORDS, and Mr. DODD):

S. 422. A bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this act; to the Committee on Labor and Human Resources.

**THE GENETIC CONFIDENTIALITY AND
NONDISCRIMINATION ACT OF 1997**

Mr. DOMENICI. Mr. President, fellow Senators, I rise today to introduce a measure, the title of which will be the Genetic Confidentiality and Non-discrimination Act of 1997.

Let me just suggest, during the last 2 weeks at every turn we have seen and heard reports of the latest achievements in the advancement of genetic technologies. Man has been controlling the genetics of domestic animals and plants for many thousands of years,

but the latest announcements about the cloning of sheep and monkeys have been particularly dramatic. Most of the drama arises from the media speculation that follows about the possibility of cloning human beings.

Such an event is widely viewed as next to impossible because the scientific community and officers of Federal funding and oversight vigorously reject the concept of creating genetic copies of human beings. But what these new events do bring home to us, and what is of significance to us, is that genetics is important in our daily lives now.

Let me suggest that the time has come to protect information about human genetics that has been obtained by researchers or otherwise from individual human beings, individual citizens of this country.

I have a rather detailed bill, in which Senator DODD is joining me, as is Senator JEFFORDS, the chairman of the Labor, Health and Human Resources Committee. This will actually say that what we are going to have to get is the consent of the person whose genetic information we intend to use in almost any way. We know that genetic information is just as significant as fingerprints of the past in terms of identifying people.

Much can be determined about a person's life, about a person's future, from genetic information. Now is the time to have a serious debate in the U.S. Congress about how that information should be protected. The bill which I introduce will begin that dialogue in the appropriate committee.

I send to the desk the bill. For those who have been giving us constructive information about it, this is the very last draft after many people in industry, in the biotechnology community, and in the community of genetics have given us information. I have a side by side on this bill and a detailed statement explaining it. I send them all to the desk and ask that the bill be referred to the appropriate committee.

Now I yield to my good friend, Senator DODD, from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. Let me begin my brief remarks by commending our colleague from New Mexico for, once again, taking leadership on a significant health issue. I have had the privilege, Mr. President, of working with my colleague from New Mexico, Senator DOMENICI, on numerous issues, most recently things like frivolous lawsuits and mental health. I am delighted to join him as a principal cosponsor of this proposal of the Genetic Confidentiality and Nondiscrimination Act of 1997.

Mr. President, this legislation is critically important. It deals with basic concerns that people have today. It is of critical importance to our country, important to individuals and to researchers. We are not claiming here this is perfect, but the kind of work that Senator DOMENICI has done al-

ready, in communication with those who would be most directly interested in the legislation, I think has taken us a long way.

We are fortunate, Mr. President, to live in an extraordinary—an extraordinary—crossroads in the history of our Nation and, indeed, of our species. I can only compare it, Mr. President, to the dawn of the nuclear age. Then, by the elemental act of splitting an atom, we became able to generate seemingly unlimited energy but, also, as we all know, the ability to destroy all forms of human life.

Today, Mr. President, we stand at the dawn of the genetic age and once again confront heretofore unknown power over our destiny on this small planet. The recent reports of the cloning of mammals places this power in sharp relief. Within a few short years, Mr. President, the human genome project will decipher the entire human genetic code. The entire genetic human code will be deciphered in our lifetime, providing a blueprint of a human being's most personal and potent information.

This blueprint, Mr. President, will hopefully allow us to understand and remedy illnesses in all its forms. We are already reaping some of the benefits of this newfound knowledge of our genetic makeup. Genetic testing, as many are already aware, is available for several serious diseases and illnesses, including breast cancer and colon cancer. Armed with this genetic information, individuals can take additional steps to safeguard their health. For instance, more frequent screenings and checkups.

However, Mr. President, it will allow the exploitation of the human frailty to which one might be genetically predisposed, and concerns have been raised about the privacy of this information. Many Americans are concerned that dissemination of this information could lead to job discrimination and difficulty in getting or maintaining health insurance or life insurance. These are important issues.

Clearly, in this area of increasing medical technology, we must be able to ensure a balance between scientific advancement and the privacy rights of individuals. This bill that my colleague from New Mexico has offered begins that critical process. It requires strict informed consent procedures while allowing genetic scientific research to continue. Specifically, this legislation provides protections against unwarranted disclosure of genetic information to employers and insurance companies.

Mr. President, I am cosponsoring this legislation because I believe it is important that we address these issues today rather than wait. I know some have voiced concerns about this legislation. We hear them. We recognize this is a complex area of law with many important interests at stake. In fact, Mr. President, we will be having a hearing in the Labor Committee this week on the issue of cloning, to which

our colleague from New Mexico will be testifying—not specifically about this bill, but I suspect this bill may be the subject of some dialog in that hearing.

So we are already beginning to look to try and raise the questions that people, I think, would want us to address, protecting people's privacy rights, so that that information that we are able to glean will not be misused. I think this is an important step in that effort. I commend my colleague from New Mexico. I am delighted to cosponsor his bill.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. I ask unanimous consent for an additional minute.

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

Mr. DOMENICI. Mr. President, I did not, in my statement, mean to tie cloning into this bill. It is just that all of that is part of this explosion of the science of genetics and its application for various aspects of both human and animal life in America and in the world.

Let me suggest that if we are going to continue research, we have this major American project called the Genome Project wherein all of the chromosomes of the human being are going to be mapped, all 23 pairs of them. We will know where most of the diseases are located within the chromosome system of the human being. Our scientists can then take this information and begin the long journey toward curing most of humankind's serious diseases over time.

While all that is going on, the one thing we do not need, we do not need an abuse of the information by either researchers, scientists, insurance companies or the like, such that it would excite the American people to turn against such research. One thing we ought to do in that regard is pass some kind of protection for genetic information. That is what this bill attempts to do.

Obviously, there is a whole field of ethics that must be really put together and nourished across the land regarding this, or we will cause breakouts to occur in terms of abuse of genetic information, all of which could be very harmful to the greatest wellness effort in humankind, in human history. That is, finding out the basic genetic structure of the human being.

Mr. President, during the past 2 weeks, at every turn, we have been seen and heard reports of the latest achievement in the advance of genetic technologies. Man has been controlling the genetics of domestic animals and plants for many thousands of years, but the latest announcements about cloning sheep and monkeys have been particularly dramatic. And most of the drama arises from the media speculation that follows about the possibility of cloning humans. Such an event is widely viewed as next to impossible because the scientific community and offices of Federal funding and oversight

vigorously reject the concept of creating genetic copies of human beings. But what these new events do bring home to us is the grave significance of genetics in our daily lives.

I rise today to revisit a timely and momentous issue in the discovery and elucidation of human genetic information—the issue of genetic confidentiality and nondiscrimination.

The human genome project is rapidly proceeding toward its goal of deciphering the human genetic code. Current projections tell us that the goal of reading the entire genetic script of 3 billion nucleotides and some 100,000 genes of the human genome will be reached by the year 2005, which will be several years earlier than was initially projected when the project was undertaken in 1990.

When the project is complete, we will have knowledge of man's complete genetic blueprint—a blueprint that is the most personal and most private information that any human being can have.

We will have a wealth of knowledge of how our countless individual traits are determined. And perhaps more important, we will have fundamental knowledge about the 3,000 or more genes that can cause sickness and sometimes even death. And we will have realized one of mankind's greatest scientific achievements.

At the time the human genome project was first brought to my attention 11 years ago, I realized that deciphering our genetic code would have immense implications for our medical welfare. But equally important, if not more so, were the implications of genetic information with respect to ethics and the law. This is why I insisted that the budget for the human genome project include funds specifically allocated for addressing the ethical, legal, and social implications of our new genetic technologies.

Now that we have the know-how to generate genetic information on individuals and their families, we find ourselves asking some very basic questions about who has a right to control access to personal genetic information. Should our personal physicians know this information? Our families and friends? Our insurers and employers? As we begin to consider these questions, we find that they are deeply troublesome issues that reach into the lives of many Americans.

Today I place before you a bill that addresses the broad issues of genetic confidentiality and nondiscrimination. This legislation will affirm the right of the individual to have some control over his or her most personal information. To be sure, much of our genetic information is similar—even identical—among all human beings. This is what makes us all members of the family of man. But much of our genetic information is also unique—it is the information that makes each human distinct from all others. And it is information that can be deciphered from

cells in a drop of blood or cells that are stored in a laboratory after we have medical tests.

Our personal and unique genetic information is the essence of our individuality. And today we seek to protect this information from public scrutiny or disclosure without the express consent of the individual who is the source of the information.

So, today, I, and my colleagues, Senator JEFFORDS and Senator DODD introduce the Genetic Confidentiality and Nondiscrimination Act of 1997. This legislation is designed to reinforce the statutes that some 19 state legislatures have enacted. This legislation echoes the concerns of many of my colleagues in this Chamber as we all seek to come to grips with this pressing and ubiquitous issue. I hope that this bill will invite exhaustive debate and legislative review, so that we will achieve a firm national standard for individual privacy with respect to genetic information.

The bill that I introduce today focuses on two areas of serious concern.

The first issue is the relationship between the interests of genetics research and the individuals who selflessly participate as subjects in hundreds of genetics research projects. The past year, 1996, witnessed the 50th anniversary of the birth of the Nuremberg Code and the public acknowledgement of the doctrine of informed consent for participation in research. Over this half century, we have repeatedly affirmed the right of the individual to be fully informed about any research project that he or she is asked to participate in and to give voluntary consent to participation.

In this present bill we will extend the concept of informed consent to give each individual the right to control the deciphering of his or her most personal information and the disclosure of that information to other persons. And we will create a partnership between researchers and the people—the subjects—who are the foundation of research in genetics.

We might consider a recent example of genetic testing that was carried out on a collection of samples that had been retained for some years in a genetics laboratory. These samples had been gathered for the purpose of detecting carriers of a recessive gene for Tay Sachs disease, a disease that invariably causes the death of infants who get a double dose of the gene, one from each parent. The more recent question concerned the frequency of one of the breast cancer genes in that population. So samples that were originally collected for one purpose were later used for another purpose, without the permission of the people who had donated the samples and without the possibility of getting any new information back to the people who had donated the samples.

Both protection and partnership are critical as we continue to define our genetic legacies, particularly because

genetics has implications in many facets of our everyday lives, including medicine, employment, insurance, education, forensics, finance, and even our own self-perceptions.

The second issue addressed in this legislation is the relationship between individuals, on the one hand, and employers and health insurers, on the other. This legislation will very simply preclude employers or health insurers from requesting or requiring genotype information as a condition of employment or health insurance.

Many people in our society have already been discriminated against because other people had access to information about their genes. We want to avoid any more situations in which healthy people are denied employment or insurance when they disclose information about their genes. Consider, for example, the man who acknowledged that he had genes for hemochromatosis. This is a disease that can be devastating if untreated, but it can be successfully treated. This man was successfully treated and was completely healthy, but he was denied insurance simply because of his genes, and this should not happen.

We do, however, carve out one exception to the general rule, for protecting employees and coworkers from hazardous conditions or situations in the workplace. For example, an employer may have a valid reason to know whether an employee has a genetic susceptibility to a certain chemical that is a part of the work environment. So the exception allows a request for genetic information if it is a matter of immediate business necessity.

I would like to be very clear that this legislation does not make it illegal to collect, or store, or analyze, or even disclose, an individual's genetic information. It simply gives the individual control over this process through a rigorous procedure for written, informed consent. The only exceptions for individual control are questions of compulsory process, such as criminal investigations, or court-ordered analyses.

Specifically, the purposes of this legislation are:

First, to define the circumstances under which DNA samples and genetic information may be collected, stored, analyzed, and disclosed; second, to define the rights of individuals with respect to genetic information; third, to define the responsibilities of third parties with respect to genetic information; fourth, to protect individuals and families from genetic discrimination; and fifth, to establish uniform rules that protect individual genetic privacy.

The need for this legislation is clear and pressing. I look forward to working with my colleagues in the Senate and in the House to bring this issue to a satisfactory resolution for the American people. The Human Genome Project holds the greatest promise of benefits for mankind, but these benefits will elude us if people are afraid of the consequences of deciphering their own genetic formulas.

I forward a summary of this bill to the desk and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

By Mr. ROBB (for himself and Mr. WARNER):

S. 423. A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Energy and Natural Resources.

THE GEORGE MASON MEMORIAL ESTABLISHMENT
ACT OF 1997

• Mr. ROBB. Mr. President, I introduce a bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor a distinguished Virginian, George Mason.

In 1776, George Mason wrote the Virginia Declaration of Rights, the first document in America calling for freedom of the press, freedom of religion, proscription of unreasonable searches, and the right to a speedy trial. The Virginia Declaration of Rights not only served as a model for our national Bill of Rights; but historians believe that Mason's refusal to sign the Constitution for its failure, initially, to include a declaration of rights was a major impetus for eventual adoption of the first 10 amendments to the Constitution.

George Mason sacrificed friendships by insisting that a strong national government could not be purchased at the cost of individual rights, and Mason inevitably chose his family over politics. He retired from public office following the Constitutional Convention and died just a few years later in 1792. His contemporaries, Thomas Jefferson and James Madison, lived decades longer and were elected Presidents of the United States, and thus Mason's contributions were soon overshadowed.

Efforts were combined during the 101st Congress to at last honor America's "Forgotten Founder." Legislation authorizing a private, nonprofit organization to establish a memorial to George Mason on Federal land in the District of Columbia passed and was signed by then-President George Bush. In the 102d Congress, a resolution concurred that George Mason was an individual "of preeminent historical significance to the nation," and authorized the placement of the memorial within select area I lands, in sight of the memorials of two of Mason's closest friends: George Washington and Thomas Jefferson. The legislation was signed into law on April 28, 1992, and approved by the National Capital Memorial Committee in December 1993.

To pay homage to a man whose ideas played a prominent role in the founding of the American Republic, a fitting memorial has been designed for this supreme site, located between Ohio Drive and the 14th Street Bridge, overlooking the Tidal Basin. The memorial designs have been completed and submitted for review to all necessary advisory and review boards and by agreement, the United States Park Service is to main-

tain the memorial once completed. In accordance with the Commemorative Works Act of 1986, \$1 million must be raised in non-Federal funds to construct this gift to Washington and all Americans and ground-breaking is ordered to occur no later than August 1997. The Board of Regents of Gunston Hall Plantation, a historical organization that oversees Mason's family home in Fairfax County, is dedicated to raising the necessary funds for the monument and seeing this important project through to its completion, however, the August 1997 deadline is rapidly approaching. At this time, it seems that the fundraising effort will not be completed and that's why today I introduce the necessary legislation granting an extension until August 2000.

The Commemorative Works Act, passed into law to prevent overcrowding on the Mall, requires two separate acts of Congress before a memorial may be placed in area I lands, and both of these hurdles have been cleared. The final battle is a fundraising one and the Board of Regents of Gunston Hall has a plan of attack. Last year, they launched Liberty 2000, a campaign to share George Mason's legacy of liberty. The Board of Regents hope to build an endowment fund to ensure a secure future for Gunston Hall and attain the necessary non-Federal funds to break ground and complete their efforts to bring George Mason's legacy to the Mall. I ask that you join me in swiftly supporting this 3-year extension so we may properly commemorate this great statesman and Virginian, George Mason. •

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to adjust the Federal medical assistance percentage determined for Alaska under the Medicaid Program to reflect Alaska's cost of living; to the Committee on Finance.

THE ALASKA MEDICAID EQUITY ACT OF 1997

• Mr. MURKOWSKI. Mr. President, I, along with my distinguished colleague, Senator STEVENS, introduce legislation that will more accurately reflect the appropriate Federal/State funding formula for Alaska's Medicaid Program.

One-sixth of Alaska's population is eligible to receive Medicaid, and the population is growing. These Medicaid recipients are the needy children, pregnant women, disabled, and elderly poor of Alaska.

Ever since the Medicaid Program was established in 1965, the Federal/State funding formula has failed to recognize the extraordinarily high cost of living that all Alaskans face. Under current law, the funding formula that is used to determine the Federal matching payment is based on a comparison between average per capita income in the United States and each individual State's per capita income.

Under the current formula, the minimum Federal Medicaid match is 50 percent. The highest Federal match is 77.2

percent and is provided to the State with the lowest per capita income—Mississippi. By contrast, Alaska has a 50/50 Federal/State match based on the fact that it has the seventh highest per capita income in the United States, \$17,961 based on 1993 data.

However, many Federal programs recognize that per capita income, by itself, is not a fair measure of wealth. For example, a special Federal Government cost-of-living adjustment is provided to Federal employees in Alaska to reflect our cost differential. Other Federal formulas, such as the formula for the Federal School Lunch Program, Food Stamp Program, and certain housing programs each recognize and take into consideration Alaska's high cost of living.

Mr. President, I recognize that Alaska's \$17,961 per capita income suggests it is one of the wealthier States. However, when the 25 percent higher cost of living is factored in, the State looks far less wealthy. In fact, when Alaska's high cost of living is factored into the equation, it would appear that an Alaskan with an income of \$17,961 lives at the same economic level as a person in Iowa with a per capita income of \$14,399. Yet Iowa enjoys a 62/38 Federal/State Medicaid match.

Why is Alaska's cost of living higher than the lower 48 States? The answer is primarily because of the high cost of shipping goods to Alaska. Almost everything of substantial size or volume comes to Alaska by water, and despite healthy competition among carriers, prices remain high due to the distance traveled and the fact that Alaska remains an importer of goods, not an exporter. That means most vessels are unable to carry a backhaul cargo that would lower the overall cost of the round trip. Moreover, because of an undeveloped road structure, most food transported to remote villages in Alaska rely exclusively on air freight.

What this high shipping cost means is that it costs a family of four in Bethel, Alaska's largest rural community, nearly \$30 more each week to feed their family, compared to the average family in the United States. And, it is these rural Alaska areas that have the highest number of Medicaid recipients.

The present Medicaid formula is fundamentally unfair because it doesn't reflect these facts. What it means is that more people in Alaska are eligible for Medicaid, but the Federal match isn't adjusted accordingly. Basically, the current Federal formula gives us more Medicaid users and provides less money to pay for their services, to exacerbate this inequity—health care costs in Alaska are estimated to be 71 percent higher than the national average.

The legislation we are introducing today, The Alaska Medicaid Equity Act, finally resolves this inequity. It adjusts the Medicaid formula for Alaska to factor in the State's high cost of living. Passage of this legislation would result in an estimated savings of

\$40 to \$50 million for the State of Alaska Legislature.

This adjustment was included in legislation that was reported from the Senate Finance Committee as part of the reconciliation bill that was adopted in 1995. However, that omnibus bill was ultimately vetoed for unrelated reasons.

Mr. President, we in Alaska have endured this historic inequity for nearly a third of a century. I hope my colleagues will agree, the time to right this wrong is this year. ●

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 425. A bill to provide for an accurate determination of the cost of living; to the Committee on Finance.

COST-OF-LIVING BOARD ACT OF 1997

Mr. ROTH. Mr. President, today my good friend, Senator MOYNIHAN, and I are introducing a landmark piece of legislation to create a cost-of-living board that will improve our Government's ability to index Federal programs with a more accurate measurement of inflation. Clearly, there are a number of ways to address the accurate measure of inflation with regard to our indexed Federal tax and benefit programs. In my view, this bill represents one possible way to achieve greater accuracy. It is not the only way, but I believe it is our best effort to create a mechanism to fairly compensate taxpayers and benefit recipients alike.

One of the most significant issues that faces Congress this year is the accuracy of the Consumer Price Index, and I believe that Congress and the President need to seriously address the economic ramifications of an inaccurate measure of the cost of living. The five-member board created in our bill will meet throughout the year to, first, review the statistical evidence about inflation produced by the Bureau of Labor Statistics and others, and after careful review of all the evidence regarding inflation, the board will then produce a cost-of-living adjustment by a majority vote of the members of the commission not later than November 1 of each year.

This inflation adjustment number will serve as a number for which all Federal benefit programs and tax items will be indexed for the coming year without further action by the Congress or the President. If, however, the cost-of-living board fails by a majority vote to produce a cost-of-living adjustment, then current law applies. That is to say, that the BLS-produced CPI will be used to index tax and benefit programs.

Let me be clear. This cost-of-living board will not—and I emphasize not—study the accuracy of the Consumer Price Index. We have already had the Boskin commission which did just that. The report was widely praised within the Economic Community, including many highly respected economists, such as Dr. Alan Greenspan and Dr. Martin Feldstein.

One of the roles in Government is to protect American families from infla-

tion. In doing so, it is important that we are able to measure inflation as precisely as possible, and I view this board as our best hope of accurately measuring inflation.

I cannot emphasize too greatly the importance of an accurate measurement of inflation. If the index is too high, it overcompensates retirees and others and undertaxes many taxpayers. If it is too low, it undercompensates retirees and overtaxes the taxpayer. What we want is fairness to all with as accurate an index as possible.

I want to stress that any action we take on this issue must be broadly and deeply bipartisan. We must have the full cooperation and leadership by President Clinton. I hope the President will not miss an opportunity to consider this board as one possible option that will "take the politics out of it" and fulfill his goals set out in his State of the Union Address to "do the right thing for the country." Clearly, this reform will not be successful without the President's leadership.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 425

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 "Cost-of-Living Board Act of 1997".

SEC. 2. COST-OF-LIVING ADJUSTMENTS.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PART D—COST-OF-LIVING ADJUSTMENTS

"DETERMINATION OF INFLATION ADJUSTMENT

"SEC. 1180. (a) IN GENERAL.—The Cost-of-Living Board established under section 1181 shall each calendar year after 1996 attempt to determine a single percentage increase or decrease in the cost-of-living which shall apply to any cost-of-living adjustment taking effect during the next calendar year.

"(b) ADOPTION OR REJECTION OF PERCENTAGE.—

"(1) ADOPTION.—

"(A) IN GENERAL.—If the Cost-of-Living Board adopts by majority vote a single percentage increase or decrease under subsection (a), then, notwithstanding any other provision of law, any cost-of-living adjustment to take effect during the following calendar year shall be made by using such percentage and not by using the change in the Consumer Price Index (or any component thereof).

"(B) APPROPRIATE MODIFICATIONS.—The Cost-of-Living Board shall make appropriate modifications to the single percentage applied to any cost-of-living adjustment if—

"(i) the period during which the change in the cost-of-living is measured for such adjustment is different than the period used by the Cost-of-Living Board; or

"(ii) the adjustment is based on a component of an index rather than the entire index.

"(2) REJECTION.—If the Cost-of-Living Board fails by majority vote to adopt a single percentage increase or decrease under subsection (a) for any calendar year, then any cost-of-living adjustment to take effect

during the following calendar year shall be determined without regard to this part.

“(c) REPORT.—Not later than November 1 of each year, the Cost-of-Living Board shall submit a report to the President and Congress containing a detailed statement with respect to—

“(1) the percentage (if any) agreed to by the Board under subsection (a); and

“(2) the decision of the Board on whether or not to adopt such a percentage.

“(d) JUDICIAL REVIEW.—Any determination by the Cost-of-Living Board under subsection (a) or (b)(1)(B) shall not be subject to judicial review.

“(e) DEFINITION OF COST-OF-LIVING ADJUSTMENT.—In this part, the term ‘cost-of-living adjustment’ means any adjustment under any of the following which is determined by reference to any Consumer Price Index (or any component thereof):

“(1) The Internal Revenue Code of 1986.

“(2) Titles II, XVI, XVIII, and XIX of this Act.

“(3) Any other Federal program.

“COST-OF-LIVING BOARD

“SEC. 1181. (a) ESTABLISHMENT OF BOARD.—

“(1) ESTABLISHMENT.—There is established a board to be known as the Cost-of-Living Board (in this section referred to as the ‘Board’).

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—The Board shall be composed of 5 members of whom—

“(i) 1 shall be the Chairman of the Board of Governors of the Federal Reserve System;

“(ii) 1 shall be the Chairman of the President’s Council of Economic Advisers; and

“(iii) 3 shall be appointed by the President, by and with the advice and consent of the Senate.

The President shall consult with the leadership of the House of Representatives and the Senate in the appointment of the Board members under clause (iii).

“(B) EXPERTISE.—The members of the Board appointed under subparagraph (A)(iii) shall be experts in the field of economics and should be familiar with the issues related to the calculation of changes in the cost of living. In appointing members under subparagraph (A)(iii), the President shall consider appointing—

“(i) former members of the President’s Council of Economic Advisers;

“(ii) former Treasury department officials;

“(iii) former members of the Board of Governors of the Federal Reserve System;

“(iv) other individuals with relevant prior government experience in positions requiring appointment by the President and Senate confirmation; and

“(v) academic experts in the field of price statistics.

“(C) DATE.—

“(i) NOMINATIONS.—Not later than 30 days after the date of enactment of the Cost of Living Board Act of 1997, the President shall submit the nominations of the members of the Board described in subparagraph (A)(iii) to the Senate.

“(ii) SENATE ACTION.—Not later than 60 days after the Senate receives the nominations under clause (i), the Senate shall vote on confirmation of the nominations.

“(3) TERMS AND VACANCIES.—

“(A) TERMS.—A member of the Board appointed under paragraph (2)(A)(iii) shall be appointed for a term of 5 years, except that of the members first appointed under that paragraph—

“(i) 1 member shall be appointed for a term of 1 year;

“(ii) 1 member shall be appointed for a term of 3 years; and

“(iii) 1 member shall be appointed for a term of 5 years.

“(B) VACANCIES.—

“(i) IN GENERAL.—A vacancy on the Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

“(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(C) EXPIRATION OF TERMS.—The term of any member appointed under paragraph (2)(A)(iii) shall not expire before the date on which the member’s successor takes office.

“(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting. Subsequent meetings shall be determined by the Board by majority vote.

“(5) OPEN MEETINGS.—Notwithstanding section 552b of title 5, United States Code, or section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Board may, by majority vote, close any meeting of the Board to the public otherwise required to be open under that section. The Board shall make the records of any such closed meeting available to the public not later than 30 days of that meeting.

“(6) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

“(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members appointed under paragraph (2)(A)(iii).

“(b) POWERS OF THE BOARD.—

“(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this part.

“(2) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this part, including the published and unpublished data and analytical products of the Bureau of Labor Statistics. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

“(3) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(4) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

“(c) BOARD PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who otherwise are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“(3) STAFF.—

“(A) IN GENERAL.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

“(B) COMPENSATION.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of such title.

“(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee’s regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

“(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“(d) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this part.”

Mr. MOYNIHAN addressed the Chair. The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I am honored to be a cosponsor of this measure which our revered chairman has brought to the floor. I would like to endorse each and every thing he has said.

This legislation would create an independent Cost of Living Board to determine annually what cost of living adjustments should be made for the following calendar year. In the event a majority of the Board cannot agree on a decision, then by default the automatic adjustments would be based on the change in the Consumer Price Index as calculated by the Bureau of Labor Statistics.

The Board would have five members and would be comprised as follows: the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the President’s Council of Economic Advisers; and three others appointed by the President with the advice and consent of the Senate. The bill specifies that members of the board shall be professional economists familiar with issues related to the calculation of changes in the cost of living, such as index number theory.

There is a growing consensus that the CPI overstates the cost of living. In December 1996, the Advisory Commission to Study the Consumer Price Index appointed by the Finance Committee—the Boskin Commission—concluded that the Consumer Price Index

overstates the inflation by 1.1 percentage points. The distinguished Chairman of the Board of Governors of the Federal Reserve, Alan Greenspan, agrees. And in testimony before the Finance Committee, Chairman Greenspan provided the definitive response to those who have argued that this issue should not be "politicized." He said:

There has been considerable objection that such a . . . procedure would be a political fix. To the contrary assuming zero for the . . . bias is the political fix. On this issue, we should let evidence, not politics, drive policy.

I referred earlier to index number theory. I might add that in the last decade or two, there has been very considerable advancement in the subfield of index number theory—the point where mathematics meets economics. We know a lot more than we did. We can do it better than we do. There are persons who have specialized in this.

The first particular study goes back to 1961, when the National Bureau of Economic Research, at the request of the then Bureau of the Budget, gave us a report by a committee chaired by George J. Stigler, soon to be a Nobel laureate, on the price indexes of the Federal Government. It concluded the indexes overstated changes in the cost of living.

They did not have any estimates of the bias at the time, but they knew there was a bias. And in the manner of academic work, people addressed it. For what it is worth, perhaps one of the most distinguished practitioners now teaches at the University of British Columbia. In any event, we are able to do so much more than we have done, and the need to get it right is paramount, it is our obligation, as persons responsible for the public fisc.

This bill represents the next step in a logical progression. We are beyond a fact-finding commission. The overwhelming evidence is that the CPI overstates the change in the cost of living by between 0.5 and 1.5 percentage points.

It is now time to consider how to go about getting the number right—and getting it right every year henceforth. As the chairman indicated, it is our intention in introducing this bill to suggest one possible mechanism. Certainly there are other options, and I would not rule out any alternative at this point. Our purpose today is to keep attention focused and keep the dialogue moving on this issue, for delay is costly. If we get our numbers right—and that is all we propose to do—then we save \$1 trillion over 12 years. If we delay for 2 years, then the savings are reduced to \$750 billion.

I believe this Board, with the Chairman of the Federal Reserve Board, the Chairman of the Council of Economic Advisers, and the three economists nominated by the President and confirmed by the Senate, is a superb approach. We hope it will be given the attention it deserves now that it has been made clear by the White House

that they see the necessity for doing this.

Our distinguished majority leader, over there in the corner even as I speak, has spoken to this matter. And now we have a proposal for legislative action. With great and renewed thanks for our chairman, I yield the floor.

Mr. ROTH addressed the Chair.
The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Let me start out by thanking the distinguished Senator from New York for his leadership in this critically important matter. I can say, fairly, that nothing would have happened if it had not been for his willingness to step out early on and take measures that I think are in the best interests of this Nation and the people of this great country.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center".

S. 359

At the request of Mr. THOMAS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 359, a bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans.

S. 405

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 406

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 406, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 418

At the request of Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 418, a bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes.

SENATE RESOLUTION 50

At the request of Mr. ROTH, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nebraska [Mr. HAGEL], the Senator from Colorado [Mr. ALLARD], the Senator from Wyoming [Mr. ENZI], the Senator from Virginia [Mr. ROBB], the Senator from Nevada [Mr. BRYAN], the Senator from Wisconsin [Mr. KOHL], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 50, a resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments.

AMENDMENTS SUBMITTED

COMMITTEE ON GOVERNMENTAL AFFAIRS EXPENDITURES AUTHORIZATION RESOLUTION

LOTT (AND WARNER) AMENDMENT NO. 22

Mr. LOTT (for himself and Mr. WARNER) proposed an amendment to amendment No. 21 proposed by Mr. GLENN to the resolution (S. Res. 39) authorizing expenditures by the Committee on Government Affairs; as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction (rule 25) over all proposed legislation and other matters relating to—

"(1) federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

LOTT (AND OTHERS) AMENDMENT NO. 23

Mr. LOTT (for himself, Mr. THOMPSON, and Mr. WARNER) proposed an

amendment to the resolution (S. Res. 39) supra; as follows:

On page 10, line 19 after the word "illegal" add "and improper".

On page 10, line 23 after the word "illegal" add "and improper".

NOTICES OF HEARINGS

JOINT COMMITTEE ON PRINTING

Mr. WARNER. Mr. President, I wish to announce that the Joint Committee on Printing will meet in S-128 of the Capitol on Thursday, March 13, 1997, at 2 p.m. to hold an organizational meeting of the Joint Committee on Printing and an oversight hearing of the Government Printing Office.

For further information, please contact Eric Peterson of the Joint Committee on Printing at 224-7774.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Energy and Natural Resources to receive testimony regarding S. 417, a bill "to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002," S. 416, a bill "to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency," and S. 186, a bill "to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes." The hearing will take place on Tuesday, March 18, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 11, 1997, at 10 a.m. in open session, to receive testimony from the unified commanders on their military strategies and operational requirements in review of the Defense authorization request for fiscal year 1998 and the Future Years Defense Program.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. 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 Tuesday, March 11, 1997, at 9 a.m. in SR-328A to

receive testimony regarding agriculture research reauthorization.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 11, 1997, beginning at 10:30 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 11, at 9:30 a.m. for a hearing on Census 2000.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, March 11, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building to approve the committee's letter to the Committee on the Budget relating to budget views and estimates for fiscal year 1998 for Indian Programs.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary and the House Subcommittee on the Constitution be authorized to hold a joint hearing on Tuesday, March 11, 1997, at 9:30 a.m. in room G50 of the Senate Dirksen Building, on "Partial Birth Abortion: The Truth."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Employment and Training Subcommittee Hearing on Oversight of Federal Job Training Programs, during the session of the Senate on Tuesday, March 11, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 11, 1997, at 2:30 p.m. to hold an open hearing on the nomination of Anthony Lake to be Director of Central Intelligence.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:15 p.m. on Tuesday, March 11, 1997, in

open session, to receive testimony on the Science and Technology Programs in the Department of Defense authorization request for fiscal year 1998 and the Future Years Defense Program.

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

ADDITIONAL STATEMENTS

TRIBUTE TO TED STONE

• Mr. FAIRCLOTH. Mr. President, today I would like to recognize a great American from my home State, a man who is working to show all Americans that individuals can make a difference in the war against drugs. Ted Stone, a native of Durham, NC, wanted to do something to raise awareness about our Nation's drug problems. Ted has been a motivational speaker for over 20 years now on the subject of drug abuse. He has spoken to millions of people in churches, schools, civic organizations, prisons, and drug treatment facilities. But he wanted to do something more.

On March 14, 1996, here in Washington, DC, on the steps of our Nation's Capitol, Ted began a 3,700 mile walk across America. He completed that trek on November 19 of last year in Los Angeles, CA on the steps of city hall.

Ted's dramatic journey across America took him to the State capitals of Texas, New Mexico, and Arizona, where he brought his antidrug message personally to Gov. George W. Bush, Gov. Gary Johnson, and Governor Fife Symington.

Ted carried an American flag with him throughout his walk across our beautiful country as a symbol that the American spirit can turn the tide in our Nation's war on drugs. Working together in our local communities I, too, believe we can raise awareness of our Nation's drug abuse problems.

At one point on his journey, a little boy asked Ted if he was like Forrest Gump. Ted replied:

No, because when people asked Forrest Gump why he was walking, he didn't know. I'm walking so that boys like you can grow up in a country that is drug-free.

Ted believes, as I do, that the war on drugs will not be won in the courtroom or even here in Congress, but in our local communities. And in fact, Ted knows personally about winning the war on drugs, because he himself is a recovered amphetamine addict. He is living proof that individuals can overcome drug addiction.

Today I hope my colleagues will join me in saluting a great American, Ted Stone, for his efforts to keep our Nation drug-free.●

MAYOR DENNIS ARCHER

• Mr. LEVIN. Mr. President, I have the honor of paying tribute to my friend, Mayor Dennis Archer of Detroit, who will be recognized by the Hartford Optimists Club of Detroit as 1997 Optimist of the Year. Mayor Archer is being

honored for his efforts to "optimistically build a renaissance in Detroit for the 21st century."

Since he was elected mayor in 1993, Dennis Archer's energy and efforts have infused the people of Detroit with a new spirit of hope. While Detroit faces many challenges, Mayor Archer's work is convincing people from Michigan to Washington, DC that Detroit is in the midst of a great comeback.

Mayor Archer has worked to build partnerships with community and civic groups, businesses, and the State and Federal Governments. These partnerships have led to success in creating jobs, improving public safety, and raising the standard of living for many of Detroit's residents. In fact, Detroit's unemployment rate has been cut in half since Mayor Archer took office.

Under Mayor Archer's stewardship, residential and business development is moving forward at a dynamic pace. In November, taxpayers approved a plan to build new baseball and football stadiums in the city. Twenty-five new residential developments are under construction, as are new retail developments. General Motors recently decided to keep its world headquarters in Detroit, purchasing and moving to the Renaissance Center. And Detroit's empowerment zone leads those in all other cities in job creation.

Dennis Archer has always had confidence in the city of Detroit and in its people, and the results of his first 3 years are proving his optimism to be well-founded. While no one expects Detroit's problems to be solved overnight, the city's progress under the Mayor's leadership is undeniable.

Mr. President, I hope my colleagues will join me in saluting Mayor Dennis Archer of Detroit, who truly deserves to be honored as 1997 Optimist of the Year. ●

NATIONAL SPORTSMANSHIP DAY

● Mr. CHAFEE. Mr. President, I am pleased to commemorate the seventh annual celebration of National Sportsmanship Day, which took place on March 5. Designed to promote ethics, integrity, and good sportsmanship in athletics, National Sportsmanship Day was established by the Institute for International Sport at the University of Rhode Island. This year, over 8000 schools in all 50 States and 75 countries overseas participated in National Sportsmanship Day.

There seems to be no shortage of stories about assaults on referees, players, and even press photographers. I am particularly pleased, therefore, that the Institute for International Sport tackled the issue of violence in sports head-on. As part of National Sportsmanship Day, the Institute held a day-long town meeting where athletes, coaches, journalists, students, and educators engaged in a lengthy discussion about the causes and possible solutions for violence on the playing field. I think that the Institute's work to fos-

ter this kind of dialogue among our young people is critical.

In addition to the town meeting, the Institute for International Sport also sponsored an essay contest in which students wrote and shared their views on good sportsmanship, fair play, and courtesy on the playing field. Several winning essays were published in USA Today and the Providence Journal Bulletin, and I ask that they be printed in the RECORD at the conclusion of my remarks.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who participated in this inspiring event. Likewise, I congratulate all of those at the Institute for International Sport, whose hard work and dedication over the last 7 years have made this program so successful.

The material follows:

[From the Providence Journal-Bulletin, Mar. 4, 1997]

WHETHER THEY REALIZE IT OR NOT, NATIONAL ATHLETES ARE ROLE MODELS

(By Steven E. Sylven, Jr.)

Sportsmanship. Today, it seems to be as valuable as my '86 Escort, which died a month ago. Is it any wonder though? Look around at some of the players in any of the pro leagues. You'll find guys who headbutt officials, spit on umpires, throw towels at their coaches, and kick cameramen. These "professional" athletes just ooze with sportsmanship and set a great example for kids don't they?

Some of these players say they don't want to be considered role models; that children should not look toward them as one. Well, news flash fellas, you are role models. There is no getting around this because you are professional athletes and are forever in the spotlight. Kids see your every move and they will imitate it. Why? Because they see you get away with it and they think it's cool.

When I was a kid, I loved playing sports and, like most kids, I would pretend to be my favorite player when playing. When I was playing baseball, I was Dwight Evans; when playing hockey, I was Mike Bossy; football, I was Dan Marino; and when playing tennis, I was John McEnroe. Yes, John "I will yell at anything that does not go my way" McEnroe.

I won't kid around here, I liked him for one reason and only one reason, he could shoot his mouth off at anyone and get away with it. I thought he was the best thing since sliced bread, plus he was a good tennis player to boot. Talk with any of my childhood friends who would play with me, they'd probably tell you I put McEnroe to shame. I was bad.

There was one time I was playing and I missed a shot on a critical point. Well, as critical a point as you can have when you are playing your friend in a park; but I

wasn't a kid, I was John McEnroe and this was Wimbledon.

Anyway, I went off on about a five-minute tirade, spewing forth any and every obscenity you can think of and then some. It was so bad that a lady who was clear on the other side of the park, came over and asked me to stop my mouth because she had her little children with her. I just brushed her off. After all, she was not my mother and besides McEnroe does it. Why couldn't I?

Incidentally, this screaming after points became a habit with me whenever I played and continued through high school. So bad was it that I would almost get into fist fights with opponents from other schools. One time, during the state doubles championships, I was running my mouth so bad that my coach almost pulled my partner and I out of the tournament * * * and we were in the quarterfinals. Playing tennis the way John McEnroe did was the only style I came to know.

Now, I'm not saying that all kids who imitate the bad behavior of professional athletes are going to behave that way for the rest of their lives. Nor am I saying that kids only pay attention to the conduct of unruly players, for there are far more players exhibiting the qualities of sportsmanship than there are not.

What I am saying is that a player who screams and shouts when things don't go his or her way and gets away with it, may spark the interest of a child more than someone who just accepts the fate the sports gods lay out for them. I speak from experience here.

So as we celebrate National Sportsmanship Day today, it would be nice if the not-so-sportsmanlike athletes of the nation would take the time to recognize the value of sportsmanship. If not for themselves or respected leagues, at least for the little Wayne Gretzkys, Pete Sampras, and Kerri Struggs out there.

SPORTS' CODE: BE YOUR BEST AT ALL TIMES

(By Brian Bert, Grade 5, Metcalf School, Exeter, R.I.)

I think good sportsmanship is not who wins or loses, but playing your best. You have to remember it is just a game. A good sport does not insult other teammates. He helps other players up when they fall.

When I play sports I see a lot of good and bad sportsmanship. Sometimes I see players who won't shake other players' hand at the end of the game. I sometimes see teammates blaming other teammates for losing the game. I see coaches arguing with refs.

I also a lot of good sportsmanship like helping other teammates up when they fall. Most good players shake hands at the end of the game and say "good game." A good sport would say to others "don't worry about your mistakes, it is just a game".

I felt I show good sportsmanship. I enjoy playing the game. It does not matter who wins, I feel good sportsmanship will help me through my life. It is a good lesson to learn.

WIN OR LOSE, STRONG HEARTS NEVER DIE

(By Erin K. Hannon, Grade 10, Exeter/West Greenwich High)

The 1996 Exeter/West Greenwich High School football team showed opponents that winning is not everything. Despite their nine losses, these young men displayed outstanding sportsmanship and character throughout the season. Their love and devotion to the game of football kept their spirits alive whenever hope seemed to be fleeting. Although they did not achieve the win they had been looking for they gained the respect of many last year.

The tradition of football is just beginning to blossom in the rural towns of Exeter and

West Greenwich. This past season was only the second year that the school had had a team. Experience was the key to playing the game, and many of these boys had never played organized football before. With only 19 boys on the roster, including only one senior, these young men found it difficult to compete with larger, more experienced teams across the state. However, giving up was out of the question. They stood tall and repeatedly showed that they deserved the respect that all of the opposing teams were receiving. These boys continued to give all that they had until the last whistle of the season had been blown.

As the manager and statistician of the team, I witnessed the pain in the eyes of each and every young man after a loss. They put forth tremendous effort not only during the games, but every day in practice. Their coaches, Mark Graholski, John Houseman and Craig Belanger, pushed every one of the boys until they could be pushed no further. They taught the boys the fundamentals on the football field, and more importantly, how the football team becomes a family during the season. They learned how to stick together through thick and thin and that although losing is not the greatest, earning respect and dignity is far greater than winning.

One of the team's greater accomplishments last year was receiving the Dick Reynolds Outstanding Sportsmanship Award. This honor recognized not only the talent, but the impetus and determination that came from within each and every young man on the team. It also allowed the team to be noticed by all not for their winning percentage, but for the way they played the game. The players realized that winning was only the icing on the cake and they were proud in what they had accomplished overall.

The members on the Exeter/West Greenwich football team learned more than the game of football last year, they learned many aspects of the game of life. They learned that being able to stand tall with a smile on your face is a far better goal to achieve than winning. Their character and sense of pride through a season filled with struggles showed that they had the will to continue and the power to be successful, win or lose. Although the pain and anguish of losing will fade away, the character and sportsmanship of these young men will remain for years to come.

PROFESSIONAL ATHLETES NEED TO LEARN SELF-CONTROL

(By Kaycee Roberts, Grade 7, Westerly's Babcock School)

The behavior of professional athletes today is extremely out of hand. Players and coaches alike go to the outler limits to win, and often, to make the other team look bad. Referees allow many more things to go on (and so do coaches) than they should. Sports are played mainly for fun, but if athletes and coaches keep acting in such an impolite and downright ridiculous manner, they will take the fun right out of it. Therefore the behavior of role models in sports needs to be improved.

First, children are watching these morally irresponsible actions. They will see their idols commit these acts. So, of course, they will act the same way. For example, when you see a baseball player throw the bat and swear at the umpire, children will think it is cool to do that, and they will go out and repeat the same action. It is not right to introduce this behavior to the youth of America.

Second, they celebrate and taunt, yet they are only doing their job. When football players shout and dance because they score a touchdown, they are celebrating actions

they are expected to perform. The football players are supposed to score for their team. These flamboyant actions are totally uncalled for. It would be like a stockholder screaming and boasting because he sold stocks. They need to put aside their ridiculous and foolish antics and play the game.

Last is the obvious fact that such behavior has absolutely no point and does not benefit anyone. It certainly doesn't benefit the subject of the taunt, nor does it benefit anyone watching the game. Finally, role models in professional sports desperately need to improve their attitudes. We are going to be living in a very sad world if people cannot simply control their tempers and behavior. We want to see athletes set aside silly and childish ways and promote the youth of America by freshly nourishing them in a good way.

[From the USA Today, Mar. 4, 1997]

PUSHING TO IMPROVE IS MARK OF A WINNER
(By Daryl Myer, Edinboro (PA) University)

His gait is modest and true, his body strong yet unpretentious. His eyes glow with the vibrancy for life all too few know. His smile is contagious. Ask any of his friends, and they will tell you the truth: His work ethic and will to win rate second to none. He is always trying to become better, not only on the track, but in life as well.

It is practice time, and his teammates and coach have gathered on the track for another workout. His coach reads aloud the workout, and all the others quietly whine and complain. He hears one teammate complaining about a blister on his toe and another about a headache. He remains quiet, showing no signs of apprehension about the pain that awaits him. Ultimately, he realizes that his sore muscles and screaming lungs will make him stronger and more proficient. His goal is to become a national champion.

Many people might guess that he does poorly in track meets. The exact opposite is true. His desire to win is incomparable. He trains hard and races hard. He speaks only a choice few words. What he says is profound, and he never speaks about himself. In a day and age where athletes draw attention to themselves in any way possible, he chooses to place the emphasis on his team, not himself. Others taunt and point fingers; he simply congratulates his competitors for a job well done.

He is a true gentleman in every facet of the word. He accepts responsibility for his actions and remains humble at all costs. Honesty and integrity are of the same importance as gold medals and records. His goals are high, but his will is strong. He will be fair and just.

These are the ideals of a true sportsman, ideals my mother and father taught me. It is my desire to follow their lead. I want to become like "him."

COMPETITORS SHOULD RAISE BAR ON ETHICS
(By Brian Bokor, Senior, Shorecrest Prep, St. Petersburg, FL)

We live in a world where winning supersedes all other considerations. Moral values have been clouded by the desire to win at any price. This is evident in business, politics and in sports.

I have played organized sports for the last six years of my life, and I have learned about sacrifice, hard work, self-discipline and working with others. However, there is also a dark side to the lessons taught in competition. Many athletes will do whatever it takes to achieve a competitive edge.

I remember reading a couple of years ago about Colorado defeating Missouri in a football game. After review of the game film, it was discovered that Colorado scored on a

fifth-down play. The mistake was acknowledged, but Colorado refused to forfeit the game. The Colorado coaches blamed the "mistake" on the referees. Later that season, Colorado won a share of the national championship. I believe this "win" proves that most people consider winning to be far more important than being fair.

My parents and I had discussed my concerns of a "must-win" attitude in many aspects of society. Most people now accept "unfair business practices," "dirty tricks politics" and "academic irregularities" as the norm. I now question whether sports has encouraged this attitude in society or whether society has imposed these practices on sports. No matter what the answer, I believe society and sports need to adopt a new code of ethics.

Sports participation has helped prepare me for success in a competitive society. However, the unethical practices illustrated in sports have led many competitors into confusing what fairness and sportsmanship are all about. I feel a responsibility to replace the "winning-at-all-costs" attitude with an attitude of fairness and sportsmanship that was the original intent of competitive sports.

GOOD STARTING POINT IS POSITIVE ATTITUDE

(By Meghan Murray, Sixth-grader, Unqua School, Massapequa, NY)

What is sportsmanship? The definition is the qualities or conduct of a sportsman, fair play. To me, sportsmanship's a kind of attitude you have to a person or anything else. The attitude can be positive or negative. To other people, sportsmanship can relate only to sports. But, in fact, sportsmanship doesn't relate only to sports. Jobs, homes, schools, and friends can relate to sportsmanship.

Positive sportsmanship is a person who can take constructive criticism, learn from it and turn it into positive abilities. You can achieve sportsmanship by expressing your skills. You have to earn positive sportsmanship by working hard and concentrating on the challenging situations that may arise.

Another thing about sportsmanship is the attitude. You can shake the other team's hand after you win or lose a game. That shows respect to the players as well as the coaches and fans. If you don't shake the other team's hands, people might think you are disrespectful toward the game.

After losing a game, disappointment may occur but this should not reflect a bad attitude. A bad team player would walk off the field mad. A good team player would want to meet with his coach and team to see what went wrong and maybe fix it for the next game.

Winning or losing should always result in good sportsmanship. If you win and rub it in, you are not practicing good sportsmanship! Don't be unkind and disrespectful.

To be the most effective team player, you must start by giving of yourself 100%. Such as attending all practices, respect all team players and your coaches. Following all rules and regulations of the game. Give all that you've got. Keep up your grades at school. Take charge of what is your destiny and take the responsibilities that may come.●

INTERNATIONAL WOMEN'S DAY

● Mr. FEINGOLD. Mr. President, I rise today to mark the recent celebration of International Women's Day, which took place on March 8, 1997. Women have made great strides in the past century, both here in the United States and around the globe. As we prepare to enter a new century, however, we must

recognize that there is still much work to be done in the areas of equality and human rights for all women.

Here in the United States, women are making impressive contributions at all levels of society. They are daughters, mothers, wives, and sisters; they are entrepreneurs, research scientists, teachers, and scholars; they serve our Nation in the military, as civil servants, and as Members of the House, of the Senate and of the President's Cabinet.

This year, I was proud to be a Member of the Senate which unanimously approved the nomination of the first female Secretary of State, Madeleine K. Albright. More women serve in the 105th Congress than any other Congress in history, with 9 women in the Senate and 53 in the House. While women have made great progress in running for and attaining public office, we cannot forget that women are still vastly underrepresented at virtually every level of government.

In 1996, American women celebrated the 75th anniversary of winning the right to vote. Sadly, many women—and men—in the United States fail to take advantage of this aspect of democracy. As we prepare to enter the next century, we ought to encourage women to participate fully in our democracy, as informed voters and as candidates for public office at the local, State, and National level.

One striking inequity that persists for American women is in their earnings as compared to men. According to 1995 data from the U.S. Census Bureau, women earn only 71 percent of the wages of men. This wage gap varies by race: compared to white men, African-American women earn only 64 cents on the dollar, Hispanic women earn only 53 cents, and white women earn 71 cents.

Sixty percent of women are employed in traditionally female jobs. Women also make up a large segment of the United States contingent work force, which includes independent contractors, part-time and temporary workers, day laborers, and on-call workers. According to the American Association of Retired Persons (AARP), participation in this contingent work force has a significant impact on women aged 45 and above because contingent workers receive lower pay and fewer benefits and have less opportunity for advancement than do full-time workers. Women are more likely than men to be contingent employees due to an unequal distribution of parenting and household responsibilities which prevent many women from seeking full-time employment.

Only part of this disparity is explained by differences in men's and women's career paths. Women and men employed in the same job also receive unequal pay. According to 1995 data from the U.S. Bureau of Labor Statistics, women received equal pay for only 2 of 90 occupations that were studied.

As we look toward the 21st century, we must continue to fight for equal pay

for equal work and continue to reform our Nation's health care and Social Security systems for all Americans. While we have made great progress with the Family and Medical Leave Act and the Health Insurance Portability and Accountability Act, there is still much work to be done.

Women abroad have also made progress over the past century. As the ranking member of the Subcommittee on African Affairs, I have had the opportunity to review the status of women on that continent. Last year, I was pleased to be a part of a hearing, chaired by Senator KASSEBAUM, which explored the status of African women. African women are becoming more active in the economy, in politics, and in solving national problems than they ever have before. Many development indicators that affect women—the number of girls attending primary school and life expectancy, for example—are also improving.

But with all these advancements, we cannot forget the challenges that women face in Africa. In many countries, women are legally prevented from owning property or signing official documents without the consent of their husbands. Women comprise a substantial majority of the nearly 7 million refugees in Africa. And, in Africa, women suffer more from the HIV virus than do men.

As we prepare to enter the 21st century, the great strides made by African women, and women in others areas of the world, should be applauded, but the fact that there is still much work to be done should not be forgotten.

In closing, Mr. President, I see International Women's Day as both an opportunity to celebrate the advancements of the last century and to outline goals for the next century. ●

MIT: THE IMPACT OF INNOVATION

● Mr. KERRY. Mr. President, I commend the attention of the Senate to a significant new study released this week by BankBoston regarding the impact of the Massachusetts Institute of Technology on the economy of the United States and of the world.

Mr. President, we in Massachusetts have always known that MIT plays an outsized role in the economy of Massachusetts and of the United States, but this new study by BankBoston quantifies the impact. And the impact is staggering.

The report shows that MIT graduates are responsible for the formation of over 4,000 companies worldwide, and the creation of over 1.1 million jobs, including 733,000 jobs in the United States.

If MIT graduates constituted an economy all by themselves, they would be the 24th largest economy in the world.

Just as significant, the report shows that fully 80 percent of the jobs created by MIT-related companies are manufacturing jobs, and that MIT-related

companies are heavily invested in the production of goods and services for export outside the United States.

In other words, the fruit of the sophisticated research and training offered at MIT is real jobs for real working Americans, and real net wealth for the U.S. economy.

We are proud of MIT and its accomplishments, but what this Congress should appreciate about the new MIT study is not what it says about MIT, but what it says about our research universities throughout the country, for the MIT story is one that could easily be told at research universities throughout the United States.

The moral of this story is that our historic Federal commitment to university-based research, and to support higher education, has paid off in jobs and in new wealth for this country, not to mention superior national security and continued advances for human health.

As we face tough fiscal choices this year on the way to a sustainable balanced budget, we must keep the lessons of the MIT study in mind. We will ill serve this country if, in the name of sustaining our economy through a balanced budget, we underinvest in the very things—research and education—that have made this country the unquestioned economic leader it is today.

I ask that the following article, "Study Reveals Major Impact of Companies Started by MIT Alums," be printed in the RECORD.

The article follows:

STUDY REVEALS MAJOR IMPACT OF COMPANIES STARTED BY MIT ALUMS

(By Kenneth D. Campbell)

In the first national study of the economic impact of a research university, BankBoston reported today that graduates of MIT have founded 4,000 firms which, in 1994 alone, employed 1.1 million people and generated \$232 billion of world sales.

"If the companies founded by MIT graduates and faculty formed an independent nation, the revenues produced by the companies would make that nation the 24th-largest economy in the world," said the report, entitled "MIT: The Impact of Innovation."

Within the United States, the companies employed a total of 733,000 people in 1994 at more than 8,500 plants and offices in the 50 states—equal to one out of every 170 jobs in America. Eighty percent of the jobs in the MIT-related firms are in manufacturing (compared to 16 percent nationally), and a high percentage of products are exported.

The 36-page BankBoston report, which is the result of an MIT survey of 1,300 CEOs and two years of fact-gathering and checking by MIT and the bank, "represents a case study of the significant effect that research universities have on the economies of the nation and its 50 states." The study notes that many of the MIT-related founders also have degrees from other universities, and that these entrepreneurs maintain close ties with MIT or other research universities and colleges.

"In a national economy that is increasingly emphasizing innovation, these findings extend our understanding of how MIT has been instrumental in generating new businesses nationwide," said Wayne M. Ayers, chief economist of BankBoston. "MIT is not the only university that has had a national

impact of this kind, but because of its historical and continuing importance, it illustrates the contribution of research universities to the evolving national economy."

MIT President Charles M. Vest, commenting on the report, said, "About 90 percent of these companies have been founded in the past 50 years, in the period of the great research partnership between the federal government and research universities. The development of these business enterprises is one of the many beneficial spinoffs of federally funded research, which has brought great advances in such fields as health care, computing and communications."

The five states benefiting most from MIT-related jobs are California (162,000), Massachusetts (125,000), Texas (84,000), New Jersey (34,000) and Pennsylvania (21,000). Thirteen other states have more than 10,000 MIT-related jobs—from west to east, Washington, 10,000; Oregon, 10,000; Colorado, 15,000; Kansas, 13,000; Iowa, 13,000; Wisconsin, 12,000; Illinois, 12,000; Ohio, 18,000; Virginia, 15,000; Georgia, 14,000; Florida, 15,000; New York, 15,000; and Connecticut, 10,000.

Another 25 states have 1,000 to 9,000 jobs from MIT-related companies—Alabama, South Carolina, Missouri, and New Hampshire, 9,000; North Carolina, 8,000; Arizona and Michigan, 7,000; Maryland and Tennessee, 6,000; Kentucky, Minnesota, New Mexico, and Idaho, 5,000; Oklahoma, Indiana, Utah, Rhode Island and Arkansas, 2,500 to 5,000; Delaware, Louisiana, Maine, Nebraska, Nevada, West Virginia and Mississippi, 1,000 to 2,500 jobs. Only seven low-population states and the District of Columbia had less than 1,000 jobs from MIT-related companies.

More than 2,400 companies have headquarters outside the Northeast.

The report noted, "MIT-related companies have a major presence in the San Francisco Bay area (Silicon Valley), southern California, the Washington-Baltimore-Philadelphia belt, the Pacific Northwest, the Chicago area, southern Florida, Dallas and Houston, and the industrial cities of Ohio, Michigan and Pennsylvania."

The report said the MIT-related companies "are not typical of the economy as a whole; they tend to be knowledge-based companies in software, manufacturing (electronics, biotech, instruments, machinery) or consulting (architects, business consultants, engineers). These companies have a disproportionate importance to their local economies because they usually sell to out-of-state and world markets, and because they so often represent advanced technologies." Other industries represented include manufacturing firms in chemicals, drugs, materials and aerospace, as well as energy, publishing and finance companies.

"Firms in software, electronics (including instruments, semiconductors and computers) and biotech form a special subset of MIT-related companies. They are at the cutting edge of what we think of as high technology. They are more likely to be planning expansion than companies in other industries. They tend to export a higher percentage of their products, hold one or more patents, and spend more of their revenues on research and development," the report said.

In interviews, MIT graduates cited several factors at MIT which spurred them on to take the risk of starting their own companies: faculty mentors, cutting-edge technologies, entrepreneurial spirit and ideas. The study profiled seven MIT founders who started companies in Maryland, Massachusetts, California, Washington state, Illinois and Florida. Nearly half of all company founders who responded to the MIT survey maintain significant ties to MIT and other research universities in their area.

The findings of the study also reveal:

MIT graduates and faculty have been forming an average of 150 new firms a year since 1990.

In Massachusetts, the 1,065 MIT-related companies represent 5 percent of total state employment and 10 percent of the state's economic base (sales in other states and the world). MIT-related firms account for about 25 percent of sales of all manufacturing firms and 33 percent of all software sales in the state.

The study also looked at employment around the nation and the world from MIT-related companies. Massachusetts firms related to MIT had world employment of 353,000; California firms had 348,000 world jobs. Other major world employers included firms in Texas, 70,000; Missouri, 63,000; New Jersey, 48,000; Pennsylvania, 41,000; and New Hampshire, 35,000.

In determining the location of a new business, the 1,300 entrepreneurs surveyed said the quality of life in their community, proximity to key markets and access to skilled professionals were the most important factors, followed by access to skilled labor, low business cost, and access to MIT and other universities.

The companies include 220 companies based outside the United States, employing 28,000 people worldwide.

Some of the earliest known MIT-related companies still active are Arthur D. Little, Inc. (1886), Stone and Webster (1889), Campbell Soup (1900) and Gillette (1901).

The report said the MIT-related companies would rank as the 24th-largest world economy because the \$232 billion in world sales "is roughly equal to a gross domestic product of \$116 billion, which is a little less than the GDP of South Africa and more than the GDP of Thailand." •

FATHER WILLIAM CUNNINGHAM

• Mr. LEVIN. Mr. President, I rise to pay tribute to Father William T. Cunningham, who will be recognized by the Hartford Optimist Club of Detroit as 1997 Optimist of the Year. Father Cunningham is being honored for his efforts to "optimistically build a renaissance in Detroit for the 21st century."

A longtime advocate of social justice and racial equality, Father Cunningham is one of the most respected and admired people in Michigan. In 1968, he and cofounder Eleanor Josaitis began a civil and human rights organization in Detroit called Focus:HOPE. Focus:HOPE provides a unique combination of programs which seek to improve race relations, deliver food to 86,000 low-income women, children and elderly each month, and provide advanced technology training for low-income young men and women. Father Cunningham and Focus:HOPE have changed the lives of thousands of people throughout metropolitan Detroit by bringing to life the proverb "Give a person a fish and you feed him for a day; teach him to fish and you feed him for a lifetime."

Father Cunningham's commitment to the people of Detroit has never wavered. I have been proud to be with President Clinton, Gen. Colin Powell, Ron Brown and many others on tours of Focus:HOPE. While each of these dignitaries has walked away impressed

by the size and scope of Focus:HOPE's mission, they have been equally inspired by the spiritual nature of Focus:HOPE and by the man whose vision and hard work have made Focus:HOPE the success it is today.

Today, Mr. President, Father Cunningham's optimism is in full public view as he fights a battle against cancer. His determination to continue his legendary career serving the people of Detroit is as strong as ever. Father Cunningham's faith and courage is an inspiration to all who witness it.

Father William Cunningham is an American treasure. I know my colleagues will join me in congratulating Father Cunningham as he receives the "1997 Optimist of the Year" award, and in wishing him good health and continued success in the years ahead. •

CARM LOUIS COZZA

• Mr. LIEBERMAN. Mr. President, the State of Connecticut, sports fans, and alumni of Yale University said goodbye to a true national coaching legend when Carm Cozza stepped down as coach of the Yale University football team last fall.

Carm was Yale's head coach for 32 years, winning a school-record 179 games and coaching 1,300 players. He led the Elis to 10 Ivy League championships and coached future National Football League stars like Calvin Hill, who went on to win a championship with the Dallas Cowboys in the 1970's and Gary Fencik, a member of the Super Bowl XX champion Chicago Bears. He is a Connecticut and American coaching icon.

"I think Cozza epitomizes the champion that all of us try to be, that we strive to be," said Fencik, an All-American in 1975, in a recent interview with the New Haven Register.

"You learn a lot more about a man under adversity and Carm had tremendous adversity that first year. My first year we didn't even have a winning record and he treated that season the same as the next two when we won league titles," said Hill in the same story.

Cozza began his coaching career at Yale at a time when Ivy League football was truly top-notch college football. But as the prestige of Ivy League football faded, and Division I-AA football slipped in general, Carm stayed at Yale. He was offered jobs at the University of Virginia and Princeton, but elected to stay in Connecticut. And we're grateful for that, because he's touched the lives of so many Ivy League athletes and so many other people in our State. A true testament of how successful Cozza's former players have become is in the numbers—Seven NCAA post-graduate scholarship winners, seven GTE/CoSIDA District I academic All-Americans, five National Football Foundation Hall of Fame Scholar-Athletes, and five Rhodes Scholars. These numbers make Cozza the proudest and the best of leaders.

His coaches have also gone on to bigger and better positions. Eleven of his assistant coaches became head coaches on the college level. Included on the list are Buddy Amendola, who led Central Connecticut State University, Jim Root—William & Mary—Bill Mallory—Indiana—Bill Narduzzi—Youngstown State.

Cozza's football coaching career commenced at the high school level at Gilmour Academy and Collinwood High, both in Ohio, before he became the head freshman coach at Miami in 1956. Five seasons later, he joined the varsity as an assistant. He left Miami in 1963 to join John Pont's staff at Yale and after Pont resigned to become head coach at Indiana, Cozza became the Bulldogs' new head coach.

The lives he touched—let's just say they all remember. They all are grateful. At a farewell dinner last fall, all but one of his captains came back to pay tribute. The only one who didn't appear was on business and couldn't get away. Each shared a story about him.

Sending written tributes, congratulating the coach on an incredible career, were President Clinton and former Presidents Bush and Ford. Gov. John Rowland proclaimed the day he coached his final game Carm Cozza Day and New Haven Mayor John DeStefano did the same for the city.

Carmen Louis Cozza was born on June 10, 1930, in Parma, OH. He earned 11 varsity letters in football, basketball, track, and baseball, while serving as class president his last 3 years, at Parma High and was inducted into the school's Hall of Fame in 1982. Cozza and his wife, the former Jean Annable, reside in Orange, not far from his beloved Yale.

We'll all miss this living legend's presence on the football field. But his presence in our hearts and the memories of his great career will live on.●

HUMAN RIGHTS ABUSES IN EAST TIMOR

● Mr. FEINGOLD. Mr. President, on Sunday, March 2, 1997, the Washington Post ran two op-eds profiling how the award of the Nobel Peace Prizes to Asian democratic activists in recent years have helped draw attention to the terrible human rights situation in Burma and in East Timor. The two companion articles highlighted the work of 1991 Nobel winner Aung San Suu Syi and the 1996 cowinners Bishop Carlos Ximenes Belo and Jose Ramos Horta.

I had the pleasure of meeting Mr. Ramos Horta late last month, and he told me how—since the Nobel Committee's announcement in October—the attention of international policymakers and the press on the plight of East Timor has increased dramatically.

Mr. President, the joint award to Bishop Belo and Mr. Ramos Horta, followed by the attention in the United States focused on political campaign

contributions from Indonesians, has made United States policy toward Indonesia and human rights issues related to East Timor the subject of heightened interest. The Nobel Committee said it hoped the 1996 award would draw international attention to the situation in East Timor, and help build momentum for resolution of the conflict there.

I commend the Nobel Committee's decision, because I believe the more light that the international community sheds on the horrible abuses taking place in East Timor, the sooner we will come to a resolution of this conflict.

Mr. President, I ask unanimous consent that the text of the March 2, 1997, Washington Post article be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 2, 1997]

IN EAST TIMOR. TEETERING ON THE EDGE OF MORE BLOODSHED

(By Matthew Jardine)

"Hello, Mister. Where are you from?"

I had just arrived at the tiny airport in Dili, capital of Indonesian-occupied East Timor. The man, clad in civilian clothes, didn't identify himself except to say he was from Java, Indonesia's principal island. His questions—and the respect he seemed to command from uniformed officials at the airport—led me to believe he was an intelligence agent. As the only obviously non-Indonesian or East Timorese on this daily flight from Bali a few months ago, I attracted his attention.

"Are you a journalist?" the man asked, examining my passport. "Where are you planning to stay?"

I mentioned a local hotel and told him I was a tourist, a common lie that journalists tell to avoid immediate expulsion from places such as East Timor. I wasn't surprised by the scrutiny: During my first trip to East Timor in 1992, I was frequently followed and questioned as I traveled around the tropical, mountainous territory, which makes up half of an uncommonly beautiful island at the eastern end of the Indonesian archipelago, 400 miles north of Australia.

But the beauty belies a harsh reality. In the more than 21 years since Indonesia invaded East Timor and annexed it, more than 200,000 people—about one-third of the country's pre-invasion population—have died as a result of the invasion, Indonesia's subsequent campaign of repression, the ensuing famine and East Timorese resistance to the ongoing occupation, according to Amnesty International.

East Timor was a backwater of the Portuguese colonial empire until April 1974, when the military dictatorship in Lisbon was overthrown. Two pro-independence political parties sprung up in East Timor; this development scared the Indonesian military, which feared that an independent East Timor could incite secessionist movements elsewhere in the ethnically diverse archipelago or serve as a platform for leftist subversion.

Indonesian intelligence agents began covertly interfering in East Timor's decolonization, helping to provoke a brief civil war between the two pro-independence parties. Amid the chaos, Portugal abandoned its rule of the island. Soon after, Indonesian troops attacked from West Timor (Indonesia has governed the island's western half since its own independence in 1949), culminating in a full-scale invasion on Dec. 7, 1975. They

met with fierce resistance from Falintil, the East Timorese guerrilla army. But the war turned in Indonesia's favor with the procurement of counterinsurgency aircraft from the Carter administration.

The Indonesian military was able to bomb and napalm the population into submission, almost destroying the resistance as well. An Australian parliamentary report later called it "indiscriminate killing on a scale unprecedented in post-World War II history."

Until 1989, East Timor was virtually closed to the outside world. Then the Indonesian government "opened" the territory to tourism and foreign investment, but continued to restrict visits by international human rights monitors and journalists.

As my taxi left the airport, I saw immediate evidence of change since my 1992 visit: On a wall near the airport entrance, someone had boldly spray-painted "Viva Bishop Belo," a tribute to Carlos Filipe Ximenes Belo, the head of East Timor's Catholic Church. Belo and José Ramos Horta were awarded the 1996 Nobel Peace Prize for their opposition to Indonesian oppression.

During my 1992 visit, most East Timorese seemed too afraid to make direct eye contact with me. This time, many people greeted me as I walked the streets in Dili, a picturesque city of 150,000. Some, particularly younger people, flashed a "V" sign for victory, a display of their nationalist sympathies.

East Timorese with the means to own a parabolic antenna can now watch Portuguese state television (RTP)—which beams its signal into the territory over Indonesia's objections—and catch glimpses of pro-independence leaders in exile or those hiding in the mountains. During my visit, RTP broadcast a documentary on Falintil, which now numbers around 600 guerrillas. The documentary, clandestinely made by a British filmmaker, contained footage of David Alex, a 21-year veteran in the struggle against the Indonesian military and third in the Falintil command. He is well known to the East Timorese, but few had ever seen him or heard his voice until the broadcast.

Despite these openings, East Timor remains a place where few dare to speak their minds in public and even fewer dare to invite foreigners into their homes. "We are very happy that the world has recognized our suffering with the Nobel Prize," a middle-aged woman told me in a brief conversation on a shady street, "but we still live in a prison." Our talk ended abruptly when a stranger appeared.

The streets of Dili are empty by 9 p.m. Accordingly to several people I interviewed, Indonesian soldiers randomly attack people, especially youths, who are outside at night. Matters are worse in rural areas, where the Catholic Church has less of a presence. "Outside the towns, people are at the total mercy of the Indonesian military," one priest said.

Increasing international scrutiny has forced Indonesia to be more discreet in dealing with suspected pro-independence activists. But arrests, torture and extrajudicial executions are still common, human rights researchers say.

Such repression, however, has not stilled opposition to Indonesia's authority. Open protests have been a sporadic occurrence since November 1994, when 28 East Timorese students and workers occupied the U.S. Embassy in Jakarta during President Clinton's visit to Indonesia. Demonstrations and riot erupted in Dili and in other towns.

Protesters sometimes target Indonesian settlers and businesses, a manifestation of the deep resentment caused by the large scale migration of Indonesians into the territory. There are upwards of 150,000 Indonesian migrants in East Timor (out of a population of 800,000 to 900,000), according to researchers. This influx, combined with administrative corruption and the destruction caused

by the war, has overwhelmed the indigenous population. Joblessness and underemployment, especially among the young East Timorese, are high.

Indonesia maintains order through a highly visible military force of 20,000 to 30,000 troops and an extensive administrative apparatus. But a sophisticated underground resistance in the towns and villages challenges its authority. The underground has strong links to Falintil guerrillas in the mountains and to the resistance's diplomatic front abroad, led by Ramos Horta.

I saw this firsthand when I spent 24 hours during my trip with David Alex and 10 of the 150 Falintil guerrillas under his command. Underground activists drove me to a rural safe house, where I was taken on a lengthy hike to the guerrillas' mountain camp. My transport in and out of the region relied on the cooperation of numerous people from many walks of life, exposing the hollowness of Indonesia's claims that the resistance is marginalized and isolated within East Timor.

Many East Timorese told me that only the United States, Indonesia's longtime military and economic patron, has the clout to pressure the Jakarta government into resolving the conflict. Successive U.S. administrations have provided Indonesia with billions in aid since the 1975 invasion, despite United Nations resolutions calling upon Indonesia to withdraw and allow the East Timorese to determine their own future.

Bill Clinton, who called U.S. policy toward East Timor "unconscionable" before he became president, seems just as beholden as his predecessors to the lure of Indonesia, which Richard Nixon once called "by far the greatest prize" in Southeast Asia. The Clinton administration has provided Indonesia with almost \$400 million in economic aid, has sold or licensed the sale of \$270 million in weaponry.

Meanwhile, East Timor teeters on the edge of increased violence. On Dec. 24, 100,000 people gathered in Dili to welcome Bishop Belo back from receiving the Nobel Prize in Oslo. Youths in the crowd, apparently fueled by rumors of an Indonesian military plot to assassinate Belo, attacked two men who they suspected of being in the Indonesian military and killed another carrying a pistol and a walkie-talkie. (Belo had announced a month before that the military had twice made attempts on his life.)

In the past three weeks, rioting has broken out in two different regions of the territory. Indonesian troops have responded with a major crackdown and numerous arrests. Rep. Frank Wolf (R-Va.), after a recent three-day visit to East Timor, described the atmosphere as one of "terror" and "total and complete fear."

Some East Timorese I met on my recent visit expressed fears that the violence and repression will intensify. "The people here are desperate," one priest said. "If the situation does not change soon, there will be much more bloodshed."●

MR. HERMAN C. GILBERT: A MAN WHO MADE A DIFFERENCE

● Ms. MOSELEY-BRAUN. Mr. President, later today, a number of the friends of Herman C. Gilbert will come together to remember a man whose life embodied the core values we hold so dear. While many people will attend tonight's service at Cosmopolitan Community Church in Chicago, however, they will be only a very small fraction of those whose lives he touched, and those whose lives he made better.

Herman Gilbert was a leader; he was a doer; he made things happen. All of his life, he worked to make his community a better place in which to live. All of his life he worked to open the doors of opportunity. All of his life he strove to turn what Dr. Martin Luther King called the American "Declaration of Intent" into the reality of life for every American.

Herman Gilbert led in many fields. He was a publisher; he cofounded Path Press to publish books by and about African-Americans. He was a political leader; he was one of the cofounders of the Chicago League of Negro Voters in 1959, and he served as chief of staff to Congressman Gus Savage for 2 years. He was a civil rights leader, working closely with Dr. King and Mayor Harold Washington of Chicago to fulfill the promise of America for minority Americans. He was a labor leader, active in the United Packinghouse Workers, a progressive union.

Herman Gilbert was a strong man, with strong views. He brought determination, intelligence, good judgment, and perhaps most importantly, a real commitment to principle and to fundamental values, in everything he did. He knew that nothing worth having comes easily, that real achievement is built on hard work—and he worked hard all of his life for his family, for his community, for African-Americans as a people, and for his country.

I know he will be greatly missed by his wife, Ivy, by his sister, Addie Lawrence, by his son, Vincent, by his daughter, Dorothea, by his stepdaughter, Lynette Tate, and by his grandchildren. He will also be missed by the people of Mariana, AR, where he was born, by the people of Cairo, IL, where his family moved in 1937, by the people of the city of Chicago, where he spent most of his life, and by people all across this country who have so benefited from his lifetime of effort on their behalf, and on behalf of us all.

I will greatly miss him, Mr. President. His was a life that made a difference for many, many people; his was a life that made an important difference for me. Like the others whose lives he touched, I have greatly benefited from the legacy embodied in the life and work of Herman C. Gilbert.●

COMMENDATION UPON THE RETIREMENT OF KAY DOWHOWER

● Mr. DORGAN. Mr. President, it is with great honor that I rise to commend Kay S. Dowhower. After more than 9 years of committed service, Kay is leaving her role as director of the Evangelical Lutheran Church's governmental affairs office in the Nation's capital to pursue other advocacy efforts within the church. The Evangelical Lutheran Church in America is a church with a membership of over 5.2 million people and 11,000 congregations.

During those 9 years, she has worked tirelessly for social justice in the for-

mulation of public policy. She has been a committed spokesperson for the poor and the powerless in this Nation and abroad. Her competent work has provided her church, her colleagues, and those in Government with encouragement and a model of excellence.

Kay Dowhower, you will be missed. We have been the better because of your unwavering efforts to challenge us to do what is just for the least of these in our Nation and in the world.●

RURAL HEALTH IMPROVEMENT ACT

● Mr. THOMAS. Mr. President, I would like to take this opportunity and make a few comments about a bill that my colleague, Senator MAX BAUCUS introduced yesterday. The bill, known as the Rural Health Improvement Act, is designed to help struggling, small, rural hospitals across America.

I am pleased to join Senator BAUCUS as an original cosponsor of this important bill. It will go a long way in helping people served by rural facilities.

As cochairman of the Senate Rural Health Caucus, I have worked long and hard to ensure rural families have access to quality care. This is an issue that concerns not just a select few, but all Senators because every State has at least some low-population areas.

Unfortunately, too many of our small hospitals are confronted with the decision of having to close because they can no longer contend with declining inpatient stays, costly regulations, and low Medicare reimbursement rates. However, closing hospitals is not an acceptable option in Wyoming. In my State, if a town loses its most important point of service—the emergency room—it is typical for patients to drive 100 miles or more to the closest tertiary care center.

With the Medicare trust fund going broke, it also is understood that underutilized facilities cannot continue to be subsidized. However, an alternative must still be available. That is why it is necessary to give small rural hospitals the ability to downsize without having to maintain a full-service operation.

Mr. President, the Rural Health Improvement Act allows facilities to reconfigure their service and reduce excess bed capacity while retaining access to emergency care. In short, the bill presents communities with a viable option. It accommodates different levels of medical care throughout a State while providing stabilization services needed in remote areas.

The bill is one in a series of measures the Rural Health Caucus is working on designed to improve quality medical care in rural America. It is similar to legislation I introduced as a Member of the House of Representatives, and I look forward to working with Senator BAUCUS to pass this important, bipartisan piece of legislation.●

SAFE AND SOBER STREETS ACT

• Mr. LAUTENBERG. Mr. President, on March 10, 1997, I introduced S. 412, the Safe and Sober Streets Act of 1997. I now ask that the text of the bill be printed in the RECORD.

The bill text follows:

S. 412

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 "Safe and Sober Streets Act of 1997".

SEC. 2. STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. National standard to prohibit the operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2000, if the State does not meet the requirement of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2001, and on October 1, of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

"(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

"(A) while intoxicated; or

"(B) under the influence of alcohol.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which those funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to that State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld from apportionment under subsection (a) are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets that requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year during which those funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld from apportionment under subsection (a) are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), those funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118."

"(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National standard to prohibit the operation of motor vehicles by intoxicated individuals."•

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the Senator from Arizona [Mr. MCCAIN] to the Board of Trustees of Gallaudet University.

The Chair, on behalf of the Vice President, in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: Calendar No. 41.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Lyle Weir Swenson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

REGARDING UNITED STATES OPPOSITION TO THE PRISON SENTENCE OF TIBETAN ETHNOMUSICOLOGIST NGAWANG CHOEPHEL

Mr. ROTH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar order No. 22, Senate Resolution 19.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 19) expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Ngawang Choephel is lonely, locked up in a Chinese prison in Tibet. I do hope, Mr. President, that somehow, through Radio Free Asia or other means, he will learn that the Senate of the United States is sincerely concerned about him and will continue to work for his freedom—as we will for all prisoners of conscience in China and Tibet.

Senate Resolution 19 proposes to put the U.S. Senate on record in support of the release of Mr. Choephel, a strong resolution on China and Tibet at the U.N. Human Rights Commission in Geneva and access to Tibet for internationally recognized human rights group.

This resolution assures Tibetans—those in Nepal and India where they wait for the day they can reclaim their homeland, and those inside Tibet where they resist the cultural, religious, and political oppression of the Chinese Central Government—we in the United States have not forgotten you. We are with you. We will always be with you.

Yesterday, March 10, was Tibet National Uprising Day, the anniversary of Tibet's 1959 uprising against the Chinese occupation.

For almost 40 years, the Tibetan people have been resisting Chinese occupation, while working to preserve their culture in exile in India and Nepal. Repression inside Tibet has been raised to a level not seen since the Cultural Revolution. China has absorbed large portions of Tibet into neighboring provinces and conducted a concerted campaign to dilute Tibet's population through the relocation of Han Chinese. Tibet's leaders fear that Tibetans are now in the minority inside Tibet.

China seeks to limit the number of young people who enter religious life. Monks are forced to undergo political indoctrination and to renounce the Dalai Lama. The Dalai Lama himself is the focus of virulent attacks. His photograph is banned. China has detained the Panchen Lama, a young boy who is the reincarnation of Tibet's second most important religious figure, and selected its own rival Panchen Lama. The number of political prisoners has

increased dramatically—Ngawang Choephel, the subject of this resolution is just one case. There are many, many others.

Yesterday was also the opening day of the U.N. Human Rights Commission in Geneva. Mr. President, Senate Resolution 19 reminds President Clinton and his administration of their responsibility to support and bring about the passage of a strong resolution on China and Tibet at Geneva, and to raise relentlessly Mr. Choephel's case, and other cases, with the Chinese Government, while pressing for access to Tibet by human rights monitors.

The administration must take this responsibility seriously and sincerely. However, according to news reports, the administration's position on a China resolution at the Commission is just a bargaining chip in United States-China relations. There are frequent reports that the United States may drop, or soften, a resolution at Geneva in exchange for some future progress on human rights in China.

We have been down this road before with the administration. It is difficult to fathom what the administration believes it is achieving by rushing to entice China with softer positions on human rights, on proliferation, or on Hong Kong. Last year, the administration itself reports, human rights in China deteriorated. The President himself admitted that his engagement policy has not brought results. It makes no sense to mute or abandon our objections to China's record at the U.N. Human Rights Commission in exchange for nebulous commitments. The administration must tell the truth at Geneva.

In Burma, as well, the administration has recognized a marked deterioration in human rights over the past year. For several months, the administration has been reviewing its policy toward Burma in order to determine whether to impose a ban on new United States investment. The administration last year signed into a law specifying criteria for imposing an investment ban—first, restrictions on, physical harm to, or the exile of Aung San Suu Kyi, or second, widespread repression of the democratic opposition.

The SLORC regime is doing both, and the administration knows it. Since last summer, the SLORC has conducted a campaign of intimidation, arrests, disappearances, and some executions of democratic activists, and those close to them. Aung San Suu Kyi has repeatedly been kept from meeting and communicating with her supporters. Her phone service has been periodically cut. Her car was attacked.

Throughout all of this, the administration continued to review the law. It's time to follow the law. By failing to do so, the administration has signaled both the SLORC and our allies in the region that the United States isn't serious about supporting democracy or combating drug trafficking in Burma.

Now comes a new tragedy in Burma. For the past few weeks, the SLORC has been waging a campaign against the

ethnic Karen rebels, the only major ethnic army which has not yet signed a cease-fire with the regime. The Karen, who are Christian, will not submit to SLORC's control. The Thai Army has been repatriating refugees to Burma—in violation of international law. The carnage on the border provides yet another reason to invoke sanctions on the SLORC regime not just because it's the decent thing to do, but because U.S. law requires it.

The Karen National Union was one of several ethnic nationalities which agreed in January to a common platform of support for democracy, opposition to Burma's membership in ASEAN, rejection of the rigged constitutional convention and the SLORC's cosmetic actions against narcotics production and trafficking, and opposition to foreign investment.

The Karen National Union is part of the democratic opposition in Burma. The massive and brutal attacks on the KNU by the SLORC regime clearly trigger the Cohen-Feinstein condition on widespread repression of the democratic opposition.

Mr. MOYNIHAN. Mr. President, yesterday, March 10, marked the 38th anniversary of the Tibetan uprising, at a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese Army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations. The United States Senate will mark the occasion by adopting this resolution Senate Resolution 19, introduced on the first day of the 105th Congress, condemning the egregious prison sentence imposed by the Chinese Government on Ngawang Choephel. The Foreign Relations Committee has considered the measure and unanimously reported-out the resolution last week.

Mr. Choephel, a Tibetan ethnomusicologist and Fulbright Scholar, returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts. He was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

On December 26, 1996, the Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights following a secret trial. This is the most severe sentence of a Tibetan by the Chinese Government in 7 years.

The imprisonment of Ngawang Choephel reflects the broader conflict between Tibetans and Chinese. Mr. Choephel's arrest, and harsh sentence, appear to stem from his collecting information to preserve Tibetan performing arts. Such treatment of Tibetans is indicative of the extreme measures the Chinese Government continues to take to repress all forms of Tibetan cultural expression. To the

Chinese Government, which views Tibetan religion and culture as an impediment to successfully unifying Tibet with the "motherland," such efforts are reactionary. As we have seen, they are so threatening that Mr. Choephel has been sentenced to 18 years imprisonment for his efforts. The New York Times editorial on January 2 explains:

The basis of Ngawang Choephel's conviction is unclear, but even taping Tibetan culture for export could qualify as espionage under Chinese law. Since its invasion of Tibet in 1950, Beijing has gradually increased its efforts to erase Tibet's identity. China has arrested those who protested the takeover and tried to eradicate the people's affection for the leader of Tibetan Buddhism, the Dalai Lama.

My first encounter with this transcending issue came with my appointment as Ambassador to India a near quarter-century ago. In 1975, along with my daughter Maura Moynihan, I visited China as a guest of George Bush, who was then Chief of our U.S. Liaison Office in Peking. By this time, I was persuaded the Soviet Union would break up along ethnic lines. But I was not prepared for the intensity of ethnic tensions in the People's Republic. One was met at the Canton railroad station by a giant mural of Mao surrounded by ecstatic non-Chinese peoples who occupy more than half the nominal territory of the People's Republic. In Beijing, 3-year-olds in the Neighborhood Revolutionary Committee of Chi Eh Tao nursery school sang a patriotic song for us which began:

We will grow up quickly to settle the border regions. We will denounce and crush Lin Piao and Confucious

A refrain which ended:

We will each grow a pair of industrial hands.

Much of that Stalinoid dementia has disappeared from the coastal regions of China, at least for the moment, but not from Tibet. My daughter Maura has traveled to Tibet several times. After her most recent trip last year, she wrote in the Washington Post of the Chinese assault on Tibetan religion and culture:

Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The resolution before us records the United States Senate's response to these Chinese policies. We reject Chinese efforts to "erase Tibet's identity" and their "assault on Tibetan culture." Tibetans must be free, not only to preserve their identity and culture, but to determine their future for themselves.

In the words of the International Commission of Jurists in 1960, "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law." The

Government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

I thank all my colleagues who have cosponsored this resolution. In particular I would like to recognize the long commitment that the chairman of the Foreign Relations Committee Senator HELMS, has shown in support of Tibetans and thank him for joining me in this effort today. I would also thank both Senators from Vermont, who have remained engaged in this matter since it was made known and for their joining me as a cosponsor of this measure.

Mr. FEINGOLD. Mr. President, I rise today to commend the Senate's passage of Senate Resolution 19, regarding United States opposition to the prison sentence of Tibetan ethno-musicologist Ngawang Choephel by the Government of the People's Republic of China. I am proud to be an original cosponsor of this resolution, which was introduced by Senator MOYNIHAN, and was successfully reported out of the Senate Foreign Relations Committee last week.

This resolution expresses the Senate's strong sense that Ngawang Choephel should be released from the prison where he has been held in since 1995. It also urges the United States to raise the issue of his release with Chinese officials, to promote a resolution at the U.N. Human Rights Commission, and to seek access for human rights monitors in Tibet.

Mr. Choephel, a Tibetan national who—with the support of a Fulbright scholarship—studied ethno-musicology at Middlebury College in Vermont, was detained by the Chinese authorities in Tibet in August 1995. After being held incommunicado for a year, he was charged with espionage in October 1996. In December of that year, the Chinese sentenced him to a 18-year prison term following a secret trial.

Mr. Choephel was preparing a documentary film about traditional Tibetan performing arts when he was detained. The State Department says there is no evidence that his activities were anything but academic. Unfortunately, Mr. Choephel's arrest and sentence appear consistent with previous Chinese actions to repress cultural expression in Tibet.

The U.S. State Department and several human rights organizations, including Amnesty International and Human Rights Watch, note that China consistently denies Tibetans their fundamental human rights. According to the most recent State Department Human Rights report, Chinese authorities continue to commit widespread and well-documented human rights abuse, in violation of internationally accepted norms. Credible reports include instances of death in detention, torture, arbitrary arrest, detention without public trial, and intensified controls on religion and on freedom of

speech and the press, particularly for ethnic Tibetans.

Since its occupation of Tibet in 1949, the Chinese have also been responsible for the destruction of much of Tibetan civilization. The arrest of Mr. Choephel, who was engaged in efforts to preserve Tibetan culture, reflects China's systematic attempt to repress cultural expression in Tibet.

It is crucial that the Senate continue to send the signal that human rights abuses should not be tolerated, and should figure prominently in foreign policy deliberations. As a member of the Senate Subcommittee on Asia, I feel that the United States must continue to urge China to respect Tibet's unique religious, linguistic, and cultural traditions and observe fundamental human rights in Tibet and elsewhere.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 19) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 19

Whereas the Chinese Government sentenced Ngawang Choephel to an 18 year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial;

Whereas Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968;

Whereas Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India;

Whereas Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts;

Whereas Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996;

Whereas there is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research;

Whereas the Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations including Amnesty International and Human Rights Watch, Asia;

Whereas the Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949;

Whereas the arrest of a Tibetan scholar, such as Mr. Choephel who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet;

Whereas the Government of the People's Republic of China, through direct and indirect incentives, has established discrimina-

tory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Qinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life;

Whereas the Government of the People's Republic of China, withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans;

Whereas the Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979;

Whereas the United States Government has not developed an effective plan to win support in international fora, such as the United Nations Commission on Human Rights, to bring international pressure to bear on the Government of the People's Republic of China to improve human rights and to negotiate with the Dalai Lama;

Whereas the Chinese have displayed provocative disregard for American concerns by arresting and sentencing prominent dissidents around the time that senior United States Government officials have visited China; and

Whereas United States Government policy seeks to foster negotiations between the Government of the People's Republic of China and the Dalai Lama, and presses China to respect Tibet's unique religious, linguistic, and cultural traditions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should take prompt action to sponsor and promote a resolution at the United Nations Commission on Human Rights regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama;

(4) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and,

(5) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

ORDERS FOR WEDNESDAY, MARCH 12, 1997

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, March 12. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to executive session to consider the Peña nomination, as under the previous order.

I further ask unanimous consent that following the debate on the Peña nomination, the nomination be temporarily

set aside, and at 12:30 on Wednesday the Senate return to executive session and proceed to a vote on the confirmation of the nomination. I further ask unanimous consent that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

I now ask unanimous consent that following the debate on the nomination, the Senate return to legislative session and there then be a period of morning business until the hour of 12:30, with Senators to speak for up to 5 minutes each, with the following exceptions: Senator SESSIONS, 30 minutes; Senator MURKOWSKI, 15 minutes; Senator DOMENICI, 10 minutes; Senator DORGAN 1 hour.

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

Mr. ROTH. Mr. President, I ask unanimous consent that following the 12:30 vote on Wednesday, the Senate then begin consideration of Senate Joint Resolution 18, the Hollings resolution regarding a constitutional amendment on campaign financing.

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

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, following the 40 minutes of debate tomorrow morning on the Peña nomination, the Senate will temporarily set aside the nomination with the vote occurring on confirmation at 12:30, Wednesday afternoon. Following the morning debate, there will be a period of morning business in order to accommodate a num-

ber of Senators. Following the morning business period and the 12:30 vote, the Senate will begin consideration of Senate Joint Resolution 18, which is the Hollings resolution on a constitutional amendment on campaign financing. Senators can, therefore, expect additional rollcall votes throughout Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Wednesday, March 12, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1997:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 1999, VICE JACK EDWARDS, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. JOHN J. BATBIE, JR., 0000.
BRIG. GEN. WINFRED N. CARROLL, 0000.
BRIG. GEN. DENNIS M. GRAY, 0000.
BRIG. GEN. GRANT R. MULDER, 0000.
BRIG. GEN. VIRGIL J. TONEY, JR., 0000.

To be brigadier general

COL. WILLIAM E. ALBERTSON, 0000.
COL. PAUL R. COOPER, 0000.

COL. GERALD P. FITZGERALD, 0000.
COL. PATRICK J. GALLAGHER, 0000.
COL. EDWARD J. MECHEMBER, 0000.
COL. JEFFREY M. MUSFELDT, 0000.
COL. ALLAN R. POULIN, 0000.
COL. GIUSEPPE P. SANTANIELLO, 0000.
COL. ROBERT B. SIEGFRIED, 0000.
COL. ROBERT C. STUMPF, 0000.
COL. WILLIAM E. THOMLINSON, 0000.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. JAMES R. BATTAGLINI, 0000.
COL. JAMES E. CARTWRIGHT, 0000.
COL. STEPHEN A. CHENEY, 0000.
COL. CHRISTOPHER CORTEZ, 0000.
COL. ROBERT M. PLANAGAN, 0000.
COL. JOHN F. GOODMAN, 0000.
COL. GARY H. HUGHEY, 0000.
COL. THOMAS S. JONES, 0000.
COL. RICHARD L. KELLY, 0000.
COL. RALPH E. PARKER, JR., 0000.
COL. JOHN F. SATTTLER, 0000.
COL. WILLIAM A. WHITLOW, 0000.
COL. FRANCES C. WILSON, 0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

DOUGLAS R. YATES, 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

EDWARD H. LUNDQUIST, 0000.

To be lieutenant commander

MATTHEW P. FORD, 0000.
JOHN D. O'BOYLE, 0000.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 1, 1997:

DEPARTMENT OF JUSTICE

LYLE WEIR SWENSON, OF SOUTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS.