

know that phony issue ads paid for with unlimited corporate and union funds undermine the ability of citizens to understand who is bankrolling the candidates and why. We can find bipartisan solutions to these problems that protect legitimate First Amendment rights if we are willing to put partisan political advantage aside and sit down and work it out.

Senator MCCAIN and I are ready—we have been ready ever since we introduced our bill—to make changes to our bill that will bring new supporters on board and get us past the 60 vote threshold that the Senate rules have placed in our way, so long as we stay true to the goal of a cleaner, fairer, system in which money will no longer dominate.

I look forward to continuing this work next year Mr. President. And I am confident that we will succeed. Again, I want to thank Senator MCCAIN and all the Republicans who joined our bill this year. And of course, Senator DASCHLE and all the Democratic Senators who have so steadfastly supported bipartisan reform in this Congress.

Mr. President, most important legislative accomplishments take more than one Congress to enact. Rome was not built in a day, and campaign finance reform obviously could not be enacted in a year. But I believe that early in the next Congress there will be a real chance to deal with the campaign finance issue in a bipartisan fashion to make the election in the Year 2000 cleaner and fairer than the one we just had or the one we are about to have. The American people deserve that as we enter a new century, and here is a promise: I will never, ever, give up this fight until we give it to them.

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, as the 105th Congress draws to a close, I rise to express my disappointment over something we did not do. The Senate, despite strong support from both sides of the aisle, has not brought the nomination of James C. Hormel to serve as U.S. Ambassador to Luxembourg to the floor, has not had a debate on the nomination, and has not had a vote on it.

This failure is really quite incomprehensible.

The President nominated James Hormel for this post on October 6, 1997. After a thorough review by the Senate Foreign Relations Committee, the committee approved the nomination by a vote of 16-2 and reported it to the full Senate with the recommendation that it be confirmed. And yet here it is, October 14, 1998, in the final hours of this Congress, and the nomination has not budged from the Executive Calendar.

Mr. Hormel is eminently qualified for the job of U.S. Ambassador to Luxembourg. He has had a diverse and distinguished career as a lawyer, business-

man, educator, and philanthropist, and he gained diplomatic experience as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995 and as a member of the U.S. delegation to the 51st U.N. General Assembly in 1997. He was even confirmed unanimously by this very Senate for the latter post on May 23, 1997.

He has been an upstanding civic leader in San Francisco, and he has been honored for his work by organizations too numerous to mention. He is a man who is kind to all he meets, generous beyond measure, and deeply committed to making the world and his community a better place to live for all people. He is a devoted father of five grown children, and grandfather of 13. Anyone who knows him, as I have been privileged to do for over two decades, knows that he is a man of decency and honor, and the type of person who should be encouraged to be in public service.

So this is the situation we face: we have a nominee with outstanding talents and credentials; he was previously confirmed by this Senate for another post; he was approved by the Foreign Relations Committee by a 16-2 vote nearly a year ago; and over 60 Senators support bringing his nomination to a vote. And yet, we have never had the opportunity to vote on it.

Why? Because several Senators on the other side of the aisle have placed holds on the nomination, preventing a debate and a vote they knew they would lose. And the Majority Leader has refused to call up the nomination, effectively allowing the passage of time to kill it.

Why has Mr. Hormel been denied the Constitutionally delineated due process of a Senate debate and vote? The answer is simple: Mr. Hormel is gay. With no other reasonable grounds to block this nomination, one can come to no other conclusion than that some Senators are simply opposed to a gay man serving our country as a U.S. Ambassador. I believe the Senate does not want to allow this type of discrimination to prevail, and I think the vast majority of my colleagues agree. But so far, it appears that discrimination has prevailed.

I believe the majority of Americans agree with this position as well. To cite just one measure, newspaper editorials have appeared in support of Mr. Hormel's nomination across the country, including in the: Albany Times Union, Albuquerque Journal, Arkansas Democrat-Gazette, Atlanta Journal & Constitution, Boston Globe, Charleston (W.Va.) Gazette, Chicago Tribune, Cincinnati Post, Cleveland Plain Dealer, Detroit Free Press, Evansville Courier, Fort Worth Star-Telegram, Hartford Courant, Houston Chronicle, Los Angeles Times, Louisville (Ky.) Courier-Journal, Minneapolis-St. Paul Star-Tribune, Newark (N.J.) Star-Ledger, New Orleans Times Picayune, New York Daily News, New York Times, Peoria Journal-Star, Philadelphia Inquirer, Pittsburgh Post-Gazette, Port-

land Press Herald, Providence Journal, Riverside (Ca.) Press-Enterprise, Rocky Mountain News, San Diego Union-Tribune, San Francisco Chronicle, San Francisco Examiner, Santa Rosa (Ca.) Press Democrat, Seattle Post-Intelligencer, Springfield (Ill.) Journal-Register, St. Louis Post-Dispatch, St. Petersburg Times, Syracuse Post-Standard, Tulsa World, Washington Post, and York (Pa.) Daily Record.

Many of these newspapers have also run op-ed columns which call for a vote on the nomination, as have the: Arizona Republic, Buffalo News, Columbus Dispatch, Dallas Morning News, Denver Post, Des Moines Register, Detroit News, Fort Lauderdale Sun-Sentinel, Greensboro News & Record, Madison Capital Times, Memphis Commercial Appeal, Northern New Jersey Record, Raleigh News & Observer, Salt Lake City Tribune, and USA Today.

I deeply regret that the Senate has not been permitted to have its say on this eminently qualified nominee solely because he is gay. But the Senate's failure to act need not prevent Mr. Hormel from assuming his post. In a case such as this, where the Senate has so clearly failed to fulfill its Constitutional obligation with respect to a nomination, even though a clear majority of the Senate supports that nomination, I believe it is entirely appropriate for the President to use his Constitutional authority to make a recess appointment.

Luxembourg is a NATO ally, and we need an ambassador there. Mr. Hormel has every qualification necessary to be an outstanding ambassador, and he would have been overwhelmingly confirmed if the Senate had been allowed to vote. But we were not. I, therefore, urge President Clinton, after Congress adjourns, to make a recess appointment of James Hormel to be U.S. Ambassador to Luxembourg. It is the right thing to do, and it will give the country the benefit of the service of James Hormel, which the Senate has failed to do.

Mr. President, because the Senate has not had the opportunity to debate this nomination, I ask unanimous consent to place in the RECORD some of the materials I would have used in the course of that debate, including some of the notable editorials, op-ed pieces, and letters of support that have come to my attention.

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

[From the Los Angeles Times, July 22, 1998]

GAME'S NOT OVER FOR HORMEL

Even though this hasn't been a notably busy or productive year for the U.S. Senate, Majority Leader Trent Lott has decided that there simply is no time available to vote on the nomination of James Hormel as ambassador to Luxembourg. Never mind that Hormel's confirmation has been pending since last fall, that hearings on his fitness have long since been completed or that Lott early on declared his unshakable belief that Hormel should not represent his country abroad because he is a homosexual. The excuse du jour is that the Senate calendar is

too crowded to permit a confirmation vote. So Lott and a handful of others of like mind will have denied the Senate its constitutional responsibility to advise and consent to this nomination.

That's not the end of the story, however. The Constitution also empowers the president to fill vacancies when Congress is in recess. Congress is rushing toward recess now, its members eager to campaign for the November elections. Once it has adjourned, President Clinton can name Hormel to the Luxembourg post. He is qualified, he is acceptable to the host government and his sexual orientation is utterly irrelevant.

That's the way most senators feel, as Lott well knows. Had the Senate leader allowed a floor vote, Hormel would easily have been confirmed. Instead Lott used his powers to prevent a vote, meanwhile taking to the airwaves to give his opinion that homosexuality is a treatable condition, as he put it, like alcoholism or kleptomania. In other words, anyone who makes the effort can surmount it. That notion may play well in some circles. It hardly elevates the reputation of the Senate.

In a few weeks the Senate will recess. There's no reason why Hormel shouldn't be presenting his credentials in Luxembourg not long after.

[From the Atlanta Constitution, July 2, 1998]

SENATE DISCRIMINATES AGAINST GAYS

When gay Americans have sought protection against being fired from jobs or being denied employment solely because of their sexual orientation, they have been slapped with the charge that they are seeking "special rights."

The implication of the term, "special rights," has been that gay Americans don't really need job protection, that they seek some sort of exalted legal status above and beyond that enjoyed by other Americans. That doesn't make much sense to gay Americans, for whom job discrimination is very real, but it has nonetheless become the standard line for politicians in rejecting gay-rights legislation.

The example of businessman James Hormel has exposed the hypocrisy of that argument. President Clinton has nominated Hormel to be U.S. ambassador to Luxembourg, a largely honorary role that requires confirmation by the U.S. Senate. But a vote on Hormel's nomination has been blocked by a small minority of U.S. senators for one very obvious and silly reason: He is gay, and they don't like gay people.

It's a situation rich in irony. Most of those opposing Hormel have no doubt cited the "special rights" argument in the past, denying that gay Americans need protection. Now here they are, in a very public setting, committing a form of discrimination that supposedly does not exist.

For that reason, the Hormel nomination already has served a great public benefit. It has stripped away the code phrases and the weasel words that certain politicians have used to communicate their message of hate to one crowd while maintaining the pretense of tolerance for others. It has ripped away the mask exposing the hate that has always hidden behind that term "special rights."

Here is a good man, a person of great accomplishment and civic contributions, denied the chance to represent his country simply because he is gay. And the wellspring of that bias and hate, the agency denying him a job because of his sexual orientation, is the U.S. Senate.

That is shameful.

No American should be denied the opportunity to contribute to his country, or more fundamentally, to simply earn a living, be-

cause of his sexual nature. If the right to earn a living and contribute to one's country is a "special right," it is a special right that must be available to all Americans.

[From the Philadelphia Inquirer, June 23, 1998]

HOLD THAT HOMOPHOBIA

Maybe Don Nickles, the second-ranking Republican in the Senate, thinks he's Don Rickles, the insult-comedian? That might explain his screed Sunday against a gay businessman nominated to be an ambassador.

Alas, Mr. Nickles and other die-hard opponents of sending James Hormel to Luxembourg are slinging their insults in dead earnest.

They say it's not simply that this would-be diplomat is gay; it's that he's out of the closet. Mr. Hormel, a wealthy San Franciscan, has given tons of money to various causes and institutions, including Swarthmore College. But his foes fulminate about his donations to "a gay and lesbian center" at San Francisco's main library.

"One might have that lifestyle," said Mr. Nickles, "but if one promotes it as acceptable behavior . . . I don't think they [sic] should be representative of this country."

Never mind that Mr. Hormel's public service includes stints at the U.N. Human Rights Commission and General Assembly.

Never mind that his nomination has been endorsed by Republicans such as former Secretary of State George Shulz and Senate Judiciary Committee Chairman Orrin Hatch.

Never mind that his defenders, including the executive director of the American Library Association, argue that libraries ought to include a breadth of materials.

For months now, his nomination has been in limbo because a few senators invoke their informal power to put an indefinite "hold" on it. If homophobes want to oppose Mr. Hormel, even though Luxembourg has expressed its approval, let 'em. But his future should be decided by the full Senate, not X'd out by a tiny minority.

[From the New York Times, June 22, 1998]

LET THEM VOTE ON MR. HORMEL

James Hormel, President Clinton's nominee to be ambassador to Luxembourg, is opposed by a small group of Republican senators who are looking smaller all the time. It is not Mr. Hormel's credentials that are in question. An heir to the Hormel Meat-packing fortune, a former dean of the University of Chicago Law School, he has given leadership and money to causes that range from the San Francisco Symphony to Swarthmore College and the Human Rights Campaign, the main political lobby for homosexual rights.

Mr. Hormel is gay, but that is not an issue in Luxembourg. As Alphonse Berns, Luxembourg's Ambassador to the United States, said on Friday, "We would welcome Mr. Hormel." But for months, Senators James Inhofe of Oklahoma, Tim Hutchinson of Arkansas and Robert Smith of New Hampshire have been blocking a vote on the nomination, making dark suggestions about Mr. Hormel's gay-rights "agenda," as if he might somehow seek to lead the moral standards of Luxembourg array.

Discrimination against people on the basis of their sexual orientation is outlawed in Luxembourg and in all the other countries in the European Union. It is illegal in San Francisco, where Mr. Hormel lives, and in Washington—except in such place as Congress, where the Republican leadership has made a fetish of it lately.

Last week, Trent Lott, the Senate majority leader, who has refused to bring the Hormel nomination up for a vote, said in a

television interview that he thought homosexuality was a sin. He likened it to alcoholism, kleptomania and "sex addiction." The next day, Dick Armey, the House majority leader, said he thought it was a sin too, and cited some Bible scripture to the effect that neither fornicators, nor adulterers, "nor effeminate, nor abusers of themselves with mankind" shall inherit the kingdom of God.

Finally, in a letter to Mr. Lott made public on Thursday, Senator Alfonse D'Amato of New York broke the silence of his fellow Republicans to say that it was wrong to block Hormel's nomination simply because he is gay. "I am embarrassed," he said. Senator Dianne Feinstein of California has said she believes more than 60 senators support Mr. Hormel. Mr. Lott should let the nomination go to the floor, so Mr. Hormel can be judged on his merit.

[From the Washington Post, May 12, 1998]

QUALIFIED TO SERVE

Senate Majority Leader Trent Lott, refuses to let the Senate vote on President Clinton's nominee to be ambassador to Luxembourg. Four of Mr. Lott's fellow Republicans have objected to would-be ambassador James Hormel because, they say, of his support for gay rights. But many other Clinton appointees have shared Mr. Hormel's views on that matter. The real problem seems to be that Mr. Hormel is himself openly gay.

Mr. Hormel, 65, is a longtime supporter of the Democratic Party, and you could certainly make a case that more career diplomats and fewer political contributors should get ambassadorial posts. But as political nominations go, Mr. Hormel is, according to wide bipartisan consensus, unusually well qualified. A lawyer and businessman from San Francisco, Mr. Hormel has been a longtime and effective supporter of many charitable causes. George Shultz, former secretary of state, says Mr. Hormel "would be a wonderful representative for our country."

The senators who object—Tim Hutchinson of Arkansas, James Inhofe of Oklahoma, Robert Smith of New Hampshire and a fourth who remains anonymous—say they fear he would use his ambassadorship to advance a gay rights agenda. How that might come about in Luxembourg is hard to see; in any case, Mr. Hormel has made clear that he would use his post to promote U.S. policy, and U.S. policy only.

Mr. Hormel's nomination sailed through the Senate Foreign Relations Committee last fall. Now he deserves a vote in the full Senate. Those senators who don't believe a gay person should represent the United States overseas would be able to vote no. Those who believe the United States should welcome to public service its most qualified citizens regardless of race, religion, gender, ethnic background or sexual orientation, would be able to vote yes. We believe a majority of the Senate inclines toward the latter view. As Republican Sen. Orrin Hatch said in support of Mr. Hormel's nomination, "I just don't believe in prejudice against any individual, regardless."

[From the Arkansas Democrat-Gazette]

STRANGE DIPLOMACY—SENATOR HUTCHINSON, MEET MR. HORMEL

Any day now Tim Hutchinson is to meet with James Hormel. Mr. Hutchinson, you may have noticed, is the junior senator from Arkansas, and Mr. Hormel is the ambassador-designate to Luxembourg whose appointment Senator Hutchinson has been holding up.

We thought better of Tim Hutchinson. It's one thing to block an ambassadorial nomination when policy is the issue. That's what Jesse Helms did when William Weld, then governor of Massachusetts, was nominated

as ambassador to Mexico. The irrepressible senator from North Carolina reasoned that the drug trade was going to be a major issue between the United States and Mexico, and that made Mr. Weld's position on legalizing marijuana fair game.

But now Senator Hutchinson has put ahold on the nomination of James Hormel—scion of the Spam-making family—as ambassador to Luxembourg. The senator says he's concerned about the "activism" of Mr. Hormel in pushing rights for homosexuals.

Funny, we don't remember homosexuality being a major issue between the United States and Luxembourg. Nor does Luxembourg seem to offer much of a platform for espousing any political agenda. Luxembourg is by all accounts a lovely country about the size of Rhode Island, and one not likely to be confused with a great power.

Tim Hutchinson says he plans to find out more for himself about the nominee's background. When he does he'll learn that James Hormel has many qualifications as representative of this country.

Not only all that, but James Hormel already has a diplomatic background of sorts: He was a delegate to the United Nations Human Rights Commission's meeting in Geneva in 1995, and he was an alternate in this country's delegation to the UN General Assembly this year.

That last position required confirmation by the Senate. Mr. Hormel's "activism" wasn't an issue for Senator Hutchinson when that vote came up.

When it comes down to it and ambassadorship to a small friendly country requires little more than an ability to throw good parties. What's our junior senator worried about—that James Hormel will serve Spam at diplomatic receptions? That he'll re-decorate the ambassador's residence in lavender? Come on, senator. Wake up and grow up.

Senators have more realistic problems to worry about. Or should have Senator Hutchinson's objections to Mr. Hormel are enough to make that clunky, over-worked word Homophobia all too relevant.

Orrin Hatch, the senator from Utah, said it plain when he urged his colleagues to lift Tim Hutchinson's embarrassing hold on this nomination. "We ought to vote on him," Senator Hatch said of the nominee, "and I personally believe he would pass and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual and, frankly, we have far too much of that." to quote Orrin Hatch. "I get tired of that kind of stuff." So do we.

[From the Washington Post, July 7, 1998]

A VOTE FOR HORMEL

(By James K. Glassman)

Luxembourg is a nation of 400,000 souls in the middle of Europe. It's smaller than Jacksonville, Fla., but it's the focus of a big controversy in Washington. Back in October, President Clinton picked James C. Hormel of San Francisco, an investor and philanthropist, to be U.S. ambassador to Luxembourg. The next month, he was approved by the Senate Foreign Relations Committee, 16-2. But it is unlikely that the "Spam heir," as the local newspapers call him, will ever become our envoy to the Grand Duchy.

Trent Lott, the Senate Majority Leader, refuses to put the matter to a vote. Hormel is gay, and Lott considers homosexuality a sin. In an interview on "The Armstrong Williams Show," Lott elaborated: "You should still love that person. You should not try to mistreat them or treat them as outcasts. You should try to show them a way to deal with that problem, just like alcohol . . . or sex addiction . . . or kleptomaniacs."

Kleptomaniacs! The Hormel nomination has brought anti-gay sentiment among GOP leaders out of the closet—and it is an ugly sight. Recent comments by Lott, Foreign Relations Chairman Jesse Helms ("it's sickening") and Senate Whip Don Nickles ("immoral behavior") may appear unenlightened and ignorant, but politicians, like the rest of us, are entitled to their bigotries.

Through their actions as lawmakers, however, politicians should not be entitled to impose such bigotries—or religious or moral convictions, if you prefer—about matters of personal behavior on the rest of us.

In general, while Americans don't approve of homosexuality, they are very tolerant of it—and getting more so. For example, 52 percent of respondents to a Gallup poll last year said homosexuality was "not an acceptable alternative lifestyle"—a figure essentially unchanged from 1982. But 84 percent (up from 59 percent 16 years ago) said homosexuals "should have equal rights in terms of job opportunities." Gallup says that "solid majorities" favor gays as elementary school teachers (up from 27 percent in 1977) and clergy (up from 36 percent).

What's truly disturbing about the Hormel affair is that it shows how conservatives, who claim to favor a smaller, less intrusive government, can't resist using it to impose their own moral views on the public.

Frederich von Hayek, the Nobel Prize-winning economist and a patron saint to many conservatives, identified this propensity in a famous essay in 1960. "In general," he wrote, "it can probably be said that the conservative does not object to coercion or arbitrary power so long as it is used for what he regards as right purposes. . . . Like the socialist, he regards himself as entitled to force the values he holds on other people."

At a conference on homosexuality at Georgetown University, Bill Kristol, a conservative intellectual leader and editor of the Weekly Standard, complained about "a denial of the public's right to uphold moral standards." But he, too, misses the key distinction: No one is denying the right of individuals and groups to campaign against immorality as they see it. But public officials, in the discharge of their duties are something else. Judgments about truly personal behavior are not their province.

Some of Hormel's foes claim they are against him not because he's gay but because he's a vigorous proselytizer for gay causes. "He has promoted that lifestyle and promoted it in a big way, in a way that is very offensive," said Nickles.

But this is a meaningless distinction. Gays are denied jobs because of their sexual orientation. Why shouldn't Hormel campaign to change that situation? Lott and Nickles sound like a couple of 1950s southern segregationists: "It's not that we're against nigras. It's that we're against them marching for their so-called rights."

One reason the American system works so well is that, in Hayek's words, "we agree to tolerate much that we dislike." It's that agreement "that makes it possible to build a peaceful society with a minimum of force."

When we abandon tolerance, the trouble begins. It's bad enough on college campuses, where rules against "offensive speech" are used to stifle ideas unpopular to the left and, of course, to hypersensitive gays. But when it comes to government, which wields the power to tax and imprison, tolerance is an absolute necessity.

As far as our international relations are concerned, it makes no difference at all whether Hormel becomes an ambassador. As far as the preservation of our freedoms and proper role of our government are concerned, it makes a big difference indeed.

SAN FRANCISCO, CA, February 6, 1998.

Senator TRENT LOTT,
U.S. Capitol,
Washington, DC.

DEAR TRENT: We are writing on behalf of James Hormel, a candidate for the post of Ambassador to Luxembourg. We know him as a highly regarded individual in the City of San Francisco. His community service and philanthropy are extraordinary. He gives time and personal effort as well as resources to improve the quality of life in our community.

We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible

Sincerely,

CHARLOTTE M. SHULTZ.
GEORGE P. SHULTZ.

D'AMATO URGES MAJORITY LEADER LOTT TO SCHEDULE VOTE ON NOMINATION OF JAMES HORMEL

WASHINGTON—U.S. Senator Alfonse M. D'Amato (R-NY) today called on Senate Majority Leader Trent Lott (R-MS) to permit an up or down vote on the nomination of James Hormel to serve as U.S. Ambassador to Luxembourg. Text of Senator D'Amato's letter follows:

DEAR MAJORITY LEADER: I urge you to permit an up or down vote on the nomination of Mr. James Hormel to serve as United States Ambassador to Luxembourg. I support proceeding to a vote for three basic reasons.

First, Mr. Hormel is a highly qualified nominee. His academic, business, and community service credentials are outstanding and are easily equal to or greater than those of most ambassadorial nominees. I know of no statements or actions by Mr. Hormel that make him unfit to represent our country in this diplomatic post. Furthermore, he clearly understands that his own personal philosophies, whatever they may be, are not to influence his ambassadorial duties. He is completely committed to representing the policies of the United States government.

Second, simple fairness demands that the Senate be allowed to vote on Mr. Hormel's nomination. The Foreign Relations Committee overwhelmingly approved the nomination, and a majority of Senators are on record supporting the nomination. Opponents of the nominee should certainly have their voices heard, but so too should supporters. And Mr. Hormel should also be given the chance to defend himself. This can only happen if the Senate is permitted to vote.

Third, and most fundamentally, I fear that Mr. Hormel's nomination is being obstructed for one reason, and one reason only, the fact that he is gay. In this day and age, when people ably serve our country in so many capacities without regard to sexual orientation, for the United States Senate to deny an appointment on that basis is simply wrong. What's more, on a personal level, I am embarrassed that our Republican Party, the Party of Lincoln, is seen to be the force behind this injustice.

I know that you join me in standing for the proposition that all people should be judged on their ability to do the job. By that sole standard, Mr. Hormel is well qualified to be Ambassador to Luxembourg. I urge you to permit a Senate vote on the nomination, and to join me in opposing those who would deny Mr. Hormel this position because of his sexual orientation.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

CATHOLIC CHARITIES,

San Francisco, CA, July 22, 1998.

Hon. TRENT LOTT,
U.S. Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: Please accept this letter in my capacity as the Chief Executive Officer of Catholic Charities of the Archdiocese of San Francisco and the immediate past President of Catholic Charities of California. It has been alleged that James Hormel, President Clinton's nominee to be Ambassador to Luxembourg, is anti-Catholic and anti-religious. I know the characterizations of Mr. Hormel are not true. I know personally that Mr. Hormel vigorously opposes discrimination in all forms including that of religion.

I urge you to allow Mr. Hormel's nomination to come before the full Senate for he would be an excellent representative for the United States to the predominantly Catholic country of Luxembourg.

Sincerely,

FRANK C. HUDSON,
Chief Executive Officer.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. MURKOWSKI. I rise to speak in support of the passage of H.R. 2000, a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, and I hope it will be sent on its way to the President for his signature.

A measure similar to H.R. 2000 was passed by the Senate Energy and Natural Resources Committee on September 24, of last year. S. 967 contained the majority of the provisions in H.R. 2000.

One of the most important provisions in H.R. 2000 is section 6 which implements a land exchange with the Calista Corporation, an Alaska Native regional corporation organized under the authority of the Alaska Native Claims Settlement Act. This exchange, originally authorized in 1991, by P.L. 102-172, would provide for the United States to acquire more than 200,000 acres of Calista and village corporation lands and interests in lands within the Yukon Delta National Wildlife Refuge in southwestern Alaska.

The Refuge serves as an important habitat and as a breeding and nesting ground for a variety of fish and wildlife, including numerous species of migratory birds and waterfowl. As a result, the Calista exchange will enhance the conservation and protection of these vital habitats and thereby further the purpose of ANCSA and the Alaska National Interest Lands Conservation Act.

In addition to conservation benefits, this exchange will also render much needed economic benefit to the Yupik Eskimo people of southwestern Alaska. The Calista region is burdened by some of the harshest economic and social conditions in the Nation. As a result of this exchange, the Calista Corporation will be better able to make the kind of investments that will improve the region's economy and the lives of the Yupik people. In this regard, this provision furthers and carries out the underlying purposes of ANCSA.

This provision is, in part, the result of discussions by the various interested parties. As a result of those discussions, a number of modifications were made to the original package of lands offered for exchange.

Mr. President, it is past time to move forward with this exchange.

Another section of this bill I wanted to comment on is a provision that was not included in the technical amendments I introduced but that was added in the House.

Section 12 of this bill expressly authorizes and confirms the original intent of ANCSA in 1971: that ANCSA corporations could provide health, education and welfare benefits for Alaska Natives, including those persons who were their shareholders.

This provision is necessary because one recent Alaska Supreme Court case has concluded that an ANCSA corporation had liability to its shareholders under Alaska state law for a cash payment benefits program. The program at issue in that case was limited to the persons reached a certain age. Given the narrowness of this program, it was not consistent with the intent of ANCSA. Section 12 of this bill is not intended to alter the result in that case, or otherwise, with regard to that specific benefit program.

However, in reaching its decision under Alaska state law, the court used language which suggests that any ANCSA corporate benefits program which does not provide equal pro rata benefits to all shareholders simultaneously is invalid. Such a conclusion goes too far and is inconsistent with the intent behind ANCSA.

Thus, section 12 of this bill is intended to make clear that in evaluating the legality of health, education and welfare programs maintained by ANCSA corporations, federal law (ANCSA) is to preempt Alaska state law. Such programs have been established in good faith to provide health, education and/or welfare benefits for the ANCSA corporations' shareholders or their family members.

To be valid under ANCSA, it is not necessary that benefits be provided on an equal pro rata basis simultaneously to all shareholders, or even that the program recipients be shareholders as long as they are family members of shareholders.

Examples of the type of programs authorized include: scholarships, cultural activities, shareholder employment opportunities and related financial assistance, funeral benefits, meals for the elderly and other elders benefits including cash payments, and medical programs.

I believe these programs represent an important part of the ANCSA corporations, and I hope they will continue long into the future.

REVISION OF RECORD CONCERNING AMENDMENT NO. 3812

Mr. HATCH. Mr. President, prior to the passage of H.R. 3494 by the Senate

and House, Title 18 of the United States Code, Section 2252 and 2252A permitted prosecution for possession of child pornography only when it could be alleged that an individual possessed three or more pictures or images of child pornography. When the original Senate substitute to H.R. 3494 was reported out of the Judiciary Committee, no agreement had been reached on amending the federal child pornography laws to prohibit the possession of even one picture or image of child pornography.

Thanks to the diligent efforts of Senators LEAHY, DEWINE, and SESSIONS, we were able to reach agreement on that issue. The final bill makes it clear that the United States has "Zero Tolerance" for the possession of any child pornography. Unfortunately, Senators LEAHY, DEWINE, and SESSIONS were inadvertently omitted from the list of cosponsors of Senate amendment 3812 to H.R. 3494, which incorporated that agreement. The RECORD should be corrected to reflect their work on, and cosponsorship of, this important amendment.

MISPRINT OF THE STATEMENT OF MANAGERS OF S. 1260

Mr. SARBANES. Mr. President, I rise to address a question to the chairman of the Banking Committee, Senator D'AMATO: it is my understanding that the joint explanatory statement of the committee of conference on S. 1260, as printed by the Government Printing Office in Report 105-803, and as it appeared in the CONGRESSIONAL RECORD for Friday, October 9, 1998, contained an error and was incomplete. Is that the Senator's understanding?

Mr. D'AMATO. Yes, my colleague from Maryland, the ranking Democrat on the Banking Committee is correct. Due to a clerical error, the joint explanatory statement of the committee of conference on S. 1260, was printed without the final page. This page contained some essential explanatory information regarding the 1995 Securities Litigation Reform Act regarding scienter standards. Unfortunately, this same clerical error occurred in the version of the report language that appeared in the House RECORD at H10270. The official version of the joint explanatory statement was filed in the Senate on October 9th and did contain the page that was omitted by the GPO and the CONGRESSIONAL RECORD for October 9th.

In order to clarify this situation, I ask for unanimous consent that the text of the explanatory statement be reprinted in its entirety.

Mr. SARBANES. Is it the further understanding of the Chairman of the Banking Committee that page H10775 of the CONGRESSIONAL RECORD for October 13, 1998 contains a printing error?

Mr. D'AMATO. The Senator from Maryland is correct. The Joint Explanatory Statement of the committee of conference begins on page H10774 of the