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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 18, 1999, at 12:30 p.m.

Senate

FRIDAY, OCTOBER 15, 1999

The Senate met at 9:15 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:

Almighty God, we commit this day to You. By Your grace, You have brought us to the end of another workweek. Yet there is still so much more to do today. There are votes to cast, speeches to give, and loose ends to be tied. In the weekly rush of things, it is so easy to live with ''horizontalism,'' dependent only on our own strength and focused on what others can do for us or with us. Today, we lift our eyes to behold Your glory, our hearts to be filled with Your love, joy, and peace, and our bodies, worn with the demanding schedule of the past week, to be replenished.

Fill the wills of our soul with Your strength and our intellects with fresh inspiration. We know that trying to work for You will wear us out, but allowing You to work through us will keep us fit and vital. Now, here are our minds, enlighten them; here are our souls, empower them; here are our wills, quicken them; here are our bodies, infuse them with energy. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SPENCER ABRAHAM, a Senator from the State of Michigan, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

GREETING THE CHAPLAIN

Mr. CRAIG. Mr. President, let me tell you how comforting it is to have our Chaplain, Lloyd Ogilvie, returning to us in good health and to hear his words and the spiritual guidance he offers the Senate.

We are to happy to have Lloyd Ogilvie back.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will immediately proceed to a vote on the conference report to accompany the VA–HUD appropriations bill. Following the vote, the Senate will immediately resume debate on the campaign finance reform bill, with further amendments to the bill anticipated. Debate on the campaign finance bill is expected to consume the remainder of the day and will continue throughout the early part of next week. However, Senators who intend to offer amendments are encouraged to work with the bill managers to schedule a time for debate on those amendments as soon as possible.

I thank my colleagues for the attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2684, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany H.R. 2684, an act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for the year ending September 30, 2000.

Mr. SARBANES. Mr. President, I want to extend my congratulations and thanks to both Senators BOND and MIKULSKI for the conference report they are presenting us today. This bill makes constructive strides toward improving the housing situation for many poor and low income working families.

Though the Chairman and Ranking Member were under extremely tight budgetary constraints, they stood together and worked hard to bring us a conference report which restores important funding. They have presented us with a strong bill that invests in our nation's low income housing stock and continues our efforts to aid struggling communities in their redevelopment efforts.

It is my understanding that this bill moved forward with the support of

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

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members from both sides of the aisle. I think that the Chairman and Ranking Member should be commended for this as well. It is notable when legislation receives such even handed, bipartisan support.

Let me highlight a few of the programs that received increased funding in this year's appropriations bill.

It includes 60,000 new section 8 vouchers to be used in our nation's most needy areas. I cannot express how important these new vouchers are to addressing the needs of low income Americans. As the economy soars, so do rents in many metropolitan areas, making it nearly impossible for low income families to afford an apartment. A recent report by the Low Income Housing Coalition shows that in no metropolitan area in this country can a person working at a minimum wage job forty hours a week afford the rent on an average two bedroom apartment.

There are 5.3 million families that HUD classifies as ''worst case housing needs.'' These are families that live in substandard housing or pay more than 50% of their income towards rent. Sixty thousand vouchers will not help all of these families, but they are an important step in the direction of alleviating poverty and will be enthusiastically received by the families that benefit from them.

Also included in this bill is funding for the important mark-to-market plan that will allow HUD to raise section 8 payments to prevent landlords from opting out of the program. In addition, the bill exempts the old preservation deals from restructuring, which saves money and housing. These two provisions are important to preserving affordable housing in our nation's communities.

This bill includes an additional $50 million to be used for Community Development Block Grants, or CDBG. These funds are used to address the needs of low income neighborhoods in a holistic manner. They have been a resource for renewal and redevelopment in many cities, including Baltimore and other Maryland metropolitan areas, since their creation in 1974. I am extremely pleased to see an increased investment in the hope that CDBG funds can bring needed assistance to many communities across America.

There is also an increase of $55 million to aid the rehabilitation of disabled elderly housing programs. That includes provisions to provide supportive housing for the elderly, service coordinators in elderly facilities, grants to convert elderly housing into assisted living, and funds for section 8 assistance to be used for assisted living facilities. These levels show that we are committed to our low income senior citizens.

Lastly, I want to highlight the increased commitment to improve the public housing projects that remain. Over the last few years many politicians have pointed to the failing of public housing, but have not provided the necessary funds to improve those developments. Senators BOND and MIKULSKI's bill takes the important and necessary action of increasing the public housing operating fund by $320 million. I look forward to seeing and hearing about the new and positive improvements that will occur as a result of this new funding.

I will continue in the years to come to press for an increased commitment to housing programs that serve our nations' working and low income families. Overall, the bill we are presented with today is a good bill, with funding for many vital housing programs.

Mr. GORTON. Mr. President, in 1997, Congress created the Mark-to-Market program, which was designed to preserve the affordability of low-income rental housing and reduce the long-term costs to the Federal government. The program is designed to restructure the mortgages for HUD insured properties so that they can be supported by market based rents.

Under the Mark-to-Market program, HUD enters into agreements with State and local housing finance agencies, as well as a limited number of private firms, called Participating Administrative Entities or PAEs. The PAEs underwrite and recommend the financial restructuring of these properties. Under the agreement, the PAEs determine rent levels, how much of a new mortgage the property can support with those rents, and how much of a second mortgage HUD will have to hold on the property in order to ensure that the restructuring is economically feasible. The program also allows the housing finance agencies to provide financing for the new first mortgage on the property, even though they have inside knowledge of how the agreement is negotiated and structured.

However, the legislation creating the program recognizes that a conflict of interest can exists where the housing finance agency that is charged with restructuring the mortgage provides financing for the same property. In this situation, HUD is to establish guidelines to prevent conflicts of interest. Despite this provision, the legislation before us today requires the Secretary to approve financing by a HFA under the risk sharing program where the financing meets certain terms and conditions. Under this language, it is possible that the housing finance agency can gain an unfair advantage over other lenders who want to compete to provide financing. This could happen if the housing agency has the opportunity to review all submissions for financing and structure its own proposal so that no other lender can compete. In addition, property owners will have virtually no voice in determining who provides a mortgage on their property if they wish to stay in the program.

It is the intent of this bill, in the interest of all parties, that all lenders be given the opportunity to compete on a level playing field in providing financing. To this end, HUD should exercise its authority under the conflict of interest requirement and undertake an independent review of the financing proposals. This could be accomplished, for example, by having the housing finance agency submit all lenders' proposed financing packages to HUD and include a statement justifying its position on the recommended financing. This independent review will allow the best financing alternative to be used for restructuring and will allow lenders to compete on a level playing field.

Mr. MCCAIN. Mr. President, I regret that I must vote against this conference report. Once again, I have the unpleasant task of speaking before my colleagues about unacceptably high funding levels of parochial projects throughout this bill. In addition, the conferees have included several legislative provisions that were not in either bill, nor were these initiatives considered by either the House or Senate before they were summarily added to this bill. Therefore, despite the fact that the bill contains funding for many purposes which I strongly support, I oppose its passage because of these objectionable provisions.

This bill, in total, contains more than $700 million in low-priority, wasteful, and unnecessary spending. This is an unacceptable waste of the taxpayers' hard-earned money, and I will not be a party to Congress' pork-barrel spending habits.

I very much regret having to oppose a bill that contains critical funding for programs for our Nation's veterans.

I would like to point out that I actively supported adding $3 billion for veterans medical health care in this year's appropriations bill. I cosponsored several amendments introduced in the Senate, including the Wellstone amendment, which would have provided an additional $3 billion above the President's VA budget request. Although the Wellstone amendment failed, the amendment proposed by Senators BYRD and BOND, which I also supported, passed overwhelmingly, increasing the total amount of VA funding to $1.7 billion above the President's request.

I commend the conferees for keeping the $1.7 billion for essential health care programs for veterans in the conference report. This represents the largest annual increase since the Department of Veterans Affairs was created. Although I sincerely welcome this increase, I will continue to do all in my power to find additional money in the budget to fund veterans health care at an amount that will guarantee a higher, sustainable level of quality health care for all veterans.

It is important to note that the level of earmarks and set-asides in the Veterans Affairs section of this conference report is down from previous years. The total value of specific earmarks in the Veterans Affairs section of the VA–HUD conference report is $31.3 million, about one third of the amount that was inserted in this section of the Senate-

approved VA–HUD appropriations funding measure.

Certain provisions in this section, however, illustrate that Congress still does not have its priorities in order. For example, it is disturbing to me and many other Senators who stood on the floor of this body to fight for additional funding for veterans benefits to learn that the conferees have agreed to direct some of the critical dollars from veterans health care to fund wasteful projects like the ''mothballing'' of four historic buildings in Dayton, Ohio.

There are other notable examples of unnecessary items included in the conference report. An especially troublesome expense, neither budgeted for nor requested by the Administration for the past eight years, is a provision that directs the Department of Veterans Affairs to continue the eight-year-old demonstration project involving the Clarksburg, West Virginia VAMC and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA–HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list—even the Administration concluded that this was truly wasteful.

Like the transportation and military construction funding bills, the VA–HUD funding bill also includes many construction project additions to the President's budget request. For example, the VA–HUD appropriations conference report adds $1 million for the advance planning and design of the Lebanon VAMC renovation of patient care units and other enhancements for extended care programs. An additional $500,000 was provided for planning national cemeteries in Atlanta, Georgia; Pittsburgh, Pennsylvania; Miami, Florida; and Sacramento, California. Although all of these areas likely are deserving of veterans cemeteries, I just wonder how many other national cemetery projects in other states were leapfrogged to ensure that these states received the VA's highest priority. This bill directs VA to award a contract for design, architectural, and engineering services in this month for a new National Cemetery in Lawton (Oklahoma City/Fort Sill), Oklahoma and also directs the President's fiscal year 2001 budget to include construction funds for a new National Cemetery in Oklahoma. This is an amazing feat, since this appropriations bill is supposed to provide single-year appropriations, yet is attempting to direct next year's funding, too.

The bill also directs the VA to reprogram $11.5 million originally appropriated in fiscal year 1998 to renovate Building 9 at the VAMC in Waco, Texas, to instead be used for renovation and construction of a joint venture cardiovascular institute at the Olin E. Teague VAMC in Temple, Texas. This unusual procedure is outside of the established reprogramming process—unfortunately, it sends the message to the VA that the money can be reprogrammed ''as long as the money stays in Texas.''

Other VA construction projects—outside the President's original budget request—include: $3.9 million to convert unfinished space into research laboratories at the ambulatory care addition of the Harry S. Truman VAMC in Columbia, Missouri; $3 million for renovations of the research building at the Bronx VAMC in Bronx, New York (next door to the prestigious Mount Sinai Hospital); and $500,000 for preparation of the satellite site to expand the National Cemetery at Salisbury, North Carolina. Some final egregious examples of unrequested, additional spending include the following: the VA is directed to provide $1 million to the National Technology Transfer Center to establish a pilot program to assess, market, and license medical technologies researched in VA facilities; $750,000 is provided to continue the VA's participation with the Alaska Federal Health Care Access Network; and Marshall County, Mississippi, Hardin County Tennessee and Letcher County, Kentucky were inserted ahead of other remote areas to become federally funded Community Health Care Centers to provide outpatient primary and preventive health care services to veterans in their home communities. These areas appear to have been added ahead of higher priority communities because their interests were well-represented in the Appropriations Conference.

I am encouraged by the increase in veterans health care funding, and if this title of the bill had been separately presented to the Senate, I would have wholeheartedly supported it, despite the earmarks and set-asides it contains.

This title of the bill contains the funding for many programs vital in meeting the housing needs of our nation and for the revitalization and development of our communities. Many of the programs administered by HUD help our nation's families purchase their homes, assist low-income families obtain affordable housing, combat discrimination in the housing market, assist in rehabilitating neighborhoods and help our nation's most vulnerable—the elderly, disabled and disadvantaged—have access to safe and affordable housing.

When the Senate debated this bill, I highlighted for my colleagues numerous funding earmarks for specific housing proposals and set asides contained in the Senate version of this bill. Unfortunately, I find myself coming to the floor today to again highlight the numerous budgetary violations which remain or were added to this conference report. The list of projects which received priority billing is quite long but I will highlight a few of the more egregious violations.

$3,000,000,000 to Olympic Regional Development Authority, New York for upgrades at Mt. Van Hoevenberg Sports Complex.

New language inserted in conference providing $15,000,000 for urban empowerment zones.

$1,000,000 to the Salt Lake City Organizing Committee for housing infrastructure improvements for the Olympics and Paraolympics.

$1,000,000 to Syracuse University in New York for rehabilitation and community redevelopment of the Marshall Street Area.

Directive language to the Secretary requiring the continuation of providing interest reduction payment in accordance with the existing authorization schedule for Darlinton Manor Apartments, 100–Unit project located at 606 North 5th Street, Bozeman, Montana, which will continue as affordable housing pursuant to a use agreement with the state of Montana.

In addition to the numerous budgetary violations which this report contains, I am also concerned about the legislative initiatives which have suddenly appeared during conference which were not contained in the Senate or House appropriation bills. The intent of this legislative language is certainly laudable—providing safe, quality and affordable housing for seniors and the disabled is and must remain a priority for our nation. However, we cannot and should not be passing comprehensive legislation which makes substantial changes to the housing system without allowing both chambers of Congress to debate and provide valuable input to such an important proposal. Certainly, an issue as important as meeting the housing needs of our most vulnerable population, deserves thoughtful deliberation and careful review through the established legislative process and should not be attached at the last moment to a funding conference report. This is not the manner in which we should be implementing meaningful reform intended to benefit the citizens of our nation.

After reviewing the sections funding the Environmental Protection Agency, I find that the conferees continued to run rampant in their pork-barrelling in this section of the bill. There are few areas in this final conference report that clearly indicate the level of parochial actions than those targeted in EPA's budget.

Just last month, the Senate passed a bill providing funding for environmental protection programs, which included $207 million in unrequested and low-priority earmarks. However, the number of earmarks has seriously inflated in the conference report by $73 million to a new grand pork total of $280 million.

I understand that we have critical needs around our country dealing with leaking underground storage tanks, water and wastewater infrastructure, air pollution, pesticide abatement, and other important environmental issues. Many of the projects identified in this conference report are no doubt critical to many communities who are forced to deal with these serious environmental threats.

I do not question their merit at all. I do question the process by which the appropriators have made decisions that prioritize certain projects over many others across our nation in such a blatant and provincial manner. For example, $1 million is earmarked for the Animal Waste Management Consortium that will benefit the University of Missouri, Iowa State University, North Carolina State University, Michigan State University, Oklahoma State University, and Purdue University to deal with animal waste management. Again, this may very well be important, but there is little background provided in the report to explain the national priority interest of earmarking a million dollars to deal with animal waste management in six specific states.

EPA has an established process by which the agency administers grant and loan programs that are supposed to be awarded on a competitive and priority basis. However, these guidelines are simply thrown out the window when the conferees direct the agency through earmarks and directive language to give priority consideration to various states and projects rather than undergoing a competitive review. Despite stated budget constraints, the conferees found a way to include an additional $68 million more in wastewater infrastructure funding than previously agreed to by both houses for locale-specific earmarks.

I know first-hand that many of my constituents in Arizona have a great need to improve their water and wastewater systems, but they will be forced to wait in line while other projects are given priority treatment through this conference report.

Clearly, no title of the bill was left unsullied by pork-barrel spending. For the Federal Emergency Management Agency (FEMA), there is $10 million available to the State of California for pilot projects to demonstrate seismic retrofit technology. For the National Aeronautics and Space Administration (NASA), this Report also includes earmarks of money for locality-specific projects such as $3 million for the Adler Planetarium in Chicago, Illinois, $14 million for infrastructure needs at the University of Missouri, Columbia, and $10 million for the Regional Application Center in Cayuga County, New York. For example, the National Science Foundation (NSF), there is $60 million for the Plant Genome Research Program. When will this outrageous pork-barrel spending stop?

The conferees have also included legislative initiatives that were clearly out of scope of the conference. The bill includes a general provision authorizing NASA to carry out a new program to demonstrate the commercial feasibility and economic viability of private business operations involved in the International Space Station. This provision has not had the benefit of consideration in any hearings or public and private industry discussions. It would seem logical for private sector views to be considered if we hope to attract them to this venture.

The bill also shifts the way NASA will operate both the space station and the space shuttle program. We have already heard from some small companies that this program will put NASA and use of the shuttle for commercial payloads in direct competition. We do not want to stifle the creativity and ingenuity of these small launch companies, nor should we rely upon NASA to provide all the answers to our space problems, especially in the area of commercialization of space. I think NASA has enough problems with the space station, including the fact that it is two years behind schedule and $9 billion over budget.

Finally, the conferees have included two provisions related to commercial space launch indemnification extensions and insurance and indemnification for experimental vehicles. Neither of these provisions were included in either of the appropriations bills and they clearly fall within the jurisdiction of the appropriate authorizing committees.

The appropriators should abide by the rules and procedures of the Senate and refrain from usurping the power of the authorizing committees, in fact, the rest of the Senate, by including these legislative provisions in a conference report written behind closed doors.

I am gravely disappointed that I am unable to vote for this conference report. This measure contains funding for many critical programs which help provide important resources to our communities. It includes vitally important funding to fulfill our obligation to our nation's veterans, those who fought for the peace and security we enjoy today. Included in this bill is funding for section 202 housing which I know most, if not all, of my colleagues would agree helps meet the needs of America's seniors by ensuring they have homes which are safe, affordable and accommodates the demands of aging. Also included is valuable funding for section 811 which helps disabled individuals have an opportunity to live independently as part of a community in quality and reasonably priced homes.

Because of the egregious amount of pork-barrel spending in this bill and the addition of legislative provisions clearly outside the scope of the conference, I must oppose its passage. I regret doing so because of the many important and worthy programs included in the conference agreement, but I cannot endorse the continued waste of taxpayer dollars on special-interest programs, nor can I acquiesce in bypassing the normal authorizing process for legislative initiatives.

Mr, President, the full list of the objectional provisions is on my Senate website.

HIGH PRODUCTION VOLUME CHEMICAL TESTING

Mr. LAUTENBERG. Mr. President, I would like to confirm my understanding with Chairman BOND regarding the conference report concerning the HPV chemical testing program. My understanding regarding the ''agreement'' is that it is actually a letter from EPA asking participants in the challenge program to make certain changes, and not in fact an ''agreement'' to do so. Is that correct?

Mr. BOND. That is correct.

Mr. LAUTENBERG. And is it also correct that by using the word ''consistent,'' the conferees did not intend or imply that the test rule must be the exact equivalent of the voluntary part of the program in terms of the actual testing requirements?

Mr. BOND. That is correct.

Mr. LAUTENBERG. I thank the Senator.

WARRIOR HOTEL EDI PROJECT

Mr. HARKIN. Mr. President, I understood that the conference report was supposed to contain the following language concerning an economic development initiative item approved in the FY 99 VA–HUD Appropriations measure: ''The description of the Warrior Hotel EDI project in the FY 99 HUD–VA Appropriations report is modified to the following: $1 million for the restoration of the Warrior Hotel in Sioux City, IA, to be used for adult day care and other services or uses consistent with the revitalization of the Central Business District''. Unfortunately, this language was inadvertently left out of the report.

Mr. BOND. The Senator from Iowa is correct, the language was inadvertently left out of the FY 2000 conference report and it was our intention to have the language included.

Ms. MIKULSKI. I concur with the remarks of Chairman BOND and Senator HARKIN.

Mr. JOHNSON. Mr. President, I offer my strong support for the fiscal year 2000 VA–HUD Appropriations Conference Report and am pleased to join my Senate colleagues in passing this important piece of legislation today. Rural America, and my state of South Dakota, is in the midst of an affordable housing shortage crisis. According to reports, 5.3 million Americans pay more then 50 percent in their annual income to rent or living in substandard conditions. This is unacceptable for a society as wealthy as ours, and we must make real progress now to improve housing conditions for all Americans.

Although I supported the VA–HUD Appropriations Bill on the Senate floor last month, I was disappointed that the bill failed to provide additional Section 8 rental assistance for the thousands of American families that desperately need it. Additional Section 8 rental assistance, like that proposed by the President, would have allowed 321 families in South Dakota to receive Section 8 vouchers to help them afford adequate housing. In addition, I objected to the elimination of the Community Builders program in the original bill. In South Dakota, Community Builders

have worked with local governments and housing authorities to provide needed rental assistance statewide.

I joined my Democratic colleagues on the Senate Banking and Housing Committee in writing to Chairman BOND and Ranking Member MIKULSKI, asking them to fund additional Section 8 vouchers and restore the Community Builders program during their negotiations with conferees from the House of Representatives. I am pleased that Chairman BOND and Ranking Member MIKULSKI were able to secure funding for an additional 60,000 Section 8 vouchers. The VA–HUD Appropriations Conference Report also reiterates the need for Community Builders in HUD to help bring important HUD programs to an increasing number of Americans.

This legislation will help address the affordable housing shortage in my state of South Dakota. Currently, South Dakota families in need of housing assistance spend an average of 9 months on a waiting list for current Section 8 vouchers. While not helping all of those in need, the additional Section 8 vouchers contained in the VA–HUD Appropriations Conference Report will begin to shorten the time it takes for low-income families to receive much needed assistance.

Community Builders will also be able to continue to work with South Dakota communities to increase access for affordable housing. In the past, Community Builders worked with the Northeastern Council of Governments in South Dakota to spread information to several northeastern counties on the services that HUD provides, and how to access these services. Community Builders have facilitated FHA loans for the construction of affordable homes in Rapid City, while also helping the Sioux Empire Housing Partnership become a HUD-approved housing counseling agency. The Community Builder program has begun to address the housing needs in historically underserved communities, including the Pine Ridge Indian Reservation. Community Builders have enabled tribal leaders to better utilize HUD's programs to the benefit of one of the most poor populations in the nation.

I would like to thank Chairman BOND and Ranking Member MIKULSKI for improving the VA–HUD Appropriations bill despite the strict budget constraints the committee faced. I believe it is a wise investment in our country's future when we ensure that our working families have adequate housing, and I look forward to continue working with my colleagues to find ways to help South Dakota families and families across the nation address their housing needs.

Mrs. BOXER. Mr. President, I support the conference agreement on appropriations for fiscal year 2000 for the departments of Veterans Affairs, Housing and Urban Development, and other independent agencies.

I thank Senator MIKULSKI and Senator BOND for their hard work and commitment to providing adequate health care for our veterans and housing for our citizens.

The conference agreement provides $19 billion for veterans health care, $1.7 billion more than the President requested. I am pleased that Congress has made a commitment to take care of our veterans. I do wish that we had agreed to Senator WELLSTONE's amendment to provide $20.3 billion, but I believe that our nation's veterans will be cared for under this legislation.

Mr. President, I am very pleased that housing needs will also be addressed with this legislation. First, the agreement provides a much needed 60,000 additional Section 8 vouchers. A far greater need for vouchers exists in California, let alone across the nation. But this is a much acknowledged vital step in the right direction towards addressing the housing needs for the poorest of Americans. Second, public housing, Housing for Persons With AIDS (HOPWA), and homeless assistance programs will all experience an increase in funding. Third, the agreement also provides additional tools for preserving existing affordable housing. Specifically, HUD will be provided with significant new legal authority to address the Section 8 ''opt-out'' crisis—including longer contract renewal terms. Last, the agreement exhibits strong support for HUD's Community Builder program. This program has been a key component of HUD's reinvention efforts and is working. I received numerous letters from elected officials and nonprofit organizations throughout California expressing support for the Community Builder program and am grateful that the conference committee agreed to reinstate earlier cuts to the program.

The conference agreement also addresses other key areas, such as the environment and space exploration and research. The Environmental Protection Agency will receive $7.59 billion to carry out its important functions. The National Aeronautical and Space Administration is funded at $13.65 billion. I am pleased that the conferees agreed to restore the drastic cuts in NASA programs that were in the House version of the bill.

Mr. CRAIG. Mr. President, I call for the yeas and nays on the VA–HUD appropriations conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the adoption of the conference report accompanying H.R. 2684, the VA–HUD appropriations bill. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is absent because of family illness.

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

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—93

Abraham	Enzi	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Domenici	Levin	Torricelli
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden

NAYS—5

Bayh	Kyl	Voinovich
Feingold	McCain	

NOT VOTING—2

Dodd	Kennedy

The conference report was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

APPOINTMENT OF CONFEREES—S. 2990

Mr. LOTT. Mr. President, I ask unanimous consent that with respect to H.R. 2990, the Chair now be authorized to appoint conferees on the part of the Senate.

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

The Presiding Officer (Mr. GORTON) appointed Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. HUTCHINSON, Mr. NICKLES, Mr. GRAMM, Mr. ENZI, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, and Mr. ROCKEFELLER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, in light of the agreement, there will be no further

votes today. Members can expect a rollcall vote at 5:30 on Monday relative to an amendment to campaign finance reform or on any judicial nomination or other Executive Calendar matter that may be cleared for a vote.

Let me emphasize, there will be a vote or votes at 5:30 on Monday. I hope an agreement can be worked out as to how to proceed on the campaign finance reform debate this afternoon. I had been willing to actually be in on Saturday to have debate on that and/or votes, but that was not well received on either side of the debate and on either side of the aisle. So we will not be in session on Saturday. I am hoping we can have some good debate and we can get an agreement on some amendment or amendments, if we can get more than one done, that actually can be voted on Monday afternoon at 5:30.

We will have votes on that or we will have a vote on probably a judicial nominee at that time, if that is what is necessary.

I yield the floor.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

AMENDMENT NO. 2298

(Purpose: To provide a complete substitute)

Mr. DASCHLE. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. LEAHY, Mr. DURBIN, Mr. BINGAMAN, Mr. REED, Mr. KERREY, and Mr. KERRY, proposes an amendment numbered 2298.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 2299 TO AMENDMENT NO. 2298

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2299 to amendment No. 2298.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, Thomas Paine, the famed orator of the American Revolution, once offered an explanation for why corrupt systems last so long. He said:

A long habit of not thinking a thing wrong gives it a superficial appearance of being right, and raises, at first, a formidable cry in defense of custom.

That is certainly true of the way we pay for campaigns in this country. Our reliance on special interest money to run political campaigns is such an old habit that for a long time it had the superficial appearance of being right but not anymore.

While there is still a vocal minority who deny it, a clear majority in this Congress, and an overwhelming majority of the American people, know that our current campaign finance system is broken.

The American people understand that special-interest money too often determines who runs, who wins, and how they govern.

Opponents of change tell us that no one cares much about campaign finance reform.

I believe they're mistaken.

I believe the tide has turned.

Instead of hearing a ''formidable cry in defense of custom,'' to use Tom Paine's expression, what we are hearing now is a growing demand for change.

One of the newest voices demanding change belongs to a group of more than 200 CEOs of major corporations. They call themselves the Committee for Economic Development, and many of them are Republican. They're pushing for a ban on soft money because, they say, they're ''tired of being shaken down'' by politicians looking for campaign contributions.

They, like the rest of America, will be watching this debate, Mr. President.

Another reason I believe the tide has turned is because this election cycle has gotten off to such an ominous start.

At both the Presidential and congressional level, we are on pace to shatter all previous records.

During the first six months of this year, soft money donations—the unlimited, unregulated contributions to political parties—were already 80 percent above where they were at this point in the last Presidential election cycle, in 1995.

There really are no limits any more, Mr. President. We all know that.

The current system is more loophole than law.

Opponents argue that our Constitution forbids us from correcting the worst abuses in the system. I disagree with their pinched interpretation of our Constitution. In any case, I believe our conscience demands that we at least try to fix the system.

And so during this debate, Senator TORRICELLI and I, and others, will offer the Shays-Meehan plan.

As I said, I have great admiration and respect for what Senator FEINGOLD and Senator MCCAIN have attempted to achieve. But I believe we can—and must—go further than their bill now allows.

Shays-Meehan is fair. It does not place one party or another at an advantage. It treats incumbents and challengers in both parties fairly.

Shays-Meehan is bipartisan.

Shays-Meehan is passable. It has already passed the House. It is signable. The President will sign it into law.

Most importantly, Shays-Meehan is comprehensive. Not only does it ban unregulated ''soft money'' to political parties—the biggest loophole in the current system—it also prevents soft money from being re-channeled to outside groups for phony ''issue ads.''

This is critically important, Mr. President.

Spending on sham ''issue ads'' by advocacy groups and special interests more than doubled between the '96 and '98 election cycles—to somewhere between $275 million and $340 million.

A 1997 study by the respected Annenberg Public Policy Center at the University of Pennsylvania found that phony ''issue ads'' are nearly identical to campaign ads—with two exceptions. The ''issue ads'' are more attack-oriented and personal. And, it is harder to identify the sponsor. These ads epitomize the negative campaigning—without any accountability—the public so dislikes.

Shays-Meehan closes the ''issue ad'' loophole. It does so by applying existing rules to ads targeting specific candidates that are run by advocacy groups within 60 days of an election.

It does not silence anyone. It merely says, if you want to participate in the election process, you have to follow the rules.

In addition to closing the ''soft money'' and ''issue ad'' loopholes, Shays-Meehan makes two other important changes.

First, it provides for expanded and speedier disclosure of both campaign contributions and expenditures—plus, stiffer penalties for anyone who violates the requirements.

Second, it bans direct and indirect foreign contributions to political campaigns.

Shays-Meehan won a bipartisan majority in the other body, Mr. President. It deserves the same in this Senate.

When a person gives money to a judge who is deciding his case, we call that bribery. But when special interests give money to politicians who vote on bills that help or hurt them, we call that ''business as usual.''

Some mistakenly call it ''free speech.''

Let's be very clear: Shays-Meehan is not an attack on free speech. It advances free speech by ensuring that those with the biggest checkbooks are not the only voices that are heard.

Shays-Meehan represents extraordinarily modest reforms.

It doesn't fix every problem with our current system. But it bans the worst excesses.

It is not a panacea. But it is a credible and necessary first step in rebuilding people's trust in government.

I have no doubt we will hear a great deal over the next few days about abuses of the current system.

There are abuses—on both sides of the aisle. That's why we're having this debate.

But it's not enough just to decry the abuses. If you're really outraged by the abuses, fix the system that invites them.

Defenders of the status quo have tried to dissuade some of us from supporting real reform by warning how much it might cost us in lost campaign contributions.

What about how much the current system costs us in lost credibility?

Listen to this quote:

Senators and Representatives, faced incessantly with the need to raise ever more funds to fuel their campaigns, can scarcely avoid weighing every decision against the question ''How will this affect my fundraising prospects.'' rather than ''How will this affect the national interest?''

Do you know who said that?

It wasn't some Pollyanna progressive.

That was Barry Goldwater, in 1995.

And even if we don't make those kinds of calculations, it doesn't matter. No one has to prove that money influences our votes. It's damaging enough that people believe money influences our votes.

There are other ways the current system costs us as well. Like the cost of endless fundraising. The demeaning, demanding money chase.

In 1998, it cost an average of $4.9 million to run a successful Senate campaign.

To raise that kind of money, you have to bring nearly $16,000 a week, every week, for 6 years. That is the minimum it takes. Some people have to raise twice that much.

And we all know what that means. It means we spend hours and hours in campaign offices, dialing for dollars, instead of doing what people sent us here to do.

It means running to fundraisers every night—sometimes two and three a night—instead of working on problems that affect families—or maybe just having dinner every once in a while with our own families.

But the biggest cost of the current system is the cynicism it produces in people.

The American people are disgusted, and they feel disenfranchised, by the current system.

Every election cycle, the amount of money goes up, and voting goes down.

Defenders of the status quo say we need soft money for ''party building'' activities—like ''get out the vote'' drives.

If you really want to get out the vote, get the money out of politics!

Pass Shays-Meehan.

We expect opponents will use every procedural trick and advantage they can think of to try to block any real reform. They will offer amendments not to strengthen our proposal, but to sink it.

They should know: The American people understand that game. They can tell the differences between protecting principles, and protecting partisan advantage.

We make this pledge at the beginning of this debate: If Shays-Meehan does not pass, we will do everything we can to build a coalition for real reform.

We will work with Senator FEINGOLD and Senator MCCAIN to strengthen their proposal and make it, once again, a comprehensive plan.

When you read the history of campaign finance, one of the names that stands out is Mark Hanna. U.S. Senator. Wealthy businessman. Ohio political boss. And head, at the turn of the last century, of his national political party.

Mark Hanna is widely credited with being the father of systemic campaign fundraising techniques.

He introduced the concept, for instance, of regularly assessing businesses for contributions to his party, based on their ''share in the general prosperity.''

He also introduced the first modern political advertising operation.

In 1895, Mark Hanna remarked that ''there are two things that are important in politics. The first is money—and I can't remember what the second one is.''

Mr. President, I believe Senator Hanna got it wrong. Money isn't the most important thing in politics. Integrity is.

Integrity is essential to democracy. Without integrity we lose public confidence. And without public confidence, a democratic government loses its ability to function.

We all know—whether we will admit it or not—that the current system is broken.

I hope we can work together. I hope we can come up with a comprehensive, workable plan to fix it.

The currency of politics should be ideas—not cash.

CLOTURE MOTIONS

Mr. DASCHLE. Mr. President, I send two cloture motions to the desk.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Daschle amendment, No. 2298, to S. 1593:

Tom Daschle, Chuck Robb, Mary L. Landrieu, Joseph Lieberman, Jack Reed, Max Baucus, Barbara Boxer, Richard H. Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Robert G. Torricelli, Blanche L. Lincoln, Dianne Feinstein, Jay Rockefeller, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, and Tom Harkin.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the second cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid of Nevada amendment No. 2299:

Tom Daschle, Chuck Robb, Barbara Boxer, Joseph Lieberman, Jack Reed, Richard H. Bryan, Jeff Bingaman, Tim Johnson, Harry Reid, Blanche L. Lincoln, Dianne Feinstein, Jay Rockefeller, Richard J. Durbin, Daniel K. Akaka, Ron Wyden, Byron L. Dorgan, Tom Harkin, and Barbara Mikulski.

Mr. DASCHLE. Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to express my strong support for the amendment offered by the minority leader and the Senator from New Jersey. As you know, this amendment is almost identical to the Shays-Meehan bill that passed the House of Representatives by a decisive, bipartisan vote of 252–177. It is time for the Senate to show the same courage and pass this important legislation.

as I enter my eleventh political campaign and my fourth California statewide election, I am one who knows a little about the dynamics of campaigning in expensive races. In the 1990 race for Governor, I had to raise about $23 million. In the first race the Senate, $8 million; in the second race, $14 million. In 1994, my opponent spent nearly $30 million in his attempt to defeat me. My experiences have led me to believe that the current campaign finance system is badly flawed and in need of overhaul.

Since 1976, the first election after the last major revision of campaign finance laws, the average cost of a winning Senate race went from $609,000 to $3.8 million in 1998. The average cost for a winning House candidate rose from $87,000 in 1976 to $679,000 in 1998.

Campaigns in 2000 are very different than they were in 1976. Clearly, our campaign finance system must be reformed to reflect these differences.

I have been a strong supporter of federal campaign finance reform since my first election to the Senate. Campaigns simply cost too much and it is long past time that Congress does something about it.

I believe very strongly that this will be the final real opportunity this millennium to make significant structural reforms to our campaign finance system. Two of the fundamental changes that I believe must be made are a complete ban on soft money contributions to political parties and making independent campaign ads subject to contribution limits and disclosure requirements as are a candidate's campaign ads.

While I have a great deal of respect for the persistence the Senators from Arizona and Wisconsin have demonstrated in pushing the Senate to act on campaign finance reform, I am concerned that the underlying bill, S. 1953, is too narrow to constitute a real reform of the campaign finance system. Banning soft money without addressing issue advocacy will simply redirect the flow of undisclosed money in campaigns. Instead of giving soft money to

political parties, the same dollars will be turned into ''independent'' ads.

The issues of soft money ban and independent advertisements go hand in hand and one can not be addressed without the other.

SOFT MONEY BAN

The ability of corporations, unions, and wealthy individuals to give unlimited amounts of soft money to political parties is the largest single loophole in the current campaign finance structure. The lack of restrictions on soft money enables anonymous individuals and anonymous organizations to play a major role in campaigns. They can hit hard and no one knows from where the hit is coming. The form that soft money is increasingly taking is negative, attack ads that distort, mislead, and misrepresent a candidates position on issues. These ads have become the scourge of the electoral process.

This is the third time in as many years that the Senate has had the opportunity to pass meaningful campaign finance legislation. Last year, a minority of Senators blocked its passage and they appear poised to do so again.

The consequence of this action is clear: voters will continue to become disenchanted with the political process and the flow of money into campaigns and the access it buys will continue to grow.

The numbers speak for themselves. According to the Federal Election Commission, the Republican party raised $131 million in soft money during the 1998 election cycle. That is a 149 percent increase over the last midterm election in 1994. The Democratic party is not much better. We raised $91.5 million, a 89 percent increase.

Soft money contributions are continuing to rise. In the first 6 months of this year, Republicans raised $30.9 million. 42 percent more than in the first six months of the 1997–98 election cycle. Democrats raised $26.4 million, a 93 percent increase.

One organization, Public Citizen, estimates that soft money spending this election cycle will exceed $500 million. That is double the amount spent in the last presidential election cycle and six times as much as in 1992.

At some point this escalation of campaign spending has got to stop. We simply cannot continue down this path. A complete ban on soft money contributions to political parties is the first and most basic way to reduce the amount of money in our campaigns.

ISSUE ADVOCACY

That brings me to the other disturbing trend in the American political system: the rise of issue advocacy. This campaign loophole allows unions, corporations, and wealthy individuals to influence elections without being subject to disclosure or expenditure restrictions.

During last year's debate, I mentioned a study released by the Annenberg Public Policy Center that estimated that during the 1995–96 election cycle independent groups spent between $135 and $150 million on issue advocacy.

The Center has done a similar study for the 1997–98 cycle and the result is quite disturbing. They estimate that the amount spent on issue advocacy more than doubled to between $275 million and $340 million.

These ads do not use the so-called ''magic words'' that the Supreme Court identified as express advocacy and, therefore, are not subject to FEC regulation. The Annenberg study found, however, that 53.4 percent of the issue ads mentioned a candidate up for election.

The Center found another unfortunate twist to issue advocacy. Prior to September 1, 1998, that is in the first 22 months of the election cycle, only 35.3 percent of issue ads mentioned a candidate and 81.3 percent of the ads referred to a piece of legislation or a regulatory issue.

After September 1, 1998, during the last 2 months of the campaign, a dramatic shift occurred. The proportion of ads naming specific candidates rose to 80.1 percent and those mentioning legislation fell to 21.6 percent.

A similar shift can be seen in terms of attack ads. Prior to September 1, 33.7 percent of all ads were attack oriented. After September 1, over half were.

These findings clearly demonstrate that as election day gets closer, issue ads become more candidate oriented and more negative. This kind of unregulated attack advertisements are poisoning the process and driving voters away from the polls.

The amendment offered by the minority leader defines ''express advocacy'' communications as advocating election or defeat of candidate by: First, using explicit phrases, words, or slogans that have no other reasonable meaning than influence elections; second, referring to a candidate in a paid radio or TV broadcast ad that runs within 60 days of election; or third, expressing unmistakable, unambiguous election advocacy.

This provision draws a clear line between true issue advertising and electioneering activities. It is an important part of any real reform effort and I applaud the minority leader for seeing that we have an opportunity to vote on it.

OTHER ISSUES

This amendment also contains a number of important issues that are not contained in the underlying bill. I understand the sponsors of the bill removed them in an attempt to force a straight up or down vote on the soft money ban. I do feel, however, that some of these provisions will significantly improve the campaign finance system and are worth mentioning.

The bill mandates electronic filing; allows the FEC to conduct random audits of campaigns within 12 months of an election; makes it easier for the FEC to initiate enforcement action; and increases penalties for knowing and willful violations of election law.

This amendment would lower the threshold for disclosure of contributions from $200 to $50. It would prevent candidates from depositing contributions of $200 if the disclosure requirements are not complete. It would also require the FEC to post contribution information on the Internet within 24 hours of receipt.

These are commonsense steps to making our elections more open to the public. Voters are increasingly feeling cut out of the political process. By allowing an open window into our campaigns, we can begin the process of reconnecting with voters.

In closing, Mr. President, I want to again thank the Senators from Arizona and Wisconsin. Without their leadership on this issue we would not have come as far as we have.

This body is now faced with a choice. We have been at this same point several times in the last couple of years and each time we have failed to act and each time the American public has grown more cynical and lost more confidence in their government.

With the passing of every election, it becomes more and more clear that our campaign system desperately needs reform. I remain hopeful that this is the year that Congress can finally come together in support of legislation that brings about a real improvement in our campaign system. Let's make the first election of the twenty-first century one of which we can be proud. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I regret that I cannot support this amendment at this time. I want to make it clear why.

The amendment would essentially restore all of the provisions of S. 26, which is the original McCain-Feingold legislation to this bill. I still support those provisions and strongly believe that most, if not all, should be enacted into law. Now is not the time to do so.

My good friend, RUSS FEINGOLD, and I spent much time debating as to how we could move forward on the subject of campaign finance reform. We, along with many others who have supported this effort for many years, came to the conclusion that some reform is better than no reform. Unfortunately, if this amendment is adopted, a political point will be made, but reform will be doomed, and the sponsors of this present amendment are very well aware of that.

We all know there are 52 votes for S. 26. We all know that. We went through a long period of debate and amending. We know there are 52 votes. Tell me where the additional 8 votes are for S. 26, and I will be the first to sign on and support this.

I ask my dear friends who just propounded what is basically McCain-Feingold, where are the votes? I think the answer is obvious.

What we have tried to do in proposing a ban on soft money and a codification of that is to start a process

which has succeeded in this great deliberative body over many years with amendments and disposal of amendments, up or down, and improving the bill but letting the Senate work its will. We have already picked up one additional vote. I am told there are other Members on this side of the aisle who are considering supporting this legislation.

But it is also clear that those same people who are leaning towards supporting would not vote for S. 26 in its entirety because of their strongly held—although I don't agree, I respect their views—view that the independent campaign aspect of the original McCain-Feingold has constitutional difficulties associated with it.

We know the facts. We need 60 votes to prevail, and 52, while a majority, is not enough and will not be until the rules of the Senate are changed where 51 votes are necessary for passage.

For some time, I hoped that my colleagues who oppose reform would allow a majority in both bodies to prevail and do what the vast majority of the American public desires. But the opponents of reform, defenders of the status quo, won't cede their rights.

I have learned from previous debates on other matters not to let the perfect be the enemy of the good. The bill before the Senate represents a modest step but a very important step forward.

I want to emphasize that point again. If we can pass the underlying bill, we will have made an extremely important and vitally needed step forward.

There is no observer of this issue of campaign finance reform who does not disagree that banning of soft money would have an important and salutary effect on the evils and ills of the present campaign finance system. There is no objective observer, whether they are for or against campaign finance reform, who would deny that the single act about allowing soft money would have a significant effect on the present system.

Do I personally desire that a more comprehensive bill be passed into law? Yes. In my 16 years in the Congress, I have learned to be a realist.

Simply put, if this amendment is accepted, campaign finance reform will be dead. There will be no reform this year and most likely next year. During that period, I am sure that more loopholes in the current system will be found and exploited. Public cynicism will have grown and, unfortunately, nothing will have changed except the same political points will have been made once again and, undoubtedly, more and more money will be awash in our political process.

The New York Times had it right on 14 October. Let me quote:

An important but little-noticed boost was given to campaign finance reform in the Senate this week. Sam Brownback of Kansas became the eighth Republican to break with his party's leadership and support the McCain-Feingold soft-money ban, scheduled for debate today. There are now 53 votes to choke off a Republican-led filibuster and pass the bill, only seven votes short of what is needed. The pressure is mounting on other Republicans to support reform. But amid these favorable developments, a move by Robert Torricelli and some other Democratic supporters of reform could undercut the cause.

The risk is posed by a Democratic attempt to block Senators John McCain and Russell Feingold from advancing a stripped-down version of their reform legislation. The new McCain-Feingold bill would omit a section preventing independent groups from raising unlimited money for sham campaign ads two months before an election. Some Republicans say that because that section threatens free speech, they cannot go along with the central objective of reform, which is to ban unlimited donations to campaigns waged by political parties. Shrinking the bill to a simple soft-money ban for parties has paid off. Senator Brownback is on board and other Senate Republicans may follow.

Mr. Torricelli and the Democratic Senate leader, Tom Daschle, are nonetheless determined today to scrap the new McCain-Feingold bill and substitute the original bill, with the limits on independent groups. This is a serious tactical mistake that raises questions about the Democrats' commitment to campaign finance reform. They ought to know that the bill they are pushing does not have the votes to break a filibuster, whereas the revised McCain-Feingold bill has a chance of getting them.

It would be especially grievous if their move played into the destructive tactics of Senator Mitch McConnell of Kentucky and other Republican foes of reform. Mr. McConnell might even try to deliver enough votes for the Democratic move, allowing it to pass because in the end the bill in that form will surely die.

Some Democrats, noting that the House passed its broader Shays-Meehan reform last month, warn that a narrower bill in the Senate will not survive either. But Mr. Brownback's courageous move makes it worth a try.

Mr. President, I think the New York Times has it right. I think we should determine that this would be viewed by many as a cynical ploy which would assure the failure of campaign finance reform.

I believe we need to vote down this amendment, return to what has given those who have been laboring on this issue for many years, some optimism, and to go back to a process where there are amendments on the specific issues. If we correctly debate and amend this issue, each one of those provisions of the original provisions of McCain-Feingold will be brought up for consideration, voted, and the body will work its will.

It is abundantly clear that if this amendment is adopted, it is the end of campaign finance reform. Have no doubt about the effect of this amendment. No one should have any doubt about the effect of this amendment. I hope that is well understood by Americans all over this country who have committed themselves, people such as ''Granny D,'' who yesterday visited with me and Senator FEINGOLD. She has walked across this country. People have committed themselves to reforming this system. People such as her all over America deserve better than what is being done with this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, every Senator who has taken the floor has given the appropriate compliments to Senator FEINGOLD and Senator MCCAIN. I will be no exception. Congress has been considering campaign finance reform for more than a decade. There have been, by my estimation, 3,000 speeches made on the floor of the Senate for campaign finance reform, some 6,500 pages of CONGRESSIONAL RECORD, 300 pieces of legislation. Indeed, we would not be at this moment without Senator FEINGOLD or Senator MCCAIN. They deserve that credit.

I found their arguments in recent years so persuasive that I am today joining Senator DASCHLE in presenting their own legislation. The original McCain-Feingold bill, which found its way to the House of Representatives, is before the Senate now as the Shays-Meehan legislation. Similar in content and purpose, it is comprehensive campaign finance reform.

Regarding advocacy of that reform, I take a second place to no Member in my years in the Congress. I have never voted against campaign finance reform, and I never will. I believe the integrity of this system of government and the confidence of the American people is at issue. It is not by chance that only a third of the American people are participating in some elections. Even in the choice of the Presidency of the United States, with those not registered and those not choosing to vote in many of our localities and States, half of the American people are not participating. It is not that they do not recognize the choice is important. I do not believe they have a lack of confidence in our country. They do not respect the process because they believe they do not have an equal position, and it is money that is the heart of that problem.

When we entered into this new phase of campaign finance reform 2 years ago, along with most Members of this institution, I had great ambitions for how far we could go with reform. Indeed, in private conversation, almost every Member of this Senate knows the fundamentals of comprehensive reform. We started with such ambition. We were going to subject all independent advocacy groups in issue advertising to the rules of the FEC. We were going to require full and immediate disclosure by all contributors. We were going to ban soft money to the political parties. We were going to prohibit foreign interests. We were going to reduce the cost of television time. We even discussed the subsidies of mail to inform voters.

One by one almost every one of these reforms has been eliminated from the legislation. Political cultures in all of our States are different. In my State, in Florida, Illinois, Massachusetts, Texas, and California, I don't believe

real campaign finance reform is possible without reducing the cost of television advertising. There is a reason for the spiraling rise of campaign spending; it is the cost of television advertising. In each of the large metropolitan areas, 90 percent of the money goes to feed the television networks. That was the first reform to be eliminated.

Then there was the advocacy of subsidized mail. It went the way of public finance—one by one by one. Yet, because the need for reform is so overwhelming and the public confidence is so much in question, I joined in the last Congress with Senator MCCAIN and Senator FEINGOLD and reluctantly supported their legislation. Although I believe these critical provisions for the reduced cost of television advertising were essential for reform in my area of the country, I joined in support of the McCain-Feingold. That was to be followed by the House of Representatives which reached the same judgment in a historic vote for Shays-Meehan.

That brings the Senate to this moment. In a frustration I share with other advocates of campaign finance reform, the mantra of the day has become: Do something, do anything. Pass some legislation. Call it reform. Let's put the problem behind us.

If only it were so easy.

The new legislation presented by Senators MCCAIN and FEINGOLD has a single objective: to eliminate soft money fundraising from Democratic and Republican Parties. It is a worthwhile objective, but it does raise the prospect that if passed it will eliminate the chance to have any further campaign finance reform. If history is any guide, every decade we get one chance to redesign this system. We are largely still governed by the Watergate reforms of 1974. Through a series of court rulings and FEC decisions, they clearly are no longer producing a system that was once envisioned. If we institute but this single change, we will not create a new system of our design but, in my judgment, be governed by the law of unintended consequences.

Let's look for a moment at this new national campaign system. If Senator DASCHLE and I fail and the House of Representatives legislation in Shays-Meehan is rejected and instead we adopt this very narrow reform as envisioned by Senators MCCAIN and FEINGOLD, we eliminate soft money fundraising by the political parties, but it is maintained for issue advocacy and independent expenditures.

The principal rise in campaign advertising in recent years is not the political parties; it is this independent advocacy expenditure. This chart tells the story. In 1998, the Democratic and Republican Parties spent $64 million in issue advocacy spending; nonparty advocacy groups spent $276 million, rising at a rate of 300 percent cycle to cycle.

In my hand I have the list of 70 advocacy groups. It begins alphabetically with the AFL–CIO and ends with the Vietnam Veterans. In between are many organizations I support and believe have a worthwhile contribution to the national political debate; some I note I do not believe have great contributions to the political debate. But they are all heard—in the last election cycle, $276 million worth of advocacy.

The legislation before the Senate by Senators FEINGOLD and MCCAIN does nothing about the expenditures, nothing. Nothing. Many exist as nonprofit tax-free organizations under the IRS Code. From whom they raise money is unknown. As to the sources of their contributions, no one in this Senate could attest. They often exist before the public eye as names that misrepresent their purpose and are designed to shield their objectives. They are not just a part of the national political advertising debate; they are coming to dominate it.

What is this new campaign finance world that will be produced if Senator DASCHLE and I fail and the House of Representatives Shays-Meehan legislation is rejected? A national political debate that is fought by surrogates. The Democratic and Republican Parties will be within FEC rules, raising money only at $1,000 per person, $50 a person, $100 a person—a good system, where every name will be known, limits will be imposed to reasonable amounts. But over our heads will be a far larger contest fought by the AFL–CIO, with millions more dollars of expenditures, the Christian Coalition, anti-abortion groups, chemical companies, automobile companies, steel companies, that will spend millions, indeed, if history now is any guide, hundreds of millions of dollars of advocacy.

Mr. REID. Will the Senator yield for a question?

Mr. TORRICELLI. I will be happy to yield.

Mr. REID. Yesterday, in a colloquy I had with the senior Senator from Arizona, we established that in the very sparsely populated State of Nevada, in the last general election—I was a candidate, HARRY REID, running for election, and John Ensign, Congressman Ensign, was running for my seat—we spent over $20 million in our direct campaigns and in the soft money. That is established. You can determine how much that is.

The Senator would acknowledge that; is that right?

Mr. TORRICELLI. I would.

Mr. REID. Yet to this day, a year after the election, we do not know how much money was spent by these outside groups you are talking about, the NRA, the League of Conservation Voters, the truckers——

Mr. TORRICELLI. You don't know how much was spent or who spent it?

Mr. REID. No; nor where their money came from. Is that the point the Senator is making?

Mr. TORRICELLI. It is the central point. The proper system is the full disclosures we have for the Democratic and Republican Parties; limit those political parties just to these hard money contributions within the law, but extend that to all Americans who participate in the national political debate.

The fact that my colleague, as a Senator, has accounted for every dollar he has raised, and he did so within limits, but these major groups enter his State either on his behalf or against his candidacy, yet my colleague doesn't know who they are or where their money is coming from and to whom they are accountable, is the heart of the problem.

Mr. REID. I say to my friend from New Jersey, in the election that was held in the State of Nevada last year, Congressman Ensign and Senator REID never really campaigned because of all the outside influences. Our campaigns were buried in all these independent expenditures and State party expenditures.

At least with my campaign, and that of the State party, anyone in the world can find out how much money was spent. But for the independent expenditures, no one in the world can find out what money was spent.

Mr. TORRICELLI. I point out to the Senator from Nevada, this is not simply a problem with our adversaries; sometimes it is a problem with our allies.

When I go to the people of New Jersey, I want to present to them who I am and what I want to do, what my record is as a Senator. Groups whose support I am very proud of—AFL–CIO, National Abortion Rights League, Sierra Club, environmental groups—I am proud to have their support, but I don't want them presenting my campaign. Under the system that would be in place if Shays-Meehan were rejected, the political parties would be further restricted from advertising. I think they should be restricted with soft money. But if these advocacy groups were to take over, they would hijack your campaign; they would tell the people of your State what you were for and what you were against.

It is not only your adversaries who will be out there presenting a campaign against you with these enormous amounts of money, it is even your allies who are not so restricted.

Mr. REID. I say to my friend, in the election of 1986, when Senator BRYAN was elected to the Senate, he was a sitting Governor at the time. At that time, there were these ads that came from nowhere, hundreds of thousands of dollars of ads in the State of Nevada. These ads were talking about Social Security.

One would think these ads were run by some organization that had some concern about Social Security. We learned later that those ads were being paid for by foreign auto dealers—talking about the United States of America's Social Security plan. That is what happens when these groups have unfettered, unrestricted ability to spend money on any subject they want for any cause they want.

Mr. TORRICELLI. Let me say to the Senator from Nevada, that is not atypical. Health care in this country has been undermined by advocacy of insurance companies whose principal interest is not the delivery of quality health care to people who are currently uninsured, but they stand behind these blind advertising campaigns where no one knows where the money comes from.

Just as in the campaign of my colleague from Nevada, we have polluters who are running ads on environmental protection; we have people on consumer safety who are representing groups that are damaging to individual consumers. That is because none of these groups is disclosable and none is accountable.

In the current system, bad as it is, while these groups can run these advertising campaigns, the political parties are also raising soft money and there is a chance to answer them. Now the political parties will no longer be able to raise these funds, but these advocacy groups will continue in an upward spiral of spending. Senator DASCHLE's point is, let's eliminate this gross fundraising and these soft money expenditures across the board within 60 days of an election by putting everybody under the FEC rules.

Senator MCCAIN has said, ''But that will not pass.'' It may not. But it passed in the House of Representatives, and 60 Republicans came to join with the Democratic majority in passing it. We are not 20 or 30 or 40 votes from passing it in the Senate, we are 7 or 8. I would come back here every week of every month of every year until we restored the integrity of this Government and got comprehensive campaign finance reform.

But the answer is not to lower our ambitions for campaign finance reform, to have a new, distorted system to make American politics fought by surrogates over the heads of candidates. The answer is to remain committed to this reform, reveal to the American people who is voting against it, who is stopping it, and let the American people decide.

Mr. REID. I say to my friend in conclusion—and I appreciate his allowing me to ask him a question or two—first of all, I hope beyond all hope the Shays-Meehan bill passes. That is the amendment that has been filed by our leader, the Democratic leader. I hope that passes. I am going to do everything I can to make sure that passes. I hope we have Republicans of goodwill who will support that legislation.

I have offered another amendment that would eliminate soft money. I respect and appreciate what the Senator from New Jersey has said. Certainly there is merit to what he said. But I believe, as I think does most everyone in the Democratic conference, that even if Shays-Meehan for some reason fails, there will be a significant number of us, out of desperation regarding the system that is so bad in this country, who will support the so-called soft money ban. I hope we do not get to that. I hope Shays-Meehan passes. The Senator makes a compelling case for what might happen. I hope something short of that will happen and the soft money ban will bring some reality to the system.

Mr. TORRICELLI. I thank the Senator from Nevada.

I note the problems of which I speak are not theoretical. Groups are already adjusting to the possibility that there will be a soft money ban in the political parties but no Shays-Meehan reform. They therefore are adjusting to this new reality. Let me give an example.

Congressman DELAY has now formed a group, Citizens For A Republican Congress. He has gone to the wealthiest donors in the Nation, promising them a safe haven for anonymous and limitless contributions to the 2000 elections. He is reportedly planning on spending $25 to $30 million in 30 competitive House races in soft money.

So Congressman DELAY will now, if this happens in the Democratic and Republican Parties, personally be directing a larger advertising campaign than the Democratic or Republican Parties in either House of Congress.

The former advisers to Congressman DELAY are also forming a Republican issues majority committee, which is planning on spending $25 million.

Already in a previous cycle, in the 1996 cycle, Americans for Tax Reform received $4.6 million from the Republican National Committee that they were able to spend on issue advocacy.

United Seniors Association spent $3 million in direct mail in seven States in the 1996 election. They are an IRS tax-exempt 501(c)(4) social welfare organization.

U.S. Term Limits, a 501(c)(3) tax-exempt charitable organization, spent $1.8 million in 1996;

Americans for Limited Terms, $1.8 million in seven States;

American Renewal, $400,000, a 501(c)(3).

These are charitable organizations. The Tax Code has these provisions for people who want to help churches, synagogues, and Americans who are hurt and damaged, and to help build communities. They are being used as a cover for political advertising and no longer simply a force on the fringes of American politics.

Look at the chart I have on my left: 1998 elections. Nonparty advocacy groups are two-thirds of all the issue ads in U.S. politics. The political parties, Democratic and Republican Parties, are one-third. If the sum total of the legislation offered by Mr. MCCAIN and Mr. FEINGOLD is that we will largely eliminate this third, when a Senator stands here a year from now going over this same problem, this entire pie chart will be advocacy groups, many of them tax-free organizations that are hiding who is contributing to them, who is running them, where their money is coming from, often using disguised names and running surrogate campaigns over the heads of political candidates.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. TORRICELLI. I will be happy to yield to the Senator.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New Jersey has the floor and has agreed to yield for a question from the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me ask a question, if I can, about the chart I believe he has up at this time. Is the Senator from New Jersey aware the $276 million estimate of issue advertising in the 1998 cycle, which the Senator has there I believe, includes all issue advertising, not just ads that are so-called phony issue ads? Is the Senator aware this chart actually covers all issue ads?

Mr. TORRICELLI. I think I said it covers all.

Mr. FEINGOLD. It covers the Harry and Louise type of ads, tobacco ads and ads just related to bills that do not have anything to do with campaigns directly.

Mr. TORRICELLI. It covers all of those. I do not see that because they are dealing with an issue, they are not otherwise intending to influence an election.

Mr. FEINGOLD. Fair enough. I wanted to establish that. The chart the Senator from New Jersey is using relates to an entire election cycle, a 2-year period, and it covers all sorts of ads. That means all kinds of true issue ads and so-called phony issue ads, as well as political party ads, are included in his chart.

All three categories are in there. That is the basis on which he makes his argument. Is he aware the Shays-Meehan bill—which, of course, Senator MCCAIN and I essentially wrote in the first place—that he has offered as an amendment would have no effect on any ad aired before the last 2 months of an election campaign?

Mr. TORRICELLI. I am aware of it, and if it was my design, I would have it apply to issue advocacy ads throughout the calendar so everyone is equal. To quote Senator MCCAIN, making the perfect the enemy of the good, if it is your argument that because I cannot bring all issue advocacy under FEC hard money limits, therefore we should do none, that, I think, is to surrender the point and we will not make any progress.

Mr. FEINGOLD. Mr. President, if the Senator will further yield, that is very interesting because it is essentially the same argument the Senator from New Jersey is using against the McCain-Feingold approach at this time which is, unless you do it all, it is not worth doing some because the soft money would flow to outside groups.

Mr. TORRICELLI. My argument is, I believe, the Senator from Wisconsin and the Senator from Arizona are making a premature retreat. I concede

there may not be 60 votes in the Senate today for comprehensive campaign finance reform, but I do believe there is mounting public pressure. I believe Senators who vote against comprehensive campaign finance reform, who will vote against us on cloture on the amendment offered by Senator DASCHLE, are accountable to the people in their States. In the House of Representatives 2 years ago, the passage of comprehensive campaign finance reform was equally unlikely. Sixty Republicans crossed the aisle to vote with Democrats for real reform.

These numbers are untenable. You cannot explain to the American people that you allow this charade to continue of people hiding behind these groups and spending $1 million, $100,000 contributions that are not accountable.

I respect the Senator's work, but I believe we would do better to remain on this. I believe, in the alternative, you are going to establish a system where these groups dominate American politics as you silence the political parties.

Mr. FEINGOLD. Mr. President, will the Senator further yield for a question?

Mr. TORRICELLI. I would, but Senator BENNETT is standing. If we could go to him next.

Mr. BENNETT. Mr. President, I thank the Senator for yielding for a question, and I precede the question with a comment that I think the Senator from New Jersey is doing us a very worthwhile service in pointing out the reality of the world in which we would live if soft money were banned for political parties but not for everybody else. I agree with the Senator from New Jersey, absolutely in his words, when he says the debate would be fought by surrogates which would take place over our heads, a far larger context.

I ask the Senator to give us his opinion of what would happen if Shays-Meehan, which he is endorsing, were to pass and then the Supreme Court were to strike down as unconstitutional the ban on issue ads by outside groups? Would that not, in fact, then leave us with the situation which the Senator from New Jersey is decrying, I think appropriately, as a bad system?

Mr. TORRICELLI. Senator BENNETT raises a very worthwhile point. Indeed, as Senator MCCONNELL has noted in a number of cases, this is all an interesting debate. There are various sides trying to do good things, but the last word is in the Supreme Court, and, indeed, whether or not the Supreme Court will allow us to ban issue advocacy through soft money contributions to advocacy groups or even the political parties remains a question.

If the Senator's point is correct, we could end up in the same place with, I will concede to you, the current McCain-Feingold if the Court were to do so. Senator MCCONNELL has also pointed out it is a question of whether the Court will allow us to maintain the current limits on campaign fundraising in any case. Senators who vote on this should be aware that the Court, before we are concluded, will change probably much of what we are writing.

Mr. BENNETT. Mr. President, if I can ask a further question of the Senator from New Jersey, if he is aware—I know he is aware because he is a very astute student of politics but maybe not aware enough to comment without further research—if he is aware of what has happened in the State of California where they have virtually unlimited initiative opportunities and virtually every truly contentious political issue is now decided by initiative rather than by the legislature and the amount of money that is spent in an initiative fight dwarfs any of the sums we are talking about here.

In the State of California, when an initiative fight comes up over an issue, which traditionally would be handled by the State legislature, the special interests on both sides of that fight routinely go over the hundreds of millions of dollars on both sides of the fight which dwarf the amount of money spent for a senatorial or gubernatorial race in that State.

I ask if the Senator is aware of some of those particulars and if he will comment on the implications of that on a national basis if we get to the point where issues are fought out by special interest groups with unlimited budgets being spent on both sides, the implications on the role of the legislature in its constitutional responsibility to control the legislative agenda.

Mr. TORRICELLI. We may not be on the same side of the debate for comprehensive reform, but I think our dialog can help Senators understand the world in which we are entering, because if we, indeed, reject Shays-Meehan and only go to this narrow reform, that single adjustment is going to change the American political debate as we know it. The Senator has raised some of the means by which it will change.

I will predict for the Senator the new environment in which we are going to live: The Democratic and Republican Parties that now receive great amounts of this soft money with a wink and a nod are simply going to direct it to favorite organizations. Instead of soft money contributions coming to the Republican National Committee, for example, people who are interested in a particular issue are going to give it to an advocacy group. You will never know who they are. The contribution will never be known, but the money will be redirected, and rather than leaders of the party deciding how to present the issue, those groups will do so.

Second, I predict to you the Democratic and Republican Parties will establish their own independent wings, much like legally what Senator D'AMATO did with the Republican Senatorial Campaign Committee. Down the hall, they put a new sign on the door, new incorporators, a new name, took money, and did issue advocacy.

As long as you do that fully at arm's length, it is fine to do. But the same soft money you think you are banning in the parties will now go to these independent groups or affiliated groups. Unless this is done comprehensively, you are only going to have money flow in through different windows.

What bothers me the most is that the people who are most honest about the process and most committed to stopping this abuse will suffer while those who are prepared to do the winks and nods, establishing the other organizations, working on some affiliated arm's-length basis will succeed. In any case, we are not going to stop this money; we are going to redirect it. The only way to stop it, in my judgment, is comprehensive reform.

Mr. FEINGOLD. Will the Senator yield for a further question?

Mr. TORRICELLI. I am happy to.

Mr. FEINGOLD. I think this is an extremely useful exchange that really goes to the core question about this legislation. I want to thank the Senator from New Jersey, even though we may come to different conclusions about specific tactics in what we do here. I thank the Senator for allowing us to talk about this because this is really what it is all about. Let me first reiterate my concern and ask a question about the totality of the ads the Senator suggested on his charts.

Would the Senator concede that when you are dealing with ads that simply have to do with legislation, prior to 60 days, let's say, for example—the kind of tobacco ads we have seen; the ads we have seen about the Patients' Bill of Rights, the so-called Harry and Louise ads during the health care debate—there is no way under either Shays-Meehan or under McCain-Feingold, or even under any other legislation, we could prohibit those ads? Is that something with which the Senator would agree?

Mr. TORRICELLI. I think it is difficult to know how the Supreme Court is going to deal with all of this. But certainly, if you get outside the 60 days and you are attempting to bring people under FEC regulations for issue advocacy outside of the 60 days, your case will clearly be weakened.

Mr. FEINGOLD. I am specifically talking here about ads that do not talk about elections at all, they are simply talking about legislation. The Senator will concede, without a constitutional amendment, we could not prohibit such ads?

Mr. TORRICELLI. I don't dispute that, although, indeed, if we were really doing comprehensive reform, which seems to be lost in the Senate, frankly, I would be going to that question on disclosability and tax deductibility and people remaining in tax-free status to do so. That would be comprehensive reform. But for the purpose of the argument, I will concede the point.

Mr. FEINGOLD. Fair enough. I think that is important because we have to distinguish here between the kinds of ads we are talking about.

If it is the case, as the Senator from New Jersey suggests, that banning soft money will cause money to flow to phony issue ads, I think it is also rather difficult to dispute—in fact, you seem to concede—if we prohibit that, that the money will just flow to generic issue ads as well. Isn't that your likely scenario?

Mr. TORRICELLI. That is the scenario I predict.

Mr. FEINGOLD. Let me follow then to the really important question you are raising about the possibility of the attempts to evade our attempts to simply ban party soft money.

I don't doubt for a minute that the Senator is right, that the attempt will be made to evade the intent of the law, and in some cases it could succeed. But is the Senator aware that the McCain-Feingold soft money ban, the bill we have introduced, will prohibit Federal candidates from raising money for these phony outside groups such as the organization that is connected with Representative DELAY? Are you aware that that provision is actually in this soft money ban?

Mr. TORRICELLI. I am aware of it. And I believe it will be proven to be entirely ineffective.

Mr. FEINGOLD. Are you further aware that the bill will prohibit the parties from transferring money to 501(c)(4) organizations such as Americans for Tax Reform, which you mentioned a short time ago?

Mr. TORRICELLI. There would be no reason to do so. They are no longer raising soft money, so why would they need to transfer?

Mr. FEINGOLD. So that route will be blocked.

Mr. TORRICELLI. That route will be blocked. Instead, the environment we create would be this. Is the Senator from Wisconsin, with his familiarity with American politics and American fundraising, generally of the belief that people who are now contributing $100,000 or $250,000 contributions, because they are advocating some perspective in American politics, when you pass this law, you are going to sit at home and say: You know, I guess I'm just not going to be heard; I'm going to remove myself from the process because that's the right thing to do?

I think the Senator from Wisconsin must at least be suspicious that that money, that same check, is going to work itself into Americans for Tax Justice or one of these other 70 organizations that are engaged in this political advertising.

It may not happen, as the Senator has appropriately written the bill, that a Member of Congress or a political party leader calls one of these contributors and says: Send your check to so-and-so. But certainly the Senator is aware it will not be very hard for political leaders to divert this money by a wink or a nod or some smile in the right direction, and we are going to end up, instead, having these surrogate organizations running these campaigns.

Mr. FEINGOLD. I further ask the question—I do appreciate these answers—I think when you look at the tough provisions we put in this bill, although nothing is ever perfectly complete if somebody is willing to violate the law and take their chances, but what we are talking about here is corporate executives, CEOs, who now give money directly to political parties, taking the chance of running afoul of these new criminal laws.

I have this chart. It is a list of all the soft money double givers. These are corporations that have given over $150,000 to both sides. Under the Senator's logic, these very same corporations—Philip Morris, Joseph Seagram, RJR Nabisco, BankAmerica Corporation—each of these would continue making the same amount of contributions; they would take the chance of violating the law by doing this in coordination with or at the suggestion of the parties, and they would calmly turn over the same kind of cash to others, be it left-wing or right-wing independent groups?

I have to say—and I will finish my question—I am skeptical that if they cannot hand the check directly to the political party leaders, they will take those chances.

I share your suspicions about some group trying to funnel this money. There is no question that some of that will happen. But wouldn't you concede there has to be some serious risk, in our soft money ban, for these corporations to pull this kind of a stunt?

Mr. TORRICELLI. Reclaiming my time, I do not doubt there are some people who will not participate in doing so. But in what is a rising tide of soft money contributions in the country, they will be overwhelmed by people who will because it is not illegal. It will not be illegal. It will be fundamentally clear which of these affiliated organizations each political party supports and favors.

It certainly is not going to be lost upon many donors that the Democratic Party looks favorably upon the Sierra Club or NARAL. I doubt that any major Republican contributor is not going to understand that Grover Norquist, Americans for Tax Justice, or term limits, or the antiabortion groups, or term limits are favored by the RNC.

No one is going to have to send out a letter or make a speech. Everybody is going to know where everybody stands. The same money just gets redirected, but not equally as bad as the party contributions—worse, no accountability; you will never know who they are. And the ads, I believe, become less and less responsible.

Mr. FEINGOLD. Will——

Mr. TORRICELLI. Nor, by the way, if I may continue, is this a theoretical problem. I do not cast aspersions, but entirely legally in the 1996 cycle, when the restrictions were out on the coordination of issue advertising, Senator D'AMATO set up a separate division and did issue advertising. It is entirely appropriate, entirely appropriate.

This August, Grover Norquist had $4.5 million worth of advertising for his Americans for Tax Justice. In some of those advertisements, they used the same film footage as Republican candidates were using—on the same issues. That technically is not advisable, but it is happening. We have some responsibility here in the Senate to deal with the reality of how this process is going to evolve.

Mr. FEINGOLD. One more question, because the Senator from New Jersey has been very generous in responding.

The proposition you are advancing appears to be—given this chart, Philip Morris did give almost $500,000 to the Democrats, although they gave $2.5 million to the Republicans—apparently the Senator believes, one way or another, Philip Morris is going to see to it that that kind of money—$500,000—sees its way to the Sierra Club or NARAL or some kind——

Mr. TORRICELLI. Probably not the groups the Senator has cited, but I do believe they end up in an organization.

Mr. FEINGOLD. But it will go to that kind of a group.

The point I want to reiterate—and I put it in the form of a question—is that the suggestion that a party soft money ban that includes some new tough provisions to protect against evasions of the law would not make a difference, I think, is problematic. We are talking about making these subterfuges, which are currently legal—maybe at the most they are stretching the law—illegal. What Mr. DELAY is doing, from the other body, apparently is right on the line, some would say. Maybe it is legal; maybe it isn't. But we can't say for sure it is illegal. We are making sure in our bill that it is a crime to do this sort of thing.

Don't you think it would make a significant difference and raise the bar on the risk for these companies and those individuals to play this game? Isn't it worth taking the chance by banning soft money and having these tough provisions? Isn't it worth giving it a try?

Mr. TORRICELLI. My point to the Senator from Wisconsin is, he is not banning soft money. He is continuing the legitimization of a process where money from unknown contributors is distorting the American political process and undermining confidence.

I have great respect for what the Senator from Wisconsin has done, but it is a premature and unfortunate retreat. If the Senator believes we should be banning soft money, we should be banning soft money for people in the entire process, not the Democratic and Republican parties alone.

Could the Senator tell me, under your provisions, when Congressman DELAY simply takes his name off of this and he puts on his cousin, B.B.

DeLay, or his former chief of staff, how does your law protect his $25 million expenditures when he no longer has a name on it, but it is very clear to anyone in the country the organization that he favors?

Mr. FEINGOLD. I am very glad the Senator asked me that question. Again, you come to the heart of the matter. Let us look at the language of the bill we have put forward.

It does not talk about only what the gentleman from Texas—as we should perhaps refer to him on the floor—would do directly. The language is clear. It says: A candidate, an individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained, controlled by, or acting on behalf of one or more candidates—cannot raise this money.

We deal with the indirect problem. It is not possible to have B.B. DeLay become the shell person to do this without running the risk of violating the law.

Since you asked me a question this time, I will answer in the form of a question back to you. How can you say to me that we only deal with some of the soft money when the whole exchange we just had made you concede—you clearly conceded—that you can't deal with all the soft money, that there is no way you could ever deal with——

Mr. TORRICELLI. Reclaiming my time, I can deal with it. I remind the Senator, I am yielding the time. It can be dealt with. I am telling you about our legislation. In the original McCain-Feingold bill now passed by the House of Representatives, we are dealing with soft money in this 60-day period.

Mr. FEINGOLD. You are not dealing——

Mr. TORRICELLI. The most sensitive period for American elections are those ads that are actually directly influencing elections.

Mr. FEINGOLD. Is the Senator not aware that even during the 60-day period, the Shays-Meehan bill, which, of course, was the McCain-Feingold bill, does not cover pure issue ads? It only covers ads that show the likeness of a candidate or mention the name of a candidate. It does not cover the Harry-and-Louise kind of ads.

Mr. TORRICELLI. The Senator knows I am aware. But to go back to Senator MCCAIN's point, his argument of making the perfect the enemy of the good, no; I can't control every abuse in American politics by the Shays-Meehan bill. I can't control advertising throughout the entire 2 years. I can't control advertising where someone wants to buy a soft money ad to show the virtues of his grandmother. I can't do that. That may not be important. But what we did accomplish in the original McCain-Feingold bill is, in that 60-day period when elections are most influenced, we were making sure the American people knew who was doing the advertising and where the money was coming from if they were attempting to influence their votes. That was a high standard, not an impossible standard, and a worthwhile goal. It never should have been abandoned. That is what leads us to the floor today.

I want to ask one final question, and then I will yield to Senator BENNETT.

Mr. BENNETT. I thank the Senator.

Mr. TORRICELLI. I want to ask the Senator from Wisconsin one more question. A group of unaffiliated citizens decides they are going to rent a building next to DNC headquarters. In that building, they are going to call themselves Democrats for a Better America. Democrats for a Better America is going to file as a charitable organization along with the Red Cross and the Boy Scouts. No one in the current DNC leadership is going to be on their board of directors, but they are right next door. They are going to have the same seal as the DNC except they are going to take one toe off the eagle and they are going to change the color tone a little bit, but they are going to be right next door. They are going to take $200,000 contributions, million-dollar contributions. And unlike the Democratic Party, they are not going to disclose them. No one is going to know where the money is going to come from.

Can the Senator tell me how legally we are going to restrict American citizens from doing this constitutionally under your provision, unless we had Shays-Meehan, which applied these soft money bans to everybody's efforts?

Mr. FEINGOLD. I think, in the scenario you described, there would be a heck of a case to suggest there is indirect coordination. What you have just described is an obvious scenario.

Mr. TORRICELLI. Different address, different name, different purpose.

Mr. FEINGOLD. I would be delighted to have some sort of an investigation of whether or not that is a different organization and has no connection with the party. But if the Senator has some concerns about how we drafted this, if he thinks we need to take the language and tighten it up—I think it is pretty tight—but we would be delighted to try to make this tougher. You are right. We shouldn't let anybody do this by ruse. What you described is a ruse.

Mr. TORRICELLI. Reclaiming my time, what I am describing to you is what I believe is going to be the future of American politics. We do have tougher language; it is called Shays-Meehan. That is why Senator DASCHLE and I have offered it. It is a complete, comprehensive ban on soft money. It is genuine reform. There is no end to my admiration of the gentleman from Wisconsin who wrote it.

I yield to Senator BENNETT.

Mr. FEINGOLD. I want to make one comment, if I could, in response to that. Excuse me, to the Senator from Utah.

Let me again thank you and, of course, reiterate, I helped write those provisions in Shays-Meehan. I would love to see them passed. It would do more than the bill we are now proposing. But the notion that it isn't worth it, if that is all we can do—and that is something we disagree on and we will debate in a few minutes, I hope—the notion that it isn't worth it to ban these giant direct contributions to the parties, as well as the various attempted ways to try to get around the ban, which we seek to do, to not do that, to suggest that not doing that alone isn't worth it and it is worse than the status quo, to me, is absurd.

Let me reiterate, I do support the language of Shays-Meehan. But the question that is crucial is whether or not it is at all possible to get 60 votes for that. I suggest stopping this is well worth doing.

I thank the Senator from New Jersey.

Mr. BENNETT. I thank the Senator from New Jersey.

Is he aware of a gentleman named Arnold Hyatt?

Mr. TORRICELLI. I do not know Mr. Hyatt. Should I?

Mr. BENNETT. If I may, then, could I enlighten the Senator from New Jersey on the case of Arnold Hyatt. This comes from an article that appeared in Fortune magazine on September 7, 1998, in an article entitled ''The Money Chase,'' the subtitle of which says: It's as venal as this: The Presidential candidates who raise the most money get the nomination. Fortune's guide to the masters of the political universe.

Now, in that article, it describes Arnold Hyatt, 71, who, in 1996, was the second largest individual contributor to the Democratic Party. His $500,000 gift was second only to the $600,000 given by Loral's Bernard Schwartz.

The article goes on to say: Hyatt wrote his $500,000 check a month before the November 1996 election, specifically to help unseat vulnerable House Republicans and return the House to Democratic control.

I am sure the Senator from New Jersey would accept that as a laudable goal. The Senator from Utah might argue with that, but that was his purpose. In the article it says he has decided not to give any more soft money. Quoting the article, why he decided to stop contributing to politicians so soon after giving so much, he admits that it was because his Democrats didn't win.

Then, the article goes on:

> He still aspires to topple his enemies by ending the Republican majority in Congress. Hyatt then hasn't gotten religion, he's changed tactics. Rather than relying on the Democrats to press his agenda, he is now giving heavily to organizations like the Washington-based Public Campaign, which lobbied for publicly financed elections.

I submit to the Senator from New Jersey that what he says will go on and, in fact, is already going on, as demonstrated in the case of Mr. Hyatt who gave one-half million dollars—enough to put him on the chart of the Senator from Wisconsin all by himself,

without any company behind him, his own money, one-half million dollars. Clearly, it had to be soft money because if it were hard money, it would be illegal and over the $25,000 limit. He decided to shift that giving from a party—because he wasn't getting the results he was hoping for—to a special interest group.

That is why I asked if the Senator was aware of him because, in my view, he represents a class A example of exactly what the Senator from New Jersey is saying will happen. It has already started to happen and will continue to happen if we pass the underlying legislation.

I thank the Senator.

Mr. TORRICELLI. I thank the Senator. It is illustrative that we can be on different sides politically in the campaign finance debate and see emerging the same future. The Senator has described the future of American politics, where large donors choose their favorite organization, or create one of their own. Rather than be part of a political campaign, they create their own issue advocacy group, fund it with their own money, and run their own advertising. You, as a candidate, will sit in the leisure of your home, sending out postcards or mail with your thousand dollars in federally restricted funds, while on your side the Chamber of Commerce, or on my side the AFL–CIO, fights a war in the airwaves over our heads. You won't control content; you won't define yourself; you won't answer to your opponents. You will be a spectator in your own campaign.

We may have different prescriptions for the problem—mine is Shays-Meehan—to put everybody on the same plain. You may have a different formula, but we see the same future.

Mr. MCCONNELL. Will the Senator from New Jersey yield?

Mr. TORRICELLI. Yes.

Mr. MCCONNELL. I have been listening carefully to the observations of my friend from New Jersey. Along the same lines, would the Senator agree with the Senator from Kentucky that the only entities in American politics completely devoted and willing to support challengers are the political parties?

Mr. TORRICELLI. In my experience, that is largely true.

Mr. MCCONNELL. Would the Senator from New Jersey agree that, as a practical matter, the result of the most recent version of McCain-Feingold is to take away 35 percent of the budget of the Democratic Senatorial Committee, 35 percent of the budget of the Republican Senatorial Committee, and roughly 40 percent of the budgets of the RNC and the DNC; is that not correct?

Mr. TORRICELLI. That is probably a fair estimate.

Mr. MCCONNELL. So I say to my friend from New Jersey, another maybe unintended consequence of the proposal that is targeted right at the heart of America's two great political parties is that it will make it even more difficult for challengers to be competitive in elections across America.

Mr. TORRICELLI. I think the Senator from Kentucky makes a good point, that neither will be in a position to fund challengers. I don't know about the spending priorities of the Republican organization, but I can tell you soft money, largely raised by the DNC and the DSCC, also goes for things such as voter registration, for get-out-the-vote efforts, which are not necessarily things for which to use Federal moneys. That soft money, in our case, almost exclusively goes for those outreach programs. Indeed, our States are all different, but in my State, soft money goes almost entirely to minority communities for get-out-the-votes and registration.

Having said that, the Senator and I agree on his analysis. Nevertheless, where we part is I would be prepared to have the DSCC and the DNC forego all soft money and operate only on hard money. But my concern is, I don't want to do so while the National Rifle Association or the Christian Coalition or the right-to-life organizations are running soft money campaigns against our candidates or challengers.

Mr. MCCONNELL. I say to my friend, we don't agree on the underlying issue. But selective disarmament of the two great political parties, some would argue, is not a step forward in having more and more competitive elections, which presumably would be a good thing for the American political system. As the Senator knows, I don't want to disarm anybody. I don't think we have a problem in America because we have too few voices speaking on issues.

My view is, a government that spends $1.8 trillion a year is a government that can threaten an awful lot of people. It is not at all surprising these citizens, groups, and parties want to have an impact on a government that has the ability to take away everything they have. So I am not surprised, nor am I offended, by all of these voices having the opportunity to speak out.

But I thank the Senator from New Jersey for making the very important point that it is a sort of selective quieting of voices, a singling out of six committees. I think there are something like 3,000 committees registered with the Federal Election Commission. If this particular version of McCain-Feingold were passed, I say to my friend from New Jersey, 6 committees out of 3,000 would be unable to engage in issue advocacy, raising an important fifth amendment problem under the equal protection clause. Is it possible for the Government to single out 6 committees out of 3,000 and say only those committees cannot engage in issue advocacy?

So this thing has an important fifth amendment problem. We have talked a lot about the first amendment in this debate. This proposal has a serious fifth amendment problem.

I thank my friend from New Jersey for his observations about what is going to happen, practically, if you simply target the parties.

Mr. TORRICELLI. I thank my friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the question before the Senate is, Are we going to make progress in reforming our campaign finance system or not?

That is the simple question before us. In the 105th Congress, the Senate took up comprehensive campaign finance reform measures three times—in September of 1997, in March of 1998, and in September of 1998. Despite my support and the support of a majority of the Senate, these measures could not break the legislative logjam and move forward. So it was obvious it was time for a new approach, a new test that would allow the Senate to consider a more narrow piece of legislation and then work its will on the various components of the original McCain-Feingold bill.

Now, I am a supporter of the more comprehensive approach. I am proud to have been an early cosponsor of the McCain-Feingold bill. The Shays-Meehan bill is, too, an excellent piece of legislation. It contains many provisions I wholeheartedly support. But the point is—and the Senator from New Jersey is well aware of it—the comprehensive approach will not garner the votes necessary to move through this Senate. So the question is, Do we want to make progress or don't we?

It is difficult to think of a better example of the old adage of ''the perfect being the enemy of the good'' than the debate we are having this morning. So I rise in strong support of the underlying measure before us, the revised McCain-Feingold bill.

The underlying bill closes the most glaring loophole in our campaign finance laws by banning the unlimited, unregulated contributions known as soft money. The legislation also takes an important step of codifying the Supreme Court's decision in the Beck case. This will preserve the rights of nonunion members who must pay fees to a union to have their money excluded from the union's political activity fund.

In 1974, in the aftermath of Watergate, Congress passed comprehensive campaign finance reform measures that placed dollar limits on political contributions.

In its Buckley v. Valeo ruling, the Supreme Court upheld those contributions limits reasoning they were a legitimate means to guard against the reality or appearance of improper political influence.

Contribution limits remain on the books, but in reality, they have become a dead letter. The resourceful have found that the easiest way to circumvent the spirit of Federal election

law is to provide huge sums to the political parties through soft money donations. For years, soft money contributions to the major political parties were used for party overhead and organizational expenses. But over time, the use of soft money has increased dramatically to include a wider range of activities which influence elections.

Mr. President, in 1907, corporations were banned from directly contributing to Federal elections from their treasury funds. In 1947, Congress passed the Taft-Hartley Act, which banned labor unions from contributing treasury funds to candidates. Plain and simple, the soft money corporations and labor unions funnel through the parties clearly circumvents those laws.

We in this body decry legal loopholes, but we have reserved a gaping one for ourselves. Indeed, the soft money loophole is more like a black hole, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations gushing into party coffers.

The soft money loophole in our Federal election laws has been exploited to the point where the legislative framework put in place in the 1970's has become a mere shell. In 1994, approximately $100 million was raised through soft money by the major parties. Four years later, that amount more than doubled—fully $224 million was raised in soft money.

The problem with soft money was painfully evident during the 1997 hearings at the Senate Governmental Affairs Committee, in which the Committee heard from one individual who gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. We also heard from another individual, the infamous and clearly unrepentant Roger Tamraz who testified that next time he is willing to spend $600,000, rather than $300,000, to purchase access to the White House. In a July, 1997 interview with the Los Angeles Times, Johnny Chung, who gave $366,000 derived from illegal foreign sources to the Democratic National Committee and other Democrat organizations, cynically revealed the depth of the current problem; he said, ''I see the White House is like a subway—you have to put in the coins to open up the gates.''

This is what this debate is about.

How long can public faith in a political system survive when the public perception exists that wealthy groups are given a stage, podium and a microphone to broadcast their concerns, while the voice of the vast majority remains muted?

I hope Members will indulge me if I take a moment to explain the importance of this issue to the people of Maine.

Time and time again, I hear it said on the Senate floor and elsewhere that the American people do not care about this issue. I can't speak for the citizens of other States, but I know the people of Maine care deeply about this issue—about reforming our campaign finance system.

My home State has a deep commitment to preserving the integrity of the electoral system and ensuring that all Mainers have an equal political voice—and Mainers have backed their commitment to an open political process in both word and deed. In many regions of Maine, political life is dominated by town meetings and public forums in which all citizens are invited to share their concerns, and hash out critical political matters. This is unvarnished direct democracy where all citizens are a part of the process. People with more money do not get to speak longer or louder than people with less money. Perhaps it is our tradition of town meetings that explains why so many Maine citizens feel so strongly about reforming our Federal campaign laws, about reforming the current system. And that strong feeling is one I share.

The bill before us today is not a broad sweeping reform such as the one we considered last year and the year before. Rather, it is a modest attempt to achieve some progress by tackling the biggest abuse in the system. This primary purpose of today's bill is to stem the growing reliance on huge soft money contributions. This is not a radical approach; rather, our proposal to eliminate political party soft money, endorsed by former Presidents Gerald Ford, Jimmy Carter and George Bush, is a measured step toward meaningful reform.

Mr. President, when I ran for a seat in this body, I advocated major changes to our campaign finance law, but I recognize that goal must wait for another time.

But surely we can take this initial critical first step. Although I remain personally committed to more comprehensive changes in the current law, I believe the revised McCain-Feingold bill before us today will serve as a building block on which we can build a much better election financing system.

I look forward to the debate in the days ahead. My colleagues have several proposals to improve this bill. But at the conclusion of this debate, my guiding principle in casting my votes on the amendments before us, including the proposal by the Democratic leader, will be answering the question of whether we are moving forward and whether we are successfully ending the abuse of unregulated soft money in our campaign finance system.

I urge my colleagues to join me in supporting this modest, commonsense first step to restore integrity and public confidence in our campaign system.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maine. She has been a stalwart and steadfast advocate, ally, and friend in this very difficult effort. I know that not only the people of Maine but the people of Arizona are very appreciative of everything she has done in this effort. She lends credibility and grace to the debate. I thank her very much for everything she has done.

I want to talk for a few minutes about an organization called the Committee for Economic Development. It is an independent research and policy organization of some 250 business leaders and educators. It is nonprofit, nonpartisan, and nonpolitical.

The interesting thing about the Committee for Economic Development is that they are composed preliminarily of business leaders in America, mainly from major corporations, some smaller, and many educators. It has an incredibly illustrious membership.

This organization took a very bold step not too long ago; that is, a group of chief executive officers of major corporations decided they would stand up and reject soft money contributions to American political campaigns, whether they be Republican or Democrat. I am sure that was not an easy decision on their part. I am sure there have been significant pressures brought to bear against many of them as individuals and as corporations.

They issued a very interesting statement by the Research and Policy Committee, the Committee for Economic Development. It is entitled, ''Investing in the People's Business: A Business Proposal for Campaign Finance Reform.'' Chapter IV is entitled: ''Recommendations for Reform.'' It says,

Our recommendations are also informed by our belief in certain basic principles that should govern a system of campaign finance regulation. The five principles listed below reflect the objectives we regard as most important, which should form the basis for evaluating regulatory reform proposals.

(1) Regulation should protect free speech and promote an informed citizenry.

The First Amendment and the principles it embodies guarantee freedom of speech and expression and thus protect the cornerstone of our political system: full and robust political debate. The courts have acknowledged the link between political finance and the First Amendment in ruling that the financing of political expression is a protected form of political speech under the First Amendment. Campaign finance laws must recognize these constitutional considerations and uphold the principles of free speech. It is especially important to protect and promote the political speech that takes place in election campaigns, the purpose of which is to provide American citizens with the knowledge needed to make informed decisions on Election Day.

(2) Regulation should protect the political system from corruption or the appearance of corruption.

The regulations governing campaign finance should promote public confidence in the political process and ensure that the integrity of the electoral system is maintained. It is therefore essential that the system guard against corruption or the appearance of corruption in the financing of political campaigns. A system of political finance that fulfills this objective helps to ensure that elected officials are responsive to broad public interests and the desires of their constituencies.

(3) Regulation should ensure public accountability.

A goal of the campaign finance system should be full transparency of the funding of campaigns for public office, supported by the public's right to know. Elections allow citizen to hold candidates and elected officials accountable for their views and actions. If the major participants in political campaigns are to be held accountable, the public must have full and timely information about their campaigns.

I might add, Mr. President, one of the first amendments I proposed yesterday, which was adopted, concerned full and complete disclosure and using the Internet as part of that capability to do so.

Any system of campaign finance must therefore ensure full public disclosure of the sources of campaign funding, the activities undertaken with it, and the amounts raised and spent. Disclosure not only provides the electorate with the information it needs but also helps curtail excesses and promote full public scrutiny of financial transactions.

(4) Regulation should encourage public participation in the political system.

The strength of a democracy depends upon the political participation of its citizens. Citizens should be encouraged not only to vote but to participate in the process in other ways. Campaign finance rules should not discourage citizens from seeking elective office, associating with others, volunteering their skills and time, or participating in the financing of campaigns. Such participation enhances the legitimacy of the representative process and thereby strengthens popular support for the political system.

(5) Regulation should promote electoral competition.

The essence of democracy lies in competitive elections that offer voters a choice of candidates. Competition stimulates public interest in election campaigns, induces greater numbers of citizens to learn about the candidates, gives more meaning to elections, and encourages people to vote. It is an essential element in promoting the vitality and quality of political life. The regulation of campaign funding should therefore promote competitive elections by ensuring that candidates have an opportunity to obtain the resources needed to share their views with voters.

Mr. President, one reason I quote that is I think it is a very important statement as to what our goals should be in political campaigns. It lays out the basis for the first recommendation of the Committee for Economic Development. Their first recommendation is eliminate soft money.

We believe that, as a general principle, funds used to promote political candidacies should be subject to the requirements and restrictions of federal law on campaign finance. Soft money is the most egregious example of campaign financing that violates this principle. No reform is more urgently needed than the elimination of soft money.

Some business leaders have already taken action to help remedy this problem by refusing to participate in the soft money system. Most businesses in America do not give unregulated soft money funds to the political parties. Others, including such industry leaders as General Motors, AlliedSignal, and Monsanto, have recently declared that they will no longer make such contributions. They have been joined by dozens of corporate executives, who recognize the dangers to our system of government created by this type of fundraising.[49] CED supports these voluntary efforts to reduce soft money and lauds the leadership shown by these members of the business community. We urge other business leaders, labor unions, and individual citizens to follow this lead and voluntarily work to reduce the supply of soft money funds.

There are ample opportunities for members of the business community to express their support for candidates or party organizations, either as individuals or through PACs. We encourage participation in the process in these ways. But there is no need for members of the business community, labor unions, or others to supplement these opportunities with soft money contributions. Participation in the soft money practices of the national party committees fuels the demand for soft dollars and spurs the arms race mentality that now characterizes party fundraising at the national level.

Voluntary efforts alone, however, will not solve the soft money problem. Potential donors will still face pressure from elected officials and national party leaders to make soft money contributions. We therefore believe that a legislative remedy is needed to end soft money. Specifically, we recommend that Congress prohibit national party committees, their officers or staff, and any organizations or entities established or controlled by national party committees or their personnel, from soliciting, receiving, or directing any contributions, donations, or transfers of funds that are not subject to the limitations, prohibitions, and public disclosure requirements of federal law. These committees and individuals should also be prohibited from spending any funds that are not subject to such restrictions and requirements. Similar prohibitions should be applied to federal officeholders, candidates, and their agents or staffs. In addition, federal officeholders or candidates should be prohibited from raising or spending soft money through personal PACs or so-called ''leadership PACs.'' (An exemption, however, would be made for federal officeholders running for state or local office who are raising monies allowable under the relevant state law—e.g., a U.S. senator running as a candidate in a gubernatorial election.)

In short, national party committees, including the national congressional campaign committees, and federal politicians would not be allowed to raise and spend monies from unrestricted sources in unlimited amounts. We believe that this reform will greatly reduce the unregulated party money that is now flowing through the system.

This reform also would significantly simplify the rules governing party finance. National party committees would be allowed to raise only hard money. National party committees would no longer be able to raise or use corporate or labor union treasury funds or unlimited gifts from individuals and PACs. Their revenues would have to come from limited voluntary contributions from individuals, PACs, or other federally registered political committees, such as candidate campaign committees. There would no longer be a need for separate types of bank accounts or complex allocation rules for the financing of different types of party activity.

Taking national party committees, federal officeholders and candidates, and their agents and staffs out of the business of raising and spending soft money will change the relationship between donors and federal politicians. It will reduce both the incentive for donors to give in exchange for access and the pressure to give that is created by solicitations from national party leaders or elected officeholders. It will also prevent federal candidates from raising unlimited funds that can be used by party committees to benefit indirectly their own bids for office. We believe that this reform will substantially alter the incentive structure that encourages soft money contributions. As a result, we expect the vast majority of this pool of funds, especially much of the money donated by the business community, to dry up. Most of this money came into the system only during the last two presidential cycles, largely in response to the aggressive fundraising practices of the national party committees. These donors are unlikely to aggressively seek out other means of pouring money into the system.

We recognize, however, that this recommendation could be circumvented. Federal officeholders and candidates could still engage in soft money fundraising by shifting their activities to the state level. Federal officials could help their respective state parties raise funds that are not subject to federal limits, and the state parties could in turn use these monies to finance activities, such as voter registration and turnout drives, that influence federal elections in their state. Such activities would diminish the benefits of reforms adopted at the national level.

We have carefully considered the proposal to close this ''loophole'' by extending federal regulation to any state party activities that might influence the outcome of a federal election and are financed by contributions not permitted by federal law. But we are very troubled by the prospect of using federal rules to govern state party political finance, especially when these committees are acting in conformance with the laws adopted by the people of their states. Such an approach raises troublesome issues regarding the principle of federalism and the scope of Congress's authority to legislate in this area. Accordingly, we conclude that this issue is most appropriately handled by the states. We therefore urge state legislatures to pass any legislation necessary to ensure that state party committees cannot finance their activities from unrestricted or undisclosed sources of funding.

We recognize that a ban on soft money will have a significant effect on the resources available to national party committees and may diminish their role in the electoral process. Soft money represents a substantial share of party revenues and is used to finance many of the costs directly related to the parties' activities, ranging from staff salaries and overhead expenses to voter registration and mobilization efforts. The loss of soft money is likely to reduce such party activities and would require that parties pay more of their administrative and political services costs from funds they raise under federal limits. This, in turn, may lead to a reduction in the amounts of money available for candidate support or voter turnout efforts. Since parties are the only source of private funding (other than personal contributions or loans) that favors challengers, a significant reduction in party resources is likely to decrease the resources available to challengers. It is also likely to reduce the amounts available for voter identification and turnout programs. We believe that these party activities play a valuable role in enhancing the competitiveness of elections and encouraging citizen participation.

To partially compensate for this loss, we recommend a change in the rules limiting individual contributions to federal candidates and political committees. Under current law, individuals are limited to an annual total of $25,000 for all contributions made to federal candidates, PACs, and party committees. We propose that Congress establish two separate aggregate limits for individuals. The first would limit the total amount contributed by an individual to federal candidates and PACs to $25,000 annually. The second, separate ceiling would limit the total amount contributed by an individual to national party

committees to $25,000 annually. This change will allow parties to raise more regulated money from individuals than is permissible under current federal law.

Mr. President, how did we get to where we are in this soft money? I think probably one of the best depictions of it is also in chapter 3 of the CED's report. I quote:

Efforts to regulate the flow of campaign money often produce unintended and unforeseen consequences. Candidates and their staffs, as well as party committees and interest groups, have responded to regulation with imaginative innovations, producing new financial practices unanticipated by lawmakers. The law has also been interpreted by the courts and administrative agencies in unexpected ways, producing new directives that also have encouraged new financial strategies. Both these developments have dramatically increased the flow of money in federal elections and significantly undermined the effectiveness of our federal campaign finance laws.

Soft money was not recognized as a form of party finance under the original provisions of FECA. In fact, FECA contained only one narrow exception to the party contribution limits. Parties could receive contributions in unlimited amounts from unlimited sources for ''building funds'' established to pay for new buildings or headquarters structures. Outside of this ''bricks and mortar'' provision, all monies received by parties were subject to federal limits.

By 1980, the year of the second presidential election conducted under FECA, these tough prohibitions on party receipts and expenditures had begun to erode, and the door had been opened to unregulated party financial activity. This occurred as a result of problems experienced in the 1976 election and administrative decisions of the Federal Election Commission (FEC) that altered the kinds of money parties could raise.

In the 1976 election, party leaders quickly recognized that the activities they traditionally financed in conjunction with national elections were significantly hindered by the new system of public financing and spending limits for presidential campaigns. Under the new law, expenditures by a party to help the presidential ticket might be considered in-kind contributions to the candidate or election-related expenditures that were no longer allowed. Parties therefore looked to the presidential campaigns to fund much of the paraphernalia used in traditional volunteer activities, such as signs, bumper stickers, and buttons, as well as voter registration and turnout activities. But the presidential campaigns, now faced with limited funds and wanting to maximize the resources available for television advertising, did not allocate substantial amounts to these other activities that parties considered important. As a result, party leaders appealed to Congress after the election to change the law so that they could finance volunteer and party-building activities without risking a violation of the law.

Congress responded to these concerns and in 1979 amended FECA to exempt very specific, narrowly defined party activities from the definitions of ''expenditure'' and ''contribution'' contained in the Act. Thus, parties were allowed to spend unlimited amounts on grassroots, party-building activities and generic party activities such as voter registration and turnout drives. They were also permitted to spend unlimited amounts on such traditional campaign materials as bumper stickers, buttons, and slate cards. But the Congress did not change the rules on party fundraising: the monies spent on these activities had to come from ''hard money'' donations subject to federal contribution limits. Congress also specified that none of these unlimited expenditures could pay for mass public communications, such as direct mail or television advertising.

At the same time that Congress was making these changes in the law, party officials were asking the FEC to decide another set of issues related to general party activities. The parties argued that their organizations were involved not only in federal but also in non-federal election activity, such as supporting candidates in state-level races and building party support at the state and local level. Furthermore, many generic party activities, such as voter registration and turnout drives, are conducted to help both federal and non-federal candidates. The parties therefore contended that the finance rules should recognize the non-federal role of party organizations and allow parties to partially finance their political activity with monies subject only to state laws.

The FEC responded to these questions with a series of ruling that recognized the non-federal role of state and national party organizations. These rulings allowed parties to finance a share of their activities with money raised under state law if they maintained separate accounts for federal and non-federal funds. Subsequent rules established complex allocation formulas that determined the shares of particular expenditures that had to be allocated to federal and non-federal accounts.

Thus was born the distinction between ''hard'' and ''soft'' money. Hard (federal) money is subject to federal contribution limits and is the only type of funding that can be used to support federal candidates directly. All contributions to federal candidates, coordinated expenditures, or independent expenditures made in federal contests must use hard money. Soft (non-federal) money is exempt from federal limits and can be used to finance general party activities, including such activities as voter registration drives, even though these activities may indirectly influence federal elections, for example, by encouraging more party members to vote.

The FEC's decisions essentially freed parties to engage in unlimited fundraising as long as they abided by the technical requirements of the law. They could now raise (and spend) monies obtained from sources that were banned from participating in federal elections or from individuals and PACs that had already donated the legal maximum. These changes in the rules thus gave parties a strong incentive to raise soft money.

THE GROWTH OF SOFT MONEY

Parties quickly adapted to the new regulatory environment. At first, soft money was primarily raised in presidential election years for use on voter registration and turnout operations. But the parties soon expanded the role of soft money by expanding the range of activities that could be paid for with these funds. They also began to raise soft money more aggressively, soliciting ever larger sums.

Since 1980, soft money has grown rapidly. In 1980, the Republican and Democratic national party committees spent a total of about $19 million in soft money, with the Republicans disbursing $15 million and the Democrats $4 million. Much the same pattern existed in 1984. By 1988, however, the amount of soft money had more than doubled to $45 million, shared about equally between the two major parties. By 1992, soft money had almost doubled again to $80 million, with the Republicans spending $47 million to the Democrats' $33 million.

Yet the soft money raised in those elections pales in comparison to that raised in 1996 and 1998. In the Presidential election cycle of 1996 the two major parties raised $262 million in soft money, more than three times the amount garnered only four years earlier. (See Figure 5.) The Republican committees solicited more than $138 million and the Democratic committees $124 million. In contrast, hard money increased much more slowly. Democratic hard money increased by 59 percent over 1992, and Republican funds by 71 percent.

Similarly, soft money fundraising in 1998 was up dramatically over the previous off-year election cycle of 1994. As of 20 days after the election, the national party committees had raised $201 million in soft money, close to twice the $107 million they had raised in the entire 1994 election cycle. The Republicans had raised $111.3 million, compared with $52.5 million in 1994, an increase of 112 percent; the Democrats had raised $89.4 million, 82 percent more than the $49.1 million four years earlier.

The share of total party funds represented by soft money has also increased substantially. In 1992, for example, soft money constituted 26 percent of the receipts of all three Democratic national party committees. By 1998 the soft-money share had risen to 37 percent. For the three Republican national party committees, the proportion rose from 20 percent to 29 percent during the same six years.

THE SOURCES OF SOFT MONEY

Soft money has grown rapidly because both parties have been increasingly successful in soliciting large soft money gifts. Since at least 1988, both parties have had organized programs to recruit large donors. In 1992, for example, the DNC and RNC raised a total of $63 million in soft money, about 30 percent of which came from contributors of $100,000 or more. The parties have also been successful in soliciting major contributions from corporations and, primarily in the Democratic Party, labor unions. The parties have thus succeeded in gaining access to contributions from sources and in amounts that were prohibited by the campaign finance reforms of the 1970s.

According to an analysis by the FEC, the parties have raised an increasingly large number of contributions in this manner. During the 1992 election cycle, the national party committees' soft money accounts accepted at least 381 individual contributions in excess of $20,000 (the annual federal party contribution limit) and about 11,000 contributions from sources that are prohibited from giving in federal elections, particularly corporations and labor unions. By the 1996 election cycle, these figures had more than doubled. The national party committees received nearly 1,000 individual contributions of more than $20,000 and approximately 27,000 contributions from sources prohibited from giving hard money.

The business community is by far the most important source of soft money, as shown in Table 5 (page 26). According to one independent analysis, businesses provided $55.9 million of the $102.2 million in soft money received by national party committees during the 1994 election cycle. In 1998, these organizations had donated more than $105 million of the more than $200 million received through October. The vast majority of this money came from corporations rather than trade associations or other incorporated organizations. These figures do not, of course, include individual contributions made by members of the business community.

A substantial share of this money came from large contributions. In 1998 at least 218 corporations donated more than $100,000, compared with 96 that gave this amount in 1994. Sixteen corporations gave $500,000 or

more, whereas only four gave at this level four years earlier.

Further evidence of the role of business contributions in the growth of soft money is found in a 1997 analysis conducted by the Los Angeles Times, which found that soft money donations made by the 544 largest public and private U.S. companies had more than tripled between 1992 and 1996, growing from $16 million to $51 million. In comparison, the contributions made by PACs, maintained by these companies rose only from $43 million to $52 million.

The largest soft money donors tend to be companies or industries that are heavily regulated by the federal government or those whose profits can be dramatically affected by government policy. For example, according to the Center for Responsive Politics' analysis of 1996 donors:

''Tobacco companies and their executives, who have faced concerted federal efforts to strengthen the regulations governing tobacco sales and advertising, as well as the possibility of congressional action to settle ongoing lawsuits, gave a total of $6.83 million in 1996, with $5.77 million donated to the Republicans and $1.06 million to the Democrats. This group was led by Philip Morris, which donated the most soft money of all contributors in 1996, giving a total of about $3 million, $2.52 million of which went to the Republicans. RJR Nabisco gave a total of $1.44 million, with $1.18 million going to the Republicans.''

There is a study by Professor Kathleen Jamieson of the Annenberg School at the University of Pennsylvania, in which she describes not only the political contributions of the tobacco companies but the amount of lobbying fees which, according to her, is the most in the history of American politics.

I will be reading that and inserting it in the RECORD at the proper time. It goes on to list a number of the large contributions.

Finally, the effects of soft money on the political system. This is the view, of course, of the CED:

The rise of soft money has greatly increased the flow of money in national elections and has turned party fundraising into a frenetic and never ending chase for large contributions. As the range of party activities financed with soft money has increased, party organizations have engaged in more aggressive and directed efforts to raise soft dollars. The parties therefore have sought ever larger amounts from soft money donors and have pursued new sources of soft money contributions, especially among members of the business community.

One of the primary ways parties obtain very large contributions is by providing donors with access to federal elected officials. The most highly publicized and controversial example of the access and privilege afforded soft money donors is the use of the White House during the 1996 election cycle as a venue for dinners and other events with President Clinton. While money was not raised at these events, they were clearly designed to reward past soft money donors and stimulate future contributions. Published reports of these sessions sparked a controversy that raised serious questions as to whether access to the White House was for sale and fueled public cynicism about the influence enjoyed by wealthy contributors. Further examination of the Democratic Party's public disclosure reports revealed that the Democratic National Committee had deposited at least $3 million in illegal or questionable contributions into their soft money accounts.

The Democratic Party's 1996 fundraising activities, however, are only one example of the consequences of unrestricted party fundraising. In recent years, both major parties have offered soft money donors access to elected leaders in exchange for contributions. White House officials and congressional leaders have been asked to appear at party soft money fund-raisers, participate in party-sponsored policy briefings, attend weekend retreats with donors, and play a role in other small group meetings. Elected officials have even been recruited by the party committees to solicit soft money donations from potential contributors, especially from their own financial supporters and others with whom they have relationships.

Federal officeholders have thus assisted their parties in raising funds for issue advocacy advertising, voter registration, election day turnout drives, and other activities that directly benefit their own campaigns for office. They have also participated in fundraising efforts directed at donors whose interests are directly influenced by federal policy decisions. Such activities place undue pressure on potential donors. Businesses, in particular, are induced to contribute to keep up with their competitors or ensure their own access to lawmakers.

Given the size and source of most soft money contributions, the public cannot help but believe that these donors enjoy special influence and receive special favors. The suspicion of corruption deepens public cynicism and diminishes public confidence in government. More important, these activities raise the likelihood of actual corruption. Indeed, we believe it is only a matter of time before another major scandal develops within the soft money system.

Mr. President, I have often said that the scandal in Washington in 1996 was not Monica Lewinsky. The scandal in Washington was a debasement of virtually every institution of government carried out by the Clinton administration when the Lincoln Bedroom was rented out, when access to the President—I think it was Mr. Chung who said the White House is like the subway: You have to put in money in order to open the gates.

I have a memo that is a public document. It is a memo from the Democratic National Committee to the White House that lists activities to be coordinated with the White House by the DNC for $100,000 givers and says—I think it is the third or fourth item on the list—seats on official trade missions. That was the scandal in Washington, and the ongoing scandal, of course, is the failure of the Attorney General to pursue these very well documented allegations.

I do agree with the CED when they say at the end: ''Indeed, we believe it is only a matter of time before another major scandal develops within the soft money system.''

That is what we are trying to prevent. We had a spirited debate yesterday about this issue, and I tried to point out that I think these huge amounts of money have made decent and good people do things they should not otherwise do. That is an example which should be cited in these scandals I just described in the 1996 Clinton-Gore campaign.

We have to try to restrain the system. I am fully aware it will never be completely the kind of system we want it to be, but I also will at a later time, because I have been talking a long time, chronicle that throughout American history we have had cycles. We have had cycles where the system has been cleaned up, as Teddy Roosevelt was able to do in 1907. I continue to quote extensively from him and read him as he talks about the corrupting influence of the robber barons at the turn of the century.

Then we had, of course, the scandals of 1974 which caused us to clean up again. And if we succeed in cleaning up this system 10, 15, or 20 years from now, we will be back—maybe not me, maybe not RUSS FEINGOLD, maybe not Senator MCCONNELL or Senator BENNETT, but there will be others who will be back because we know that money in politics flows like water through cracks.

What I read was how we had gone in the 1970s from a virtual nonexistence of the so-called soft money to the point where we are now awash in it. Sooner or later we will clean this up, and then sooner or later, unfortunately, it will need cleaning up again. That is why legislatures do not go into session and adjourn permanently.

In 1986, we cleaned up the Tax Code. We did a good job. We took 3 million Americans off the tax rolls, something I think overall, despite some flaws associated with it, was a good bill. We need to clean up the Tax Code again. It is now 44,000 pages long. We need to change it from the cornucopia of good deals for special interests and a chamber of horrors for average American citizens.

Why should a lower- or middle-income American have to go to an accountant to fill out their tax return? Why is it that it is 44,000 pages long? Why is it that we cannot break the grip of the teachers unions to reform education? Why is it we cannot come together reasonably and give patients who are members of HMOs decent, reasoned, balanced rights? Why is it that we cannot restructure the military so we can meet the challenges of the future we face in the next century? Events around the world have, again, amply demonstrated, such as in Pakistan, we ought to be able to cope with some very serious challenges in the next century in the military, but we cannot restructure it. It takes 2 months to get 24 Apache helicopters from Germany to Albania. They train and crash two, and we never use them in the conflict.

We need to move forward on this issue. We need to do it, and I hope the sponsors of the amendment that is presently under consideration will recognize this is the same amendment which stalled us out last time. I believe we can make progress by moving forward with an amending process which requires votes which requires debate. I believe we can do that.

I commend to my colleagues, particularly on my side of the aisle, who

are involved with the business community, this little booklet. Major executives, major corporations in America have become sick and tired of being sick and tired. I cannot tell how many of them have told me—and I am sure they have told my colleagues privately—they are tired of the phone calls, they are tired of being dunned, they are tired of being called upon to give to both parties.

Senator MCCONNELL said yesterday, in response to the comment that the major corporations now give to both parties, they have a right to be duplicitous.

I do not deny him that right to be duplicitous. I hope we could arrange a system where they do not feel they have to be duplicitous. That is what this object is all about.

Mr. President, I thank my colleagues for their patience and I yield the floor.

Mr. MCCONNELL addressed the Chair.

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

Mr. MCCONNELL. Mr. President, there are a number of Republican Senators anxious to offer amendments, and I would like to create an environment in which people can come over, offer their amendment, discuss it, and lay it aside.

Senator BENNETT has been sitting here patiently for some time. He and Senator BURNS have an important amendment related to the Internet.

Therefore, I ask unanimous consent the pending two amendments be laid aside in order for Senator BENNETT to offer an amendment, along with Senator BURNS, regarding Internet free speech, and that no second-degree amendments be in order prior to a vote in relation to the amendment. I further ask——

Mr. REID. Reserving the right to object.

Mr. MCCONNELL. Could I finish?

I further ask consent that the vote occur on or in relation to the amendment at 5:30 p.m., on Monday, and there be 5 minutes, equally divided, for closing remarks just prior to the vote, and following the debate today, the amendment be laid aside until that time.

The PRESIDING OFFICER. Is there an objection?

Mr. REID. Reserving the right to object, and I will object, I say to my friend from Kentucky, these amendments can still be offered, but we think they should not be offered to the two amendments that are pending.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, what we have is a debate that is proceeding in such a way that amendments are not being allowed.

One of the things we talked about this year, and Senator MCCAIN indicated he wanted, was an open debate, in which Senators would be able to lay down their amendments, get debate, and get votes.

I say to all of my colleagues, we have Senator BENNETT and Senator BURNS here with a very important amendment they would like to get offered. Senator SESSIONS is on the floor. He has an amendment he would like to offer. Senator THOMPSON and Senator LIEBERMAN have an amendment they would like to offer. Senator NICKLES has an amendment he would like to offer; Senator HATCH, in all likelihood. Senator HAGEL has indicated he may be offering an amendment, as well.

We have an opportunity here to lay down and discuss these amendments, lay them aside, and guarantee these Senators an opportunity to vote.

I am somewhat confused about where we are. I thought the whole idea behind having 4 or 5 days of debate, I would say to my friend from Arizona—although he did not object; it was the assistant minority leader—I guess I am perplexed about where we are. I would like to protect the opportunity of my colleagues on the Republican side to offer amendments about which they feel strongly about.

Mr. MCCAIN addressed the Chair.

Mr. MCCONNELL. I am going to retain the floor, but I will be glad to yield for some observation.

Mr. MCCAIN. Will the Senator from Kentucky yield to me?

First of all, I believe we should move forward and have amendments. I would like to discuss it with all of us discussing it, go into a quorum call in a second, if we might.

First of all, I would like to frame a parliamentary inquiry very quickly.

Mr. President, if an amendment in the nature of a substitute were to be offered, how many votes would be needed to affirmatively adopt the amendment?

The PRESIDING OFFICER. Will the Senator restate his question?

Mr. MCCAIN. If an amendment in the nature of a substitute were to be offered, how many votes would be needed to affirmatively adopt the amendment?

The PRESIDING OFFICER. Is the Senator asking in terms of a simple majority?

Mr. MCCAIN. I am asking, if an amendment in the nature of a substitute——

The PRESIDING OFFICER. A simple majority would be required.

Mr. MCCAIN. If such an amendment were adopted, and it contained a new rules change, how many votes would be required to invoke cloture?

The PRESIDING OFFICER. Sixty seven, if 100 Senators are voting.

Mr. MCCAIN. During consideration of the pending, underlying legislation, would such an amendment be in order?

The PRESIDING OFFICER. Yes.

Mr. MCCAIN. My point is, a little parliamentary tactic was played early yesterday which did not start things off in the manner which we had sort of hoped it would—that a rule was adopted that now requires 67 votes. But as most parliamentary tactics, it can be negated by a simple substitute amendment that could be propounded by any Senator, which amendment, in the form of a substitute, would then negate the rule change, which then would bring us back to the position that we are of 60 votes.

So I say to my friend from Kentucky, when we agree to further amendments or we agree to his unanimous consent request—which none of us has seen, which the Senator did not take the time to show me—we have to be a little bit careful and cautious as to what we agree to.

So I want to move forward. I want to move forward with amendments. I will be glad to go into a quorum call and sit down with all of the Senators present on the floor and see if we can't work something out.

Mr. MCCONNELL. Do I have the floor?

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. MCCAIN. I still have the floor.

Mr. MCCONNELL. I believe I did not yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky yielded to the Senator from Arizona for a question.

Mr. MCCAIN. No. I asked if the Senator would yield. I did not ask if the Senator would yield for a question.

Mr. MCCONNELL. He did not ask me to yield the floor, and I did not yield the floor, Mr. President.

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. Mr. President, might I suggest a solution to the problem of my friend from Arizona. He might want to look at the amendments. If he does not find them offensive, maybe he would want to give his Republican colleagues an opportunity to lay down their amendments, to discuss them, and lay them aside, with the understanding that, obviously, they would get a vote at someplace down the road, unless they were filibustered.

I would ask my friend from Arizona, what would be wrong in taking a look at the amendments, one by one, and if they met the Senator's approval, maybe he would give our Republican colleagues an opportunity to have some votes?

Mr. MCCAIN. If the Senator would allow——

Mr. MCCONNELL. I yield for a question.

Mr. MCCAIN. I cannot ask you a question. I can only answer. You can yield the floor, and I will be glad to yield the floor back.

Mr. MCCONNELL. I do not yield the floor, but there must be some way for the Senator from Arizona to express himself. I will be glad to yield to him for a question.

Mr. MCCAIN. I will try to frame it as a question.

Is the Senator aware that up until half an hour ago we were not allowed to see the amendment nor have we been able to see your proposed unanimous consent request—we were not allowed to look at it. Now we have a

chance to look at it. We would be glad to look at it, but I still say, if the Senator from Kentucky wants to really move forward, then we go into a quorum call, we sit down, as has been my habit in 13 years on the floor here, and see if we cannot work out an agreement. If we cannot, then we will not. But that is the way we usually do it.

I want to assure the Senator from Kentucky that, from my viewpoint, as long as we are protected, as long as we can make sure this is a straightforward process, then I am eager for additional amendments to be considered when debate on this particular amendment has been consumed.

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

Mr. MCCONNELL. I believe I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. MCCONNELL. Might I suggest the Senator from Arizona and the Senator from Montana and the Senator from Utah have a discussion about this while I make some remarks. Maybe the Senator from Arizona might be satisfied that there is no chicanery afoot here between the Senator from Utah and the Senator from Montana. Might I suggest to the Senator from Arizona, since the objection came from the assistant Democratic leader, you might want to include him in the discussion.

Mr. REID. Will the Senator yield for a question?

Mr. MCCONNELL. I yield for a question.

Mr. REID. I say to my friend from Kentucky, in response to a question asked by the Senator from Arizona, the Senator stated to me—and it was reported in the press this morning—that the Senator yesterday, in the effort with the amendment for a rules change, has indicated that the intent of the Senator from Kentucky was to change the rule, not to change the number of Senators it would take to invoke cloture in this matter. The Senator has stated, as I said, publicly and stated to me personally that in this matter we would only need 60 votes.

Is that what the Senator said?

Mr. MCCONNELL. That is exactly what the Senator said. I am not prepared to withdraw that yet, as Senator MCCAIN indicated that that could be displaced, in any event, by some substitute, which the Senator from Nevada has already offered. I reject the notion that there is some devious notion at work. Besides, I don't even want to get into that. The only issue before us, I say to the Senator from Nevada, is whether or not we can get consent to have some other Senators take advantage —we have had all this discussion about having an open debate on campaign finance reform. We can't even get amendments laid down for discussion. We are not talking about controversial amendments, I don't think. People do have the option to vote against them.

Mr. REID. Will the Senator yield for a question?

Mr. MCCONNELL. I yield for a question.

Mr. REID. I say to my friend, the Senator has indicated there are two amendments the Senator wishes, he and/or his colleagues, to file today. I have stated that as far as the two amendments pending, one by Senator DASCHLE and one by this Senator, we would not agree to set those aside. However, the record is quite clear; there are two spots still open in the tree that these Senators could file their amendments any time they want today. All they need is recognition.

Mr. MCCAIN. Will the Senator from Kentucky yield again for a question?

Mr. MCCONNELL. Mr. President, I would like to make a parliamentary inquiry with respect to the amending process in relation to what the Senator from Nevada just suggested. Is it true that a first and second-degree amendment are pending, as offered by the minority leader and the assistant minority leader, that would take consent to lay aside?

The PRESIDING OFFICER. Yes, the Senator is correct.

Mr. MCCONNELL. Is it true that although two additional amendment slots are available to offer amendments, if amendments were offered and agreed to, and an amendment offered by the minority leader was subsequently adopted, the action taken on the two additional amendment slots would, in effect, become moot?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. With this record now made by the Chair, I regret that our Democratic colleagues are blocking amendment consideration during this campaign finance reform bill. What we are trying to do is to give Republican Senators an opportunity to offer amendments. If I understand the Chair correctly, where we are is that without consent, either from the assistant Democratic leader or the Senator from Arizona, my Republican colleagues are not going to be able to offer an amendment.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. MCCONNELL. I will yield for a question.

Mr. MCCAIN. I want to tell the Senator that the Senator from Montana and the Senator from Utah and I and the Senator from Wisconsin are in agreement that an amendment by Senator BENNETT and Senator CONRAD would be in order, unless the Senator from Wisconsin has additional comments about the pending amendment, but that it is also proper and appropriate to continue the debate until finished on the pending amendment and that, of course, we would like to make sure that any unanimous consent agreement we are in agreement with. I hope the Democratic leader would also agree with that approach to the pending business because I am not in any way in disagreement with the view of the Senator from Kentucky that we need to move forward with the process.

Mr. MCCONNELL. I thank the Senator from Arizona. Maybe I should make the consent request again.

I ask unanimous consent that the pending two amendments be laid aside in order for Senator BENNETT and Senator BURNS to offer an amendment regarding Internet free speech and that no second-degree amendments be in order prior to the vote in relation to the amendment. I further ask consent that the vote occur on or in relation to the amendment at 5:30 p.m. on Monday, and that there be 5 minutes equally divided for closing remarks just prior to the vote and, following the debate today, the amendment be laid aside until that time.

Mr. REID. Reserving the right to object, Mr. President.

Mr. MCCAIN. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the amendment, which I personally haven't seen, but I am sure has been shared with the staff, we have not had an opportunity to discuss, to even show the amendment to the ranking member of the Commerce Committee, the ranking member of the Judiciary Committee, both of whom are tremendously interested in anything dealing with the Internet. First of all, to lock in a time, that is something we couldn't do.

Secondly, I say to my friend from Kentucky, there are no more votes until 5:30. That is an announcement made by the majority leader. So we are not stopping anyone from voting. That decision has been made by the majority. We would have been happy to stay and vote. I have been here the last several days anyway. If there had been some notice there would be votes, other people would be here.

I say there is ample opportunity to talk about any of these issues in whatever length anyone cares to. We have a vote scheduled at 5:30 on a judicial nomination or whatever the majority leader decides. We have cloture votes that are going to take place on Tuesday. I think we have plenty to do on this.

I might say in passing that I think now the majority knows how we feel all the time when we can't offer amendments to pending legislation. On this legislation, we have two amendments that have been filed: One dealing with the Shays-Meehan legislation, and one dealing with the so-called soft money amendment. That is what this debate is all about. That is what it should focus on. Objection is heard.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Let me try another approach, if I may. I heard the distinguished assistant Democratic leader say the time was a problem. Let me try it a different way.

I ask unanimous consent that the pending two amendments be laid aside in order for Senator BENNETT and Senator BURNS to offer an amendment regarding Internet free speech, and that

following the reporting by the clerk, the amendment be laid aside.

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I reserve the right to object. I will not object. I think it is important that we move forward. I think there are Senators on the floor who want to propose amendments and who want to debate. I want to say—perhaps this is the only time in this entire debate the Senator from Kentucky and I are in total agreement—that we should allow an amendment by Senator BENNETT and Senator BURNS, even if I am not in agreement with that amendment. I think it is very destructive of the entire proposition with which we began this debate, and that is that we would allow amendments and votes. I do not object.

Mr. REID. Reserving the right to object, Mr. President, I say this: These amendments can be offered. There is no question they can be offered. It has already been indicated that they be offered. There are two spots still open on the tree. Objection is heard.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I am told by the parliamentary experts who serve us that to amend the rest of the tree is essentially a waste of time. So as a practical matter, what our Democratic colleagues are doing is preventing Republicans from offering amendments. This has the result of putting us back to the way we have handled this in the past, which the Senator from Arizona and I thought the other side had agreed we would not do this time, which was to allow amendments. The practical effect of where we are now is we are going to have two cloture votes, which is the way this issue has been dealt with in recent years, and it prevents Senators from offering amendments, having them debated, and having them voted on. I think that is unfortunate.

Mr. President, on the substance of the issue, unless there is some change of heart on the part of my good friend from Nevada, and I see he, with a determined look on his face, has taken his seat, I assume the last word on that issue has been uttered.

Mr. MCCAIN. Could I prevail one more time on the Senator from Kentucky to yield for a question?

Mr. MCCONNELL. I yield for a question.

Mr. MCCAIN. According to the parliamentary exchange that I heard between you and the President, the Senator from Utah still can offer an amendment; is that correct?

Mr. MCCONNELL. He can offer an amendment, but if their amendment were adopted, his is wiped out. What I am told is it, in effect, makes the offering of the amendment an exercise in futility. That is what I am advised.

Mr. MCCAIN. By the brains?

Mr. MCCONNELL. Yes, by our super-Parliamentarian.

Mr. MCCAIN. I thank the Senator for his response.

Mr. MCCONNELL. I thank the Senator from Arizona for being willing to let our colleagues offer their amendments. Let me repeat, where that leaves us is we have been shut out, as a practical matter, by the other side and denied an opportunity to offer important amendments that many of us believe would have improved this bill.

I want to encourage Senator BURNS and Senator BENNETT, who are on the floor, to go ahead and say what they would have done had they had the opportunity to do it. I think this is a very constructive amendment, and if they will just indulge me for one moment, I will yield the floor, and I hope they get an opportunity to discuss the amendment they would have offered had they had an opportunity to do so.

Mr. BURNS. Will the Senator yield for a question?

Mr. MCCONNELL. I yield for a question.

Mr. BURNS. Mr. President, I assume we will have a vote on the Democratic amendment; is that correct?

Mr. MCCONNELL. There are two cloture votes. The Democratic leader laid down what is typically referred to as Shays-Meehan, the bill that passed the House. The assistant Democratic leader second-degreed that with the underlying ''McCain-Feingold lite'' and filed cloture on both.

Under the rules of the Senate, those votes would occur Tuesday morning. The dilemma we now have is, we are in a position where colleagues on our side of the aisle are unable to offer amendments.

What I suggest to my friend from Montana is——

Mr. BURNS. Once the cloture vote has been taken and cloture is not agreed to, then what happens?

Mr. MCCONNELL. I believe the Republican leader will have concluded that, after 5 days of this debate, we would go on to other matters before the Senate. From a parliamentary point of view, we will be right where we are now if cloture is not invoked. So all that will have happened is, Senators such as you and the Senator from Utah will have been denied the opportunity to offer amendments.

Mr. BURNS. Will we move off this issue and go to another issue?

Mr. MCCONNELL. That is my understanding. The majority leader has other important matters he would like the Senate to turn to after Tuesday. That is his decision.

What I suggest to both of the Senators, who have been waiting patiently, is to describe the amendment that would have been offered had the Senator been given an opportunity to do so, and put that in the RECORD. Maybe at some point between now and Tuesday, there will be some change of heart. But I think we ought to say to the Senate what the Senator wanted to be able to do had he been permitted.

Mr. BURNS. I have a very short statement on that. I will yield to the advice of the Senator from Kentucky and also yield to my good friend from Utah as to what he would like to do.

Mr. MCCONNELL. Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I don't have a time schedule today. I will spend the entire weekend in the Washington area. My friend from Montana has an airplane to catch, so I am happy to step aside and let him make whatever statement he wants to make and delay my comments until he has finished.

Mr. BURNS. I thank my friend from Utah.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

The amendment that was crafted by Senator BENNETT and myself is a very important amendment regarding this business of freedom of speech and how it is connected to the issue of campaign finance reform. What the amendment actually says is that citizens who use the Internet to express themselves politically are not subject to ''Big Brother'' policing imposed by the Federal election bureaucrats. The amendment simply prevents the FEC from defining political communications by individuals over the Internet as campaign contributions.

I thank my friend from Utah for his input when we crafted this amendment. I should emphasize to my colleagues that this amendment is very narrow in scope and covers only individuals who don't receive compensation for their Internet communications. I think that is very important—individuals who do not receive compensation for their Internet communications. Further, these individuals cannot solicit political contributions using the Internet.

If an American citizen feels strongly enough about a candidate or an issue to create a web site to express his views, he should not be subject to oversight by the Federal Election Commission. Free expression is the founding principle of this country.

Currently—and not a surprise to those of us who have seen the explosion of the Internet—there are 90 million Americans who use the World Wide Web to access information, e-mail, and other services every day. Undoubtedly, many of these communications are political in nature. Are we to expect the FEC to somehow monitor and regulate all of this political dialog? To me, that is a very chilling scenario.

I myself use the unique capabilities of the Internet for a host of things—to communicate with my constituents, for services. We have a web page that allows my constituents access to my office electronically. Every week, I do a ''cybercast'' from my web site, where I answer questions posed to me by my constituents from Montana and across the country.

By the way, once you go on the web, you are everywhere. Just yesterday, in my cybercast, I commented on the tremendous, productive debate that has

resulted from the increased use of this great thing we call the Internet. It allows any individual to become a publisher and have the same access in the marketplace of ideas as the largest political party, or corporation, for that matter.

We have seen the leveling of marketing because one person with an idea for a service or goods can now go on the web and take on the largest corporations and be successful. That is what makes it a very powerful tool.

We have seen spectacular growth result from the upward spiral of the Internet. A recent Commerce Department study has indicated that over a third of the U.S. increase in gross domestic product since 1995 is directly traceable to information technologies and, in particular, the Internet. Small businesses and individuals have used those capabilities of this new tool to tap into global markets and compete directly with large corporations.

Even more important than the raw economic numbers, however, is the flowering of the discussion of ideas that has been fostered by the Internet. Whether on web sites, chat rooms, or e-mail, the revolution in information technology has resulted in the ongoing, vigorous, sustained debates on the critical issues that now face our country.

A year ago, I was in China and there, too, as the capability grows, the Internet grows—not as fast as we have experienced here in this country, because of infrastructure more than anything else, but it is growing. And with it is a growing fear in that country where the Government controls every aspect of information; the fear of the freedom of flow on the Internet is very real.

The Internet uniquely provides the ability for any individual to express his political beliefs, and we think that should not be infringed upon. To limit free speech of individuals in the very country that created the Internet is as dangerous as it is misguided. As chairman of the Senate Communications Subcommittee, and cochairman of the Internet Caucus, I have been convinced time and time again of the folly of trying to regulate the Internet.

Government should not impose burdensome regulations on political speech on the Internet, or any other medium. Instead, the Government should act to keep the Internet and those medium outlets a free speech zone.

I urge my colleagues, if this amendment sees the light of day and comes to this floor, to adopt this amendment as part of the ongoing reform.

I thank the Chair. I thank my good friend from Kentucky.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from Montana leaves for Montana, he can offer his amendment. The Senator from Utah can offer his amendment to two slots to which I previously referred. If they are subsequently adopted, they could try to defeat, of course, the Daschle-Reid amendments by votes, or after the Reid amendment is disposed of, they could still offer their amendments to the Daschle amendment. In short, there are occasions in the Senate when it doesn't work by majority rule but most of the time majority rules. In this instance, the majority rules. All they need to do is pass this amendment and defeat the Reid-Daschle amendment.

It is a very simple procedure. They can offer their amendments. They not only can talk about them but they can offer both of them.

Remember the procedure we are now working under. There will be no votes this day or on Monday until 5:30. We will come in sometime Monday. There will be further discussion on this bill. There are people on my side of the aisle, on the minority side, who still want to talk about the bill.

Also, there has been some talk about pulling down this bill on Tuesday. Of course, it is 5 days. I know the majority leader recognizes the fifth day is on Wednesday. But also, you can't automatically go to something else. It takes, again, a majority vote to do that.

As I have indicated, all they need are majority votes to adopt the Burns amendment and the Bennett amendment and have a majority vote to go to some other issue rather than campaign finance reform.

We are operating, we think, in good faith. There are still two spots to offer their amendments. If there are two Senators who wish to offer their amendments, they can certainly do that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, as a practical matter, I repeat what I said earlier. The offering of amendments to the rest of the tree would be a waste of time. Several of the amendments my colleagues want to offer would not be germane postcloture.

We are, as a result of the actions of the other side, on a glidepath to two cloture votes on Tuesday. But we will have an opportunity to discuss amendments that would have been offered could they have been offered and that would have been offered, if this parliamentary situation would have allowed it.

I encourage, in addition, Senator BURNS, who has already talked about his amendment, and Senators SESSIONS, THOMPSON, LIEBERMAN, NICKLES, HATCH, and HAGEL to take the opportunity—if not today at least on Monday—to come over to the Senate and describe the amendments they would have offered and put them in the RECORD so everyone is aware of the opportunities that were missed.

I was listening with some interest to the Senator from Arizona earlier in describing what he perceived to be the position of the business community in this country with regard to non-Federal money. The Senator described the views of a business group which until a few months ago no one had ever heard of, and more specifically the recommendations of a subcommittee of that group that was dominated by businessmen who have contributed to Democrats over 2-to-1 and leaving out of the description the remainder of that business groups' views on campaign finance reform, which are for public funding, taxpayer funding, of elections and spending limits, which is such a bizarre position these days. It hasn't even been advocated by the other side in the last few years. I think it is safe to say that this little-known business group does not represent the views of American business.

Let me take a few moments to outline the views of American business on the issue before us.

There are 10 business groups representing over 4 million businesses, and 40 million employees representing the Business and Industry Political Action Committee, the U.S. Chamber of Commerce, the National Mining Association, the National Restaurant Association, the National Association of Realtors, the National Association of Manufacturers, the National Association of Business Political Action Committees, the Associated Builders and Contractors, the National Association of Wholesaler-Distributors, and the National Association of Broadcasters, a media group, all of whom signed the following letter:

> As the leading business associations in America, we oppose the current campaign finance reform legislation being debated in the Senate and strongly oppose that which recently passed the U.S. House of Representatives. * * * the tenets of McCain-Feingold and the House-passed Shays-Meehan Bill run contrary to the First Amendment guarantees of freedom of speech.
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> Further regulating issue advocacy should be rejected as an infringement on the basic right of free speech. We are also concerned that these bills decrease opportunities and incentives for citizen participation in the election process.
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> Just as over-regulation distorts the commercial marketplace, so can over-regulation distort the marketplace of political ideas.
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Mr. President, I ask unanimous consent that letter be printed in the RECORD, as well as an excellent letter from the National Association of Manufacturers on the same subject, and a letter by the Chamber of Commerce on the same subject.

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

BUSINESS-INDUSTRY POLITICAL ACTION COMMITTEE OF AMERICA,
Washington, DC, October 7, 1999.

Hon. —
U.S. House of Representatives, Washington, DC.

DEAR —: As the leading business associations in America, we oppose the current campaign finance reform legislation being debated in the Senate and strongly oppose that which recently passed the U.S. House of

Representatives. While most of the nation's business community agrees with the need for some meaningful reform of the Federal laws regarding campaign finance, the tenets of McCain-Feingold and the House-passed Shays-Meehan Bill run contrary to the First Amendment guarantees of freedom of speech.

This week, the U.S. Supreme Court will be hearing yet another case on the constitutionality of limiting free speech. Further regulating issue advocacy should be rejected as an infringement of the basic right of free speech. We are also concerned that these bills decrease opportunities and incentives for citizen participation in the election process.

Comprehensive campaign finance legislation has not been passed since 1974 and contribution caps established at that time have not been adjusted for inflation. The maximum contribution of $1,000 in 1974 is worth only $303 today. These artificially low ceilings have forced candidates and political parties to seek alternative ways to finance effective participation in the election process. Candidates now have more voters to reach and the cost of campaigning continues to rise.

Just as over-regulation distorts the commercial marketplace, so can over-regulation distort the marketplace of political ideas. Rather than regulating more, we would suggest both complete and immediate disclosure of all campaign contributions and raising or eliminating limits on individual and PAC contributions.

Eliminating or further limiting financial alternatives basically used to fund get-out-the-vote drives or issue awareness efforts, without corresponding actions to raise personal and corporate limits, only exacerbates the funding shortfalls of current campaigns and the increasingly lower voter turnout.

Sincerely,

Gregory S. Casey, President and CEO, BIPAC; Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce; Richard L. Lawson, President and CEO, National Mining Association; Stephen C. Anderson, President and CEO, National Restaurant Association; Lee L. Verstandig, Senior Vice President, Govt. Affairs, National Association of Realtors; Jerry J. Jasinowski, President, National Association of Manufacturers; David Rehr, President, National Association of Business Political Action Committees; Charlotte W. Herbert, Vice President, Government Affairs, Associated Builders and Contractors, Inc.; Dirk Van Dongen, President, National Association of Wholesaler-Distributors; Edward O. Fritts, President and CEO, National Association of Broadcasters.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, September 20, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the more than 14,000 members of the National Association of Manufacturers, including approximately 10,500 small manufacturers, I want to applaud your efforts in protecting the First Amendment rights of individuals and organizations to participate in the political process by opposing attempts to further regulate campaign finance and political speech.

I want to share our thoughts on campaign finance reform with you:

1. While the NAM has no formal policy on soft money, manufacturers know that just as over-regulation distorts the commercial marketplace, so can over-regulation distort the marketplace of political ideas. The so-called soft money issue emerged in response to earlier regulatory restrictions imposed on the political system. Adding another layer of regulations to cover the failures of previous regulatory efforts will inevitably lead to further distortions. The NAM believes that raising limits on individual and PAC contributions is long overdue. The NAM supports full disclosure of campaign contributions.

2. The NAM is completely opposed to total or partial government funding of congressional campaigns. The NAM believes that our representative form of government functions best when candidates seek voluntary contributions from private citizens or citizen groups. Government funding through tax dollars of candidates for the U.S. Senate and House of Representatives would constitute drastic and costly change in our electoral process. Such unwarranted federal intrusion into the election process would also reverse the present healthy trend toward a reduction in the many pervasive levels of bureaucracy in the federal government. On PACs: As many as 20 million Americans participate in nearly 4000 PACs. That is almost half of the total number of people who voted in the last election cycle. PAC participation is an exercise in free speech and voluntary political activity that has brought millions into the political process.

3. The Supreme Court has decided that money is a form of speech. So, limitations on giving as a form of political speech, whether voluntary or coerced, are limitations on the ability to exercise free speech. Those of us in industry that have been highly impacted by government regulation know that elections have consequences and limitations on our ability to be involved in the process is consequential to the support and election of pro-growth candidates.

4. Issue advocacy restrictions are very worrisome and almost certainly unconstitutional. If the NAM ran ads today about health care or Social Security reform that mention a Congressman's vote on those issues but do not urge the election or defeat of the Congressman, that's perfectly legal under current law (for example, ''thank-you'' ads manufacturers have run in recent years). Under previous versions of the McCain-Feingold plan, this would change. Running ads more than 60 days before a general election would be constitutionally protected free speech, but running identical ads less than 60 days before an election would be highly regulated speech. NAM has no formal policy on restrictions on issue advocacy, but is very troubled by them.

5. The role of organized labor in the political process is not adequately addressed by proponents of reform. The involuntary collection of union dues for political purposes is anathema to democracy. NAM policy states that ''The involuntary collection and use of funds by labor unions for political purposes should be prohibited by statute. The NAM supports the codification of the Beck Supreme Court decision and further paycheck protection measures that ensure that union members cannot be forced to have mandatory union dues go to political causes or organizations they do not support.''

In recent years, these five areas of concern have been the principal reasons why the NAM has opposed campaign finance reform legislation and the NAM Key Vote Advisory Committee has named campaign finance reform a Key Manufacturing Vote. The NAM has long advocated individual freedom and participation by all citizens in the legislative and the political process. Therefore, we must again oppose the McCain-Feingold legislation.

For all these reasons, oppositiion to McCain-Feingold, like the Shays-Meehan bill in the House, will be designated a Key Manufacturing Vote in the NAM voting record for the 106th Congress.

We greatly appreciate your leadership on this important issue.

Sincerely,

JERRY J. JASINOWSKI.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, September 14, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the U.S. Chamber of Commerce, the world's largest business organization representing more than three million businesses of every size, sector and region, I want to applaud your efforts in protecting the First Amendment rights of individuals and organizations by opposing attempts to regulate ''issue advocacy.''

The U.S. Chamber has long advocated individual freedom and unrestricted participation by all citizens in the legislative and the political process. Therefore, we oppose the McCain/Feingold legislation. By restricting issue advocacy, we believe the legislation is an infringement on the constitutionally protected right of free speech of individuals and organizations.

After numerous press reports we feel it is imperative to clarify our differences with some groups. The Chamber believes in reasonable campaign finance reform proposals. We support a system that relies on full disclosure, voluntary participation, and the confidence in the electorate to make sound decisions through the free exchange of ideas and information. We believe true reform protects the First Amendment rights of American citizens, organizations and parties.

The Chamber does not support taxpayer financing of congressional races as it would dangerously extend the government's role in the traditionally voluntary political process based on individual choice. We believe spending limits are unconstitutional and we will continue to adamantly oppose restrictions on the use of ''issue advocacy'' as an infringement on First Amendment rights.

We greatly appreciate your leadership on this important issue.

Sincerely,

TOM.

Mr. MCCONNELL. Mr. President, it has been suggested that somehow members of the business community believe they have to contribute to political campaigns. Nothing could be further from the truth. I am familiar with a number of companies that do not contribute non-Federal money, as is their right. We appreciate those who do choose to support our party and give us an opportunity to engage in issue advocacy, voter turnout, and other projects that are funded by non-Federal money, which gives us an opportunity to compete in the marketplace of ideas and gives us a chance to win elections. For those who do choose to participate, we want to thank you.

I also suggest to those who do not want to, don't feel obliged to. There are plenty other members of the business community who want to get involved, who want to help advance the cause that my party stands for, and we are grateful for their support.

I don't know whether we are going to have any more speakers. I want to check with our floor staff and see if we might not be at a point to wrap it up.

Mr. REID. Senator FEINGOLD says he wants to speak for 10 or 15 minutes on

the bill. But other than that, we have no request for speakers on this side.

Mr. MCCONNELL. Mr. President, Senator BENNETT might come back. But he will be here Monday as well and will be able to speak at that point.

I see the Senator from Wisconsin is here and wishes to speak. I don't believe we have any other interest in speaking on this side.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, we have had an excellent debate so far. I am pleased to have an opportunity to make a few comments essentially in summary on what we have covered.

We have been debating an amendment. In fact, we have been debating two amendments. We have been debating two alternatives, both of which I like very much. One of them is the original version of the McCain-Feingold bill, which is very similar to the Shays-Meehan bill that has been offered, and the other is essentially the underlying bill, the approach of simply banning soft money. We think that is well worth doing if we can get nothing else out of the Senate.

I want to make it very clear. I, like my leader, the Senator from South Dakota, also support comprehensive reform. It is even a little bit amusing to me because I remember we had the first version of the McCain-Feingold bill. And when the decision was made to make it a little bit lighter in order to get more support, there was outcry by some that we had abandoned comprehensive reform.

What is now the Shays-Meehan bill was said at that time not to be comprehensive, but today the Shays-Meehan bill is being called comprehensive reform.

It is not comprehensive, I am the first to admit; not only that bill, not only our bill, but any of the bills that have been offered, including the original McCain-Feingold bill. I prefer public financing. So the question isn't: Is this bill comprehensive reform? There is no comprehensive reform being offered on the floor of the Senate in this debate. The question is whether we are advancing the cause of campaign finance reform in a meaningful way with these different alternatives.

I think either alternative, Shays-Meehan or the McCain-Feingold soft money ban, does advance the cause of campaign finance reform.

Then there are only two questions in deciding which approach to follow at this point in this Senate. The first question is: Can it pass? Can the legislation get over the filibuster in the Senate? The second question, and it is as important as the first question, maybe more important: Is it worth it to pass the bill assuming we can do it? That is the issue we have to address.

On the first question, what can be passed in this body? I would love and have fought long and hard for years to be able to pass a bill through this body that includes not only a ban on soft money but that also deals with the phony issue ads that almost every American knows are campaign ads. But unlike the Senator from New Jersey, I have taken the time to sit down individually with every Republican Senator who has not supported our side in the past, who I thought might support our side on a pure soft money ban or some other alternative.

I asked each Member what they want to see in a campaign finance reform bill. I did this largely with the help and special extra effort not only of Senator MCCAIN, but also the Senator from Maine. This was a process we undertook in May and June and that continues today. I believe these Senators were being sincere with me. Some said they would not support anything and enjoyed the conversation. Some told me maybe there was a way they could support a stronger bill. The underlying theme from these conversations was whereas they couldn't support the provisions having to do with phony issue ads, many of them were open to the possibility of simply banning soft money. Some said: Let's ban soft money and do a couple of other things, too.

There was a thread that came through all of these conversations. I can say to my colleagues with absolute certainty: I don't believe there is any scenario where the phony issue ads issue can be dealt with in this body on this piece of legislation. We cannot get 60 votes for it. And if we don't get 60 votes, the efforts in the House a few weeks ago that were so admirable are wasted. The House passed a bill that has both the soft money ban, and good provisions dealing with the phony issue ads. If we don't pass a bill in the Senate at all, we all know the process. This isn't Nebraska; it is not a unicameral legislature. There are two Houses. If we can't get a bill out of this body, there can't be a conference; or if the House can't agree to the Senate position, we can't have campaign finance reform.

As great as the Shays-Meehan approach or the original McCain-Feingold approach is, I guarantee, I know we can't get 60 votes for that approach in this Senate at this stage of the process.

It is fair to ask whether or not we can pass the soft money ban. We don't know for sure. But we do know this: This long, difficult battle has been won, one piece at a time. We are going to win it. The claim originally was, we only have a few supporters. Then the claim was, we just have Democrats and Senator MCCAIN and Senator THOMPSON; we don't have a third Republican. Then Senator COLLINS came on board. Then Senator SPECTER came on board. Then they said, there are only 49 votes; you don't have a majority, so you can't win. Then we were very fortunate to gain the support of three Senators—Senators SNOWE, JEFFORDS, and CHAFEE, and we had a majority in the Senate. Then they said, you can't get 60 votes.

Fair enough. We know we need 60 votes, if people want to play the game that way—and it is the way it is often played in the Senate to win. For the last year, we have needed eight votes; we need eight votes. Because we had made the decision to listen to our Republican colleagues who were willing to listen, to try to just do a soft money ban if we can't do anything else, we now only need seven votes, as the Senator from Kansas, Mr. BROWNBACK, has cosponsored the McCain-Feingold bill to ban soft money. Now it is seven.

Maybe in a couple of days it will be five or three or two. The point is, in this game we lose and lose and lose and lose until we win, and we only have to win once. That is what legislating is all about. We can win. We must find out whether it is possible to win by finding out how many Members of this body answer the following question with a yes or a no. The question is, Are you for or against party soft money?

Do you think people should be able to give unlimited contributions to the political parties, $100,000, $250,000, $500,000, $1 million—even though corporations and unions have been prohibited from doing that for decades in the United States? That is the question. Are Members for soft money or are they against soft money? Are they for a system of legalized bribery or against a system of legalized bribery? That is the question.

I do believe there is no contest, no question as to which approach is most likely to break the filibuster. It is the approach of simply banning soft money.

That leads to the second question, and this is the excellent exchange we had with Senator TORRICELLI today. It was all about whether it will make a difference, whether it is worth it, whether it will do anything at all if we are able to only ban party soft money. It is a fair question because I don't think there is any doubt there will always be attempts to avoid the ban and have the money flow to other sources.

But my belief that it would make a huge difference to ban party soft money in this process is not some kind of utopian version. It is not some kind of a millennial fervor about being able to sever the connection between money and politics. I believe that is eternal. There will always be some connection between money and politics.

The question is whether we can do something to close an outrageous loophole that has caused America to not have a campaign finance reform system at all—which is exactly what the Senator from Tennessee, Mr. THOMPSON, has said on many occasions. That is the question. Is it worth closing this loophole?

Senator MCCAIN said it well. We may have to do more. Even this attempt may in 10 years be void. It is similar to tax reform. Nobody thinks when we do tax reform, as we did in 1986, that it is forever. It works for a while and we have to come back and do it again.

That is why the Senator from Arizona said we don't adjourn permanently. Problems recur. Thomas Jefferson even said we should have a revolution every 20 years. Surely, it is not such a bad thing if we have campaign finance reform attempted every 20 years.

I do think it is worth it. The reason I think it is worth it is because of the staggering figures I think many Americans are not aware of which are demonstrated on this chart. Do the American people know the kind of money that is being given to the political parties in this country, in a country that is supposed to be based on the principle of one person, one vote? How can they believe they are operating under a system of one person, one vote when enormous contributions can be given by corporations, unions, and individuals that make a farce out of the Watergate era reforms?

These figures bear repetition. In 1992, 52 people gave over $200,000 to one of the major political petitioners. That is a lot. But by 1996, 219 people had given over $200,000. What about over $300,000? In 1992, only 20 people had given $300,000 to the major political parties. That figure sextupled—120 people instead of 20 gave in 1996 that amount.

What about those who gave $400,000? These aren't groups that represent a bunch of individuals. These are one individual or one union or one corporation, each giving $400,000. Thirteen entities or persons did that in 1992, but in 1996 it was 1979.

Finally, $500,000, a half a million dollars—people or corporations or unions giving a half a million dollars to one of the political parties: there were 9 people or groups who did that in 1992; by 1996 it was 50. I can just imagine what that figure is going to look like in the year 2000. It will be enormous. In a system where people are supposed to generally have their votes count the same, some people get to give these unlimited contributions to the national political parties.

To tie this into the debate from yesterday about the issue of corruption and the appearance of corruption, I reminded my colleagues after the exchange here that the test that the Supreme Court has put forward as to whether you can ban contributions or limit contributions is whether there is corruption or the appearance of corruption. All I needed to do to drive this point home was to open up the newspaper this morning and on the front page of the Washington Post see this headline:

Microsoft Targets Funding For Antitrust Office.

Apparently Microsoft and their allies are not seeking to directly affect the litigation that is being conducted with regard to Microsoft by the Justice Department at this time; what they are trying to do, according to this article, is cut the overall funding for the Justice Department's Antitrust Division. In this context, if somehow things don't look right, there is the ever present possibility that there would be an appearance of corruption. It just so happens on the plane out here, next to my seat there was a copy of Forbes magazine and the Forbes 400. I read the whole thing.

I found out to be in the Forbes 400 now it is not enough to have half a billion dollars. You are not on the team if you're only worth half a billion. You get kicked off the Forbes 400 list. You have to have $620 million to be on the Forbes 400 list.

Who do you think led that list? Who do you think was the lead in the whole thing? It was the Microsoft executive, of course, and Mr. Gates himself is so much more wealthy than the next wealthiest person that it is absolutely staggering.

One chart in the magazine article showed five or six people and how their wealth was greater than the wealth of various countries. They put the picture of the head of the person next to the wealth of the country. In this context, where Microsoft wants the Justice Department's budget cut, to have a scenario where corporations and unions and individuals can give unlimited amounts of soft money certainly creates the potential for an appearance of corruption.

I have no idea what Microsoft's or Bill Gates' actual contributions are, and I am not suggesting that they are making those contributions to influence the funding of the Justice Department. But for us to create a scenario where Mr. Gates could give unlimited amounts of money rather than the old $2,000 of hard money, or a Microsoft PAC could give more than $10,000, to just have it be unlimited I believe almost inherently, as the Supreme Court would say, creates an appearance of corruption that is bad for Microsoft, bad for the Justice Department, and bad for our country.

We have never permitted this in the past. We have never permitted corporations to give this kind of money. We have never permitted unions to give this kind of money. Essentially in the last 5 years, one way to describe this: This kind of negative influence of money and politics, which will always be there, has gone from the retail—$2,000, $10,000—to the wholesale side. We now have the wholesale purchase of public policy, or the appearance thereof, in this country.

I will simply quote from a Minneapolis Star Tribune editorial from October 13, 1999. This summarizes this very well, the fact that it is worth it to prohibit corporations and unions and individuals from giving unlimited contributions to the political parties. The editorial says:

Later this week, when the Senate tries again to pass campaign-finance reform, opponents will argue that Congress shouldn't abridge the right of citizens to express their opinions through their checkbooks. Sen. Mitch McConnell, the Republicans' legendary fund-raiser from Kentucky, told the Washington Post this week: ''Somebody needs to protect the right of Americans to project their message.''

This is a plausible argument in a society that values free speech. Except that some of the people with the biggest checkbooks say it's a load of bunk.

Listen to Rob Johnson, corporate vice president for public affairs at Cargill Inc.: ''Even if money doesn't buy influence, it is perceived to buy influence. That perception erodes peoples' confidence in their government and their willingness to participate in the electoral process.''

Consider Marilyn Carlson Nelson of the Carlson Companies, or James Porter, a vice president at Honeywell. Both are active in the Committee for Economic Development (CED), a New York study group of influential corporate executives. After researching the cost of political campaigns, the CED concluded last summer: 'Candidates spend an inordinate amount of time fundraising, reducing the time they spend communicating their ideas to constituents.''

If these powerful executives—the very people who might benefit most from checkbook politics—can see the corrupting influence of money in campaigns, it's astonishing that the Senate cannot.

And yet reform will almost certainly die in the Senate this month, for the third time in as many years. Though a promising bill just passed the House and has majority support in the Senate, reformers cannot muster the votes to break a GOP filibuster.

The point is not that big donors always get their way. Populists can point to the occasional victory—the recent House vote on patient' rights, for example, or President Clinton's veto of the big GOP tax cut.

The point is that big money has taken politics out of the hands of citizens and delivered it into the hands of cynics. Promising candidates refuse to run for office because they can't face begging for cash. Talented incumbents shirk their legislative work to raise money for the next campaign. Citizen volunteers drop out of politics because the old forms of participation—pounding lawn signs and calling neighbors—have given way to slick direct mail and vicious TV spots. Voters eventully understand that politcs no longer belongs to them.

The bill that comes before the Senate this week—a whittled-down reform written by Republican John McCain of Arizona and Democrat Russell Feingold of Wisconsin—wouldn't revoluntionize politics. It would merely ban ''soft money,'' the unregulated form of contributions that has spiraled out of control in recent years. But banning soft money would at least be a start toward healthier politics. Alas, that start must likely await another year, and a Congress with more courage.

After three fruitless years, the reform effort has grown demoralizing. And yet the marathon debate is useful—it brings new critics to their feet, whets the outrage of intelligent citizens, and drives the obstructionists to ever more desperate tactics.

This is a good statement of why it is worth it to ban this kind of outrageous abuse of our American democracy.

Justice Souter said it very well at the oral argument in the Shrink Missouri Government PAC case just a few days ago; which I had a chance to attend. I know this was just a comment from the bench. We don't know what the ruling will be. But Justice Souter described exactly what these giant contributions have to mean to almost any American. He said:

Most people assume, and I do, certainly, that someone making an extraordinarily large contribution gets something extraordinary in return.

I am sure the Court will take notice, if we ever get to that point, that many Americans share that view, and it is very significant that one of the great Justices of the Supreme Court took notice that it gives him the feeling there is an appearance of corruption in this system.

To finally respond to the point the Senator from New Jersey made, the Senator from New Jersey said—I don't know what his historical basis for this is, but it is an interesting comment: ''We only get a chance once every 10 years to do campaign finance reform.'' He said that is why we had to do the Shays-Meehan approach rather than the soft money ban.

But this is what I know to be true. Not only is it worth it to ban soft money, but if we don't take this opportunity to at least ban soft money, there will be no campaign finance reform at all during the 1990s. The opportunity to have any campaign finance reform will have been destroyed by Congress after Congress after Congress. This is our chance to break down this system that is destroying anybody's sense that there is a system of one person one vote in the United States anymore.

This is a chance. This is the one we must take. This is the one on which we must have a yes-or-no vote early next week.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, once again the Senate is considering campaign finance reform. As my colleagues know, the House of Representatives in September passed a strong, bipartisan reform measure. Senators MCCAIN and FEINGOLD have put a bipartisan reform proposal before the Senate.

The House has acted overwhelmingly in favor of reform and the majority of Americans support them. It is imperative that the Senate pass a tough campaign finance reform measure this year.

I have consistently supported campaign finance reform since coming to Congress. As many of my colleagues know, I started my career in politics as a community activist, working to prevent a highway from demolishing my Fell's Point neighborhood. I don't want the next generation of community activists shut out of the political process. I want them to know that their efforts matter. I want to restore each American's faith and trust in government. This bill is an important step in restoring the faith of the American people and ensuring that our citizens have a voice in government.

Vote after vote in the past has shown that the majority of the United States Senate supports the McCain-Feingold reform proposal. Unfortunately, through parliamentary tactics and filibuster, a majority of the Senate has not been able to work its will on this issue. I hope this year will be different, and that we will pass and enact meaningful campaign finance reform.

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

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

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

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

It's time for the Senate to break this culture of cynicism. We can enact legislation to eliminate the undue influence of special interests in elections.

How does this bill do that? First of all, it stems the flood of unregulated, unreported money in campaigns. It will ban soft money, money raised and spent outside of federal campaign rules and which violates the spirit of those rules.

During the 1996 Presidential election cycle, the political parties in America raised a record $262 million. In just the first six months of the 2000 election cycle, the parties have raised an astounding $55.1 million. That's 80% more than they raised in the same period of the 1996 cycle. The need to shut down the growing soft money machine is clear.

This bill will also codify the Beck decision, by allowing non-union members who pay fees in lieu of union dues to obtain a refund of the portion of those fees used for political activities. Unions play a vital role in our political process. This provision enables unions to more accurately reflect the views of their members.

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

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

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

The Bipartisan Campaign Reform Act will help us to do that, and I am proud to support it and encourage my colleagues to do likewise.

MORNING BUSINESS

Mr. MCCONNELL. The distinguished assistant Democratic leader and I have agreed it would be in the best interests of both sides to put the Senate into morning business, which will give everyone an opportunity to talk on whatever subject they would like to speak. Therefore, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

ORDER OF BUSINESS

Ms. COLLINS. The Senator from Kansas and I have a colloquy into which we are going to enter. It is my understanding the Senator from Oregon has just a few brief remarks to make. I wonder if he wants to go before the Senator from Kansas and myself, since we anticipate using approximately a half-hour.

Mr. WYDEN. If the Senator will yield, I have about 10 minutes. I appreciate her thoughtfulness. Perhaps we can go into a quorum call and work all this out.

Mr. KERREY. Mr. President, I had asked the Senator from Oregon if I could speak for no more than 5 minutes. I want to engage the Senator from Wisconsin in a colloquy on campaign finance reform. I will leave and let the two Senators work it out. He was kind to say I could go ahead of him. Is that OK?

Ms. COLLINS. That is certainly acceptable to the Senator from Maine, assuming the Senator from Oregon does not take more than 10 minutes.

Mr. WYDEN. That is acceptable to me as well.

The PRESIDING OFFICER. The Senator from Nebraska.

CAMPAIGN FINANCE REFORM

Mr. KERREY. Mr. President, I come to the floor to describe why I think it is very important to hang on to the bill the Senator from Wisconsin and the Senator from Arizona have put before us on campaign finance reform.

There will be all kinds of amendments offered to change the bill, some of which I support strongly. It seems to me our only chance of getting this legislation passed is to stick as closely as possible to the bill we currently have in front of us.

I have had a fair amount of experience in soliciting soft money contributions from donors. I can say that both the contributors and myself, and anybody else who solicits, would have a difficult time denying they are extremely uncomfortable with the dollar

amounts that are coming into political parties, or for that matter—I have never done it—for individual organizations that are spending money in a so-called generic fashion as well.

One of the reasons, I say to the Senator from Wisconsin, I feel strongly that change is needed is because we have added a fourth requirement to the Constitution for service in the Senate. The Constitution lays out three requirements for someone who wants to run for office—you have to be a U.S. citizen for 9 years; you have to be 30 years of age; and you have to live in the State for whose office you are running. But there has been a fourth requirement added, and that is you have to be able to raise enough money or you will not be a credible candidate.

Those who have been challenged before, those who have run for office will tell you, if you do not have enough money to advertise on television—I know the Senator from Wisconsin ran on an anti-incumbent strategy, but it is very difficult for most citizens. In Nebraska, there are only a handful of people who are eligible given that fourth requirement.

I wonder if the Senator from Wisconsin will tell me if what I am saying is true. I like Shays-Meehan. I like the bill. The junior Senator from Nebraska, Mr. HAGEL, has an amendment I like as well. The trouble is, when these amendments are adopted, if these amendments are adopted, it reduces the chances of our defeating a declared filibuster. It makes it much more likely we will fail to break a filibuster and, as a consequence of that failure, fail to enact legislation, and as a consequence of that, we will never go to conference and never change the law.

I wonder if he can comment on that a bit because there are a lot of us who will be facing amendments coming up on this bill. The comment we will have is: Gee, I like that amendment; why not vote for it? There may be a good answer why not to vote for it. It may be the amendment will make it difficult for us to succeed in changing the law and reducing, in my mind—I understand and appreciate the problem of apparent corruption. I would like to get that out of the system. The big thing I see in the system right now is we have a very high barrier to public service, and it is much harder, as a consequence, to persuade men and women that they ought to take one of us on and try to come and serve their State and Nation.

Mr. FEINGOLD. Mr. President, I thank the Senator from Nebraska for his question. I first compliment him. Not only has he, obviously, done a good job when he was in the role of being a leader for our political party committee, which involved fundraising, but he has always been an ardent supporter of campaign finance reform at the same time. He knows very well because he was involved.

The fact that people do not have a lot of money can keep them out of politics. It almost kept me out of politics. That is the reason I got involved in this issue in the first place. I certainly was not aware of what soft money was at that time.

In answer to the Senator's question, this clearly is not comprehensive reform; Shays-Meehan is not comprehensive reform. But when we get to the point of simply banning soft money, we should take the opportunity.

In specific answer to his question about what happens when these amendments come up, all I can do is tip my hat and say let's follow the example of the other body which, on two occasions, has shown us what to do.

You have to be willing on some occasions to vote against a good amendment in which you believe—I am even prepared, if necessary, to vote against a bill that has my name on it—if you believe the reason for putting that amendment on is to destroy the chance to pass a reasonable and appropriate bill. They had to do that in the House. Members had to vote against amendments that had to do with disclosure, almost an indisputable principle. They had to vote against other amendments they liked very much in order to make sure they could pass a reasonable bill, such as the Shays-Meehan bill, that included a number of important provisions.

We have to be ready to do the same thing. I believe in some cases, I say to the Senator from Nebraska, the amendments that will be offered will be helpful and do not threaten our ability to win, but in some cases I think they are poison pills and we need to work together to defeat them. I am confident we have a majority of people in this body who are reformers and understand the importance of taking the vote you have to take in order to win this battle.

Mr. KERREY. The Senator is very kind to say I have always been a supporter. Actually I have not always been a supporter. When I came to the Senate in 1989, this was not a very important issue. Indeed, at one point, I joined the Senator from Kentucky, Mr. MCCONNELL, to defeat campaign finance reform.

Then I had the experience of going inside the beast in 1996, 1997, and 1998 when I was Chairman of the Democratic Senatorial Campaign Committee—I do not want to raise a sore subject for the Senator from Maine. It changed my attitude in two big ways: One, the apparent corruption that exists. People believe there is corruption. If they believe it, it happens. We all understand that. If the perception is it is A, it is A even though we know it may not be, and the people believe the system is corrupt.

Equally important to me, I discovered in 1996, 1997, and 1998 that there are men and women who would love to serve. They say: I can't be competitive; I can't possibly raise the money necessary to go on television; oh, and by the way, my reputation could get damaged as a consequence of what could be said on television against me.

I am persuaded this law needs to be changed for the good of the Republic, for the good of democracy. I hope Members, such as myself, who are enthusiastic about changing that law will take the advice of the Senator from Wisconsin and the Senator from Arizona to heart because we may have to vote against things we prefer in order to make certain we get something that not only we want but the Nation desperately needs.

Mr. FEINGOLD. Mr. President, if I can respond briefly, I cannot think of a more helpful remark than what the Senator from Nebraska just said. What he is talking about—and this is his nature—is to actually get something done. Not just posture but actually accomplish something. I am grateful because that is the discipline we are going to need when we start voting next week.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair. I thank the Senator from Maine for her thoughtfulness.

MEDICARE COVERAGE FOR PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, I want to take a few minutes to talk about the effort I have launched with the other Senator from Maine, Ms. OLYMPIA SNOWE, around the only bipartisan effort now before the Senate to get Medicare coverage for prescription drugs for the Nation's senior citizens.

As my colleagues can see in this poster next to me, Senator SNOWE and I are urging that senior citizens send in their prescription drug bills to Members of the Senate in Washington, DC, to help show how important it is we address this issue in a bipartisan way for the millions of vulnerable elderly people.

Here are a few of the prescription drug bills I have received from senior citizens from my home area in the Pacific Northwest. I will take a few minutes this afternoon on behalf of Senator SNOWE and myself to talk about why this bipartisan issue is so very important.

Let me read from a letter sent October 1 from an elderly women in Lebanon, OR. She said:

> Please find enclosed a copy of the prescription costs for the past 6 months. As you will note, the average cost each month is $236.92 without the over-the-counter medications I must take. Please make use of these figures any way you can in your effort to obtain prescription coverage for those of us receiving Medicare. I'm 78 years old and doubt if I will see the time prescriptions are a covered item. However, keep fighting for the next generation.

I want to tell this older person in Lebanon, at home in Oregon, that we are going to be fighting for her. We are not going to wait until the next generation to get older people the coverage they need. To think that this

Congress would say it is not critical to help this kind of vulnerable, elderly woman isn't acceptable to Senator SNOWE and me. We have a market-oriented approach, one that can hold down the costs of prescription medicine for the Nation's senior citizens.

On the basis of these bills that are being sent now to Senator SNOWE and me, I think we can show this Congress that the time to act, in a bipartisan fashion, is now and not after the next election or the next election after that.

Let me read from another letter I received on September 29 of this year from a gentleman, an elderly gentleman, in King City, OR. He said:

> I am a constant user of inhalant. Two uses per day come to $839.80.

Imagine that, two uses a day: $839.80. And he says:

> Fortunately, I drove a Chevrolet when my friends were driving Cadillacs and our family vacations were spent in the United States, not the South Seas, so I'm able to carry the load, at least for a while.

The annual cost of this prescription medication for this older person in King City, at home, is $30,600. It equals what it would cost to stay in a nursing home.

I am just hopeful that with more examples like this, where senior citizens send to Senator SNOWE and me copies of their prescription drug bills, we can win bipartisan support for this legislation before the end of this session.

Let me cite a third letter I received at the beginning of October. This is from an elderly woman—it came just a few days ago—whose Social Security income is $1,179 a month. She spends $500 of her monthly income of $1,179 on prescription drugs. She is taking Fosamax. That is a drug that costs $179 a month. She is taking Prilosec. It costs $209 a month. And she is taking Lescol, which costs $112 a month. So it takes $500 a month from the monthly income of $1,179 of an elderly woman in the Pacific Northwest.

Mr. President and colleagues, these bills that are being sent to Senator SNOWE and me do not lie; they tell the whole story. We are going to do everything we can to ensure that Congress acts on this matter, in a bipartisan way, in this session of Congress.

Just this week, I saw a story in one of the publications saying there was not a consensus around this issue. Senator SNOWE and I got 54 votes—a majority in the Senate—to join us in a funding plan for a prescription drug program. I am of the view that we cannot afford not to cover prescription drugs because so many of these prescription drugs today help to lower blood pressure and cholesterol and keep folks well.

What Senator SNOWE and I are proposing is a market-oriented approach. It is based on the model that is used for Federal employees. It is market driven. It has choices. We would not see the kind of price-control approach that is being advocated by some. I am very opposed to that kind of price-control orientation because what will happen is, if you just try to control prices for Medicare drugs, the costs will all be shifted to somebody else.

Senator SNOWE and I do not want to see a divorced mom at the age of 27, with a modest income and two kids, have to pick up all the extra costs. So we are going with a market-oriented approach. I hope that in the days ahead, as a result of bills such as this, and others that I know are being sent to our colleagues—and the campaign we have launched here on the floor so that seniors will, as this poster says, send in copies of their prescription drug bills—we can show the people of this country that we are not going to wait until the next election or the election after that; we are going to find a way to come together now to do the job we were elected to do, which is to work in a bipartisan way.

Unfortunately, that did not happen this week on the Comprehensive Test Ban Treaty. I wish it had. I am anxious to work with the Presiding Officer and my colleagues on the other side of aisle. We can do it on prescription drugs. We can do it on an issue that is foremost in the minds of millions of our families and our seniors.

We have 20 percent of the Nation's older people spending more than $1,000 a year out of pocket on their prescription medicine.

I described this afternoon an elderly woman with a monthly income of $1,179, who every month spends more than $500 on prescriptions. Let's show seniors such as that elderly woman who wrote from the Willamette Valley in my home State of Oregon that we can act now. She was skeptical. She has heard all the oratory and all the partisan rhetoric on this issue, and she is understandably skeptical.

Senator SNOWE and I are trying to mobilize a bipartisan coalition in this Senate to act in this session so that older people can get decent prescription drug coverage under Medicare. We should not wait until the next election. We were elected to act now and to act in a bipartisan way.

I hope, as a result of this short statement today, that additional older people, as this poster says, will send us copies of the prescription drug bills with which they are faced.

Senator SNOWE and I intend to be back on this floor again and again and again through this session of Congress until we get action. We will be talking about it next week, and we are going to talk about it the following week and the week after that. It is not right to wait on an issue such as this that is so pressing to vulnerable older people such as those who have written me the letters I have described today.

I am very grateful to my colleague, the other Senator from Maine, who, by the way, has a long record of being an advocate for consumer issues as well. And she knows how much I enjoy working with her. I thank her for this courtesy this afternoon.

Mr. President, I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. First, I thank the Senator for his kind comments and for bringing to the Senate's attention a very important issue.

I ask unanimous consent that the Senator from Kansas and I be allowed to proceed in morning business in a colloquy for as much time as we may consume.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

HOME HEALTH SERVICES

Ms. COLLINS. Mr. President, Senate Republicans are committed to enacting legislation to preserve, strengthen, and save Medicare for current and future generations. In addition to addressing the long-term issues facing Medicare, it is absolutely critical that this Congress also take action this year to remedy some of the unintended consequences of the Balanced Budget Act of 1997, which have been exacerbated by a host of ill-conceived new regulatory requirements imposed by the Clinton administration.

These problems are the subject of the issue my colleague from Kansas and I wish to address today, for these problems are jeopardizing access to critical home health services for millions of our Nation's most vulnerable and frail senior citizens.

America's home health agencies provide invaluable services that have enabled a growing number of our vulnerable senior citizens to avoid hospitals, to avoid nursing homes, and receive the care they need and want in the security and privacy of their own homes—right where they want to be.

In 1996, however, home health was the fastest growing component of the Medicare budget, which understandably prompted Congress and the Clinton administration to initiate changes that were intended to make the program more cost effective and efficient. There was strong bipartisan support for the provisions that called for the implementation of a prospective payment system for home care. Unfortunately, until this system is implemented, home health care agencies are being paid under a critically flawed interim payment system known as IPS, that penalizes those home health agencies that historically have been the most cost effective.

Mr. ROBERTS. Mr. President, will the Senator from Maine yield to me for a question?

Ms. COLLINS. I am happy to yield to my colleague.

Mr. ROBERTS. For all of those who are listening and watching this debate, I thank the distinguished Senator from Maine for her—I wrote it down—untiring, persevering, never-give-up

leadership with regard to this effort to resolve our problems with HCFA. What an acronym. We have all heard of Peter and the dike. This is Susan at the dam, the HCFA dam. In fact, we could probably turn that around in regard to what is happening.

I want to ask a question. Do you mean this new interim payment system—and we will go through this in some detail. I want folks to remember interim payment system, IPS. That is the acronym. Everything has to be an acronym in Washington. I don't call it IPS. I call it the ''IPS mess''. It not only rewards but actually penalizes the home health care agencies for their past, not bad behavior but good behavior; is that right?

Ms. COLLINS. Unfortunately, that is exactly right. Unbelievable though it may seem, the formula that is being used actually penalizes those agencies in our two States that have done a good job of holding down costs. It rewards those home health agencies that have provided the most visits, that have spent the most Medicare dollars. It is totally backwards. In fact, home health agencies in our two regions of the country, the Northeast and the Midwest, are among those that have been particularly hard hit by this inexplicable formula, the IPS, that the Senator just mentioned.

The Wall Street Journal observed last year—this could be said of agencies in the Midwest as well—that if New England had just been a little greedier, its home health agencies would be a whole lot better off now. Ironically, the regions, yours and mine, are getting clobbered by the system because they have had a tradition of nonprofit community service and efficiency.

Even more troubling—and I commend the Senator from Kansas for his leadership on this issue; I know this troubles him as well—is the fact the flawed system is restricting access to care for the very senior citizens who need the care the most. Those are our seniors who are the sicker patients, who have complex chronic care needs, such as diabetic wound care patients whom I visited in northern Maine during a home health care visit, or IV therapy patients who require multiple visits. Indeed, according to a recent survey by the Medicare Payment Advisory Commission, almost 40 percent of home health agencies have said there are patients who they no longer serve due to the flawed interim payment system and the regulatory overkill on the part of the Clinton administration.

I show the distinguished Senator from Kansas and the distinguished Presiding Officer, who is also committed to this issue, and my other colleagues, a chart that demonstrates the dramatic impact the IPS, this flawed payment system, has had in my own State of Maine.

As you can see, the number of Medicare beneficiaries who have been served by home health care agencies has dropped dramatically. It has dropped by 13 percent, from 49,458 to 42,858; 6,600 senior and disabled citizens in my State have lost their access to home health care services in 1 year. This is so troubling to me. The number of visits has plummeted by more than 420,000, and reimbursements to our home health agencies have dropped by an astounding $20 million in a year. Keep in mind that Maine has some of the least costly home health care agencies in the country. They have been very prudent in their use of resources. They were low cost to begin with. So when this formula went into effect, it put such a squeeze on them, they had no choice but to close offices, lay off staff, and stop serving some of the most vulnerable, ill senior citizens in my State.

The point is, cuts of this magnitude, that we have seen in the State of Maine and throughout the country, cannot be sustained without hurting senior citizens.

Mr. ROBERTS. Mr. President, I will ask the Senator from Maine, if she will yield, another question.

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. I heard similar complaints—I have them written down—on the interim payment system, the IPS system, from the same agencies in my State. In fact, since January of 1998, 56 Medicare-certified agencies in Kansas have closed their doors, largely as a result of the changes in the IPS. These are not the fly-by-night home health care agencies we hear about that sometimes are in the press. Many of these agencies have been in existence for 20 years. I have visited these agencies. There was a survey conducted by the Kansas Home Care Association that shows agencies have laid off an average of 42 percent of their staff. They are subsidizing their Medicare payments to the tune of $213,000. In 1997, many agencies decreased the Medicare patient visits by 63 percent. Your chart shows 6,600 people. I have asked Kansas to come up with the numbers of people who are affected. They are trying to do that. It could be in the hundreds; it could be in the thousands.

But one person, just one person is a valued individual. That is everybody's mom, dad, grandmother, or granddad. So from the standpoint of numbers, it is astounding what the distinguished Senator has put up on the chart with regard to this so-called IPS system. We are going through the same kind of problem. I am going to ask you, how much longer is this IPS mess going to be in effect? It was supposed to be a transition program to the prospective payment system, but they said, well, we can't do it that fast. I understand that because it does take a lot of work, but how much longer will we have to put up with this?

Ms. COLLINS. Unfortunately, I say to my friend, the Senator from Kansas, the answer is far longer than any of us in Congress ever anticipated. The problems with the IPS system, which the Senator has described so eloquently for his State, and we have seen in my State, are all the more pressing because the Clinton administration has missed the deadline for implementing the prospective payment system. As a consequence, home health care agencies throughout our Nation are going to be struggling under this unfair and flawed payment system far longer than Congress ever envisioned or intended when it passed the Balanced Budget Act.

Mr. ROBERTS. Mr. President, I ask the Senator to yield for another question, if she will.

Ms. COLLINS. I am happy to.

Mr. ROBERTS. The home health care agencies are worried about IPS in Kansas. I know the same is true of all around the country. They also complain that their financial problems have been exacerbated—that is a fancy word that means a whole lot worse—by a host of new regulatory requirements imposed by HCFA—my favorite agency in Washington—including the implementation of something called OASIS—I have the report—that they are requiring nurses to fill out. Oasis, if you look in the dictionary, is a desert island somewhere or in the middle of the desert; you come to an oasis and you get relief. Oasis is not relief. You don't spell relief by spelling oasis: a new outcome and assessment information data set; new requirements for surety bonds, sequential billing, overpayment recoupment, and a new 15-minute increment reporting requirement that is a doozy. What about all these reporting requirements in addition to the IPS problem? What about OASIS?

Ms. COLLINS. The Senator is absolutely correct. We not only have a flawed payment system, but home health agencies are struggling under a mountain of burden of unnecessary and onerous regulations imposed by HCFA, imposed by the Clinton administration. In fact, my colleague may be interested to know that earlier this year I chaired a hearing of the Permanent Subcommittee on Investigations on home health care. We heard firsthand about the financial distress and cash-flow problems that home health agencies across the country are experiencing. In fact, the Senator has talked about the number that have closed in Kansas.

The Senator may already know, but for the benefit of my colleagues who may not be as well informed as the Senator from Kansas, more than 2,300 home health agencies across the country have been forced to close their doors as a result of the regulatory burden and the flawed payment system.

We heard witnesses talk about their frustrations. In fact, the CEO of the Visiting Nurses Service in Saco, ME, termed the Clinton administration's regulatory policy as being one of ''implement and suspend.'' She and others pointed to numerous examples of hastily enacted, ill-conceived requirements along the lines of what the Senator

pointed out—surety bonds, sequential billing, the OASIS system, a host of unnecessary regulatory requirements. What has happened is, no sooner does HCFA impose this burden on these home health agencies and they invest the costs necessary to comply, then HCFA changes its mind and suspends the regulatory requirements and says never mind.

Mr. ROBERTS. Will the Senator yield for another question or just an observation?

Ms. COLLINS. Yes.

Mr. ROBERTS. Now, wait a minute, HCFA imposed the cost burden of this mandate on home health care agencies. Then they had seconds thoughts. Why?

Ms. COLLINS. I think the Senator will allow me to respond. This is a typical example of the administration rushing in without thinking through the regulatory burden that is imposed and, in response to an outcry from Members of Congress, such as ourselves, and from senior citizens and home health agencies, it then decided maybe it made a mistake. But, in the meantime, our home health agencies have gone through the time, trouble and expense of implementing these requirements.

Mr. ROBERTS. But they suspended them?

Ms. COLLINS. That's correct.

Mr. ROBERTS. They didn't say you have no requirement to keep up the reporting paperwork; they just suspended them. So that shoe will drop again.

Ms. COLLINS. The Senator makes a good point. In some cases, they may suspend it and then they may turn around and impose the burden again. It is hard to know. The agency seems to be in so much turmoil and so insensitive to the home health care agencies.

Mr. ROBERTS. If there is a home health care agency and they go through the requirements and get, hopefully, up to speed—although you don't know how with the lack of personnel and you are not being paid for it, et cetera—they could then be suspended, but they have already gone through those costs to comply. But then you don't know. Aren't they sort of in a ''HCFA purgatory'' here?

Ms. COLLINS. The Senator is exactly correct. Let me give you a specific example. In 1998, HCFA instituted a new policy for sequential billing. Under this policy, home health agencies are required to submit claims in a sequential order to Medicare. Now, this required a substantial investment in computer software, a lot of process changes on behalf of the home health agencies and the fiscal intermediaries. Moreover, the way the system was set up, if there were subsequent claims for a particular patient, they could not be paid until all previous claims relating to this patient were settled. This caused enormous cash flow problems for home health agencies. They experienced delays as long as 120 days before they could get the payment they were due.

One witness at my hearing testified that her agency was still owed about $20,000 for fiscal '98, and other agencies reported they had to obtain bridge loans, or tap into their credit lines, solely because of this ill-conceived policy.

Now, due to the objections raised by the Senator from Kansas, myself, other Members, and the home health care industry, HCFA finally decided to suspend the policy this past July. But, in the meantime, we have had over a year of turmoil because of this policy, and home health agencies had already spent time, energy, training, and effort to comply with a misguided policy that now is, as you put it, in ''HCFA purgatory.''

Mr. ROBERTS. Mr. President, I ask the Senator if she will yield for another question?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. We have also heard a number of complaints from my constituents about this business called OASIS. For those who don't know, again, OASIS is a system of records containing all this data on the physical, mental, and functional status of Medicare and Medicaid patients receiving care from home health care agencies. So HCFA then implemented OASIS, as I understand it, as a tool to help the agency improve the quality of care and form the basis for a new home health prospective payment system. There is certainly nothing wrong with that. But the problem, as the Senator has pointed out, is that the collection of data is burdensome and expensive for agencies; it invades the personal privacy of patients, and it must be collected for non-Medicare patients—that is the part I don't understand—as well as those served by Medicare.

Why on earth would they require that? I don't understand this. You talk about an unfunded mandate. This has to be at least in the top 10.

The Kansas House of Representatives actually passed a resolution earlier this year that asked Congress to rescind HCFA rules requiring OASIS. I have it right here. It is not often that an entire legislature of a State passes a resolution telling some alphabet soup agency back here, wait a minute, this doesn't make any sense; you are causing an awful lot of regulatory overkill and causing home health care agencies to go out of business. Let's see. The State of Kansas is very concerned about the health and well-being of the senior and disabled citizens. We have 1, 2, 3, 4, 5, 6 ''whereases,'' translated: Whoa, HCFA, don't do this. It is an unfunded mandate.

This was passed by the House of Representatives of the State of Kansas and it was resolved ''that the Secretary of State be directed to provide an enrolled copy of this resolution to the President of the United States, Secretary of Health and Human Services, President of the United States Senate, Speaker of the House of Representatives, Minority leaders of the United States Senate and the United States House of Representatives,'' saying please don't enforce these OASIS regs the way they are being enforced. It is signed by the distinguished speaker of the House in Kansas and the President of the Senate.

I ask unanimous consent that the resolution be printed in the RECORD.

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

HOUSE CONCURRENT RESOLUTION NO. 5041

Whereas, New rules made by HCFA require OASIS assessment and follow-up reports for all patients of Medicare-certified home health agencies and health departments whether or not the personal or attendant care for such patients is paid from Medicare; and

Whereas, The new HCFA report requires an 18-page initial assessment, which must be completed by a registered nurse, with a 13 page follow-up assessment being required every 60 days; and

Whereas, The requirement for computer software for the preparation and transmission of such assessments and follow-up reports is another unfunded mandate of the federal government; and

Whereas, The HCFA requirement requires costly unfunded reporting of those who receive services which are not paid by Medicare—which reporting duplicates existing assessment and reporting requirements of the Kansas Department on Aging; and

Whereas, In the environment of the small, home health care services existing in Kansas, it is not feasible to create separate organizations to provide services for non-Medicare customers. The end result of the HCFA rules is that Medicare-certified agencies will no longer be able to provide in-home services to non-Medicare customers. Consequently, with lower levels of preventive home services being available to older Kansans there will be an increase in hospital admissions, thus increasing Medicare costs, and an increase in nursing home admissions, thus increasing Medicaid costs; and

Whereas, OASIS appears to be solely a research project of HCFA, totally unfunded by federal sources, and accomplished with loss of funds by reporting agencies and loss of services for Kansas seniors: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we memorialize the Congress of the United States to require the Health Care Financing Administration OASIS reporting and data reporting requirements to apply only to Medicare patients and not to all patients of Medicare-certified home health agencies; and

Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the President of the United States, Secretary of Health and Human Services, President of the United States Senate, Speaker of the United States House of Representatives, minority leaders of the United States Senate and the United States House of Representatives, and to each member of the Kansas Congressional delegation.

Mr. ROBERTS. I am sure that this burden is being felt by agencies nationwide, not only in Kansas. I am not sure the legislatures of each State have been passing resolutions to say we need relief from OASIS, but I ask the Senator if she has any idea how long it takes for nurses to collect this information?

Ms. COLLINS. Most agencies are reporting that it takes a nurse between 1

and a half and 2 hours per patient. Now, I point out, that is 2 hours that could be used on direct patient care, on tending to the problems that caused the home health visits to be necessary in the first place. Instead, as the Senator has so ably described, it is being spent on unnecessary paperwork.

Mr. ROBERTS. Mr. President, I have 2 or 3 more questions. I have a copy of OASIS. This is not relief. I understand the time requirements. I want you to look at this. This OASIS document includes an 18-page initial assessment that must be completed by a registered nurse, and a 13-page follow-up assessment that is required every 60 days. This is perpetual reporting, a perpetual reporting machine, well-boiled by HCFA. And this is on top of assessments already required by States. The paperwork burden is immense. I am curious about what is included in this assessment. Is the Senator aware of the nature of the questions in this assessment?

I think I know the answer. I have read through this OASIS—the third degree, or whatever you want to call it. Will the Senator speak to the nature of the questions in the assessment?

Ms. COLLINS. Well, the Senator has put his finger on yet another problem. As I understand it—and the Senator is the expert on the OASIS system—OASIS collects information on the patients' medical history. We can understand that part, but also on the patient's living arrangements, sensory status, medications, and emotional state.

Mr. ROBERTS. Will the Senator yield for a question?

Ms. COLLINS. I am glad to.

Mr. ROBERTS. Emotional status?

Ms. COLLINS. That is correct.

Mr. ROBERTS. I see that page, as I have gone over this.

I tell the distinguished Presiding Officer, nurses in Colorado must ask the questions of these patients about their feelings—it sounds like a Barbara Streisand song—such as if they have ever felt depressed, had trouble sleeping, or even if they have ever attempted suicide. The thought occurs to me that Members of this distinguished body from time to time feel depressed and have trouble sleeping. I hope that would not be the case with regard to suicide.

I am being too sarcastic.

Do we really think we need to ask a nurse to bother a physical therapy patient for this information so that he or she can send the answers over to some computer someplace in Baltimore that will then use this information to develop a prospective payment system, and we can't find out when it is going to be proposed? Who in Baltimore reads these? I asked that in regard to HCFA, in regard to all of their requirements back when it was Health, Education, and Welfare in regard to Kansas City. I wanted to go to Kansas City and say: Who reads this stuff? What do they do with it? Maybe the Senator and I could go to Baltimore and figure that out. Why on Earth would we ask a nurse to bother a physical therapy patient for this information so they can send the answers? It hasn't anything to do with physical therapy patients. Why is that?

Ms. COLLINS. I completely agree with my colleague. These are the questions, when asked of the senior citizens whom I talked to, they find very intrusive. The nurses who are treating them are offended that they have to pry into matters that have no connection to the reason for the home health visit.

Moreover, as I pointed out earlier to my friend and colleague, this is time that is being spent on unnecessary paperwork, on intrusive questions that alienate and destroy the relationship between the nurse and the patients that could better be used for actually caring for the patient.

Agencies are not reimbursed for this time. Moreover, in a State such as Maine, which is very rural, our home health providers have to spend a lot of time traveling from patient to patient. This is time that is lost from the system.

Another issue, which the Senator has also raised, which is inexplicable to me, is why is HCFA collecting this data for non-Medicare patients? I don't understand that. Am I correct? The Senator from Kansas is much more knowledgeable about the OASIS system than I am. Am I correct that it actually applies to non-Medicare patients as well?

Mr. ROBERTS. I would be happy to respond to the distinguished Senator.

Unfortunately, she is correct. Any Medicare-approved health care agency must comply with all Medicare conditions of participation. That is MCP—probably another acronym, and I will not venture to say what that sounds like—including the collection of OASIS. This means patients who do not participate in Medicare are still subject to Medicare assessment.

In June, HCFA amended this regulation to say that these agencies don't have to—here again, this is what we have a lot of trouble with—transmit the data on non-Medicare patients for the time being, but they still must spend the time taking these assessments. Hello.

Ms. COLLINS. Yet another sample of what the Senator has described as policies being implemented, then pulled back, agencies not knowing whether they are coming or going, and being subjected to the confusing and conflicting and extensive requirements that are detracting from the ability of these agencies to provide essential care to our seniors.

I want to give the Senator from Kansas yet another example of this regulatory overkill by HCFA. I don't know whether the Senator from Kansas is familiar with this, but it is the new 15-minute incremental reporting requirement. HCFA is requiring nurses to act more like accountants or lawyers billing for every 15 minutes of their time. They are going to have to carry stopwatches to comply with this. Implementation is not only going to be very difficult for the staff to administer, but also, once again, it changes the very relationship between the patient and the nurse. It is very disruptive to a patient's care.

Mr. ROBERTS. Will the Senator yield for one additional observation and a question?

Ms. COLLINS. I am glad to yield.

Mr. ROBERTS. I want to go back to my statement earlier when I said in that June HCFA responded in regard to the outcry on the part of the home health care agencies in regards to the regulation on the conditions of participation with OASIS. As I indicated before, the agency still must spend the time taking the assessment. So I asked staff. I said: Wait a minute. Why is it, if they suspended it, you still have to take the assessment? I don't know where they are storing all of this paperwork. Maybe they burn it at Christmas time That may be a good idea. But, at any rate, write the mail; don't send it. And I asked staff: Why are we still doing this if, in fact, you don't send it in? It is a privacy issue. Look at the questions that are involved. These are privacy issues, and they haven't figured that out yet. So if, in fact, there are privacy issues, it would seem to me we had better settle those first or we are going to have lawsuits, big time. Why issue the regulation and then say to people: Well, we have a bunch of privacy issues that we haven't thought through, but keep on filling them out, and when we figure out the privacy issue, why, then we will get back to you.

I am extremely sympathetic to the concerns raised by my constituents that these new policies will harm seniors.

But let's give HCFA a break. I have been pretty critical and a little sarcastic, and I have to admit that I have a bias.

I have been working on this ever since I have had the privilege of being in public service. Even back when I was an administrative assistant to Congressman Keith Sebelius, we used to have these HCFA directives coming out to the rural health care delivery system. I can remember one right off the bat on behalf of cost containment.

Give HCFA a break. They are in charge of cost containment. We are all good at passing laws and then passing a lot of regulations, and saying, OK, you have to really put up with these, and it is up to HCFA to put out the regulations. And when we find they don't work, the people come to us and complain about it.

I can remember one rather incredible thing when they said we are not going to pay anybody any Medicare reimbursement unless the patient admissions are reviewed by hospitals on a 24-hour basis by three doctors. We thought about that a little and said: We think we are for this—because we

didn't have any doctors. I figured, well, what the heck. If we go ahead and accept this regulation, maybe they could provide the three.

Then there was the other great example of the sole provider and community hospital—talking about Goodland, KS, America, out on the prairie at the top of the world, a great place to live, a great farming community miles from nowhere. We asked again—it was HHS at that particular time—can you give us this decree, or this ruling to make this hospital eligible for a little more in payments? They said: Well, no, because everybody out there—I am not making this up—has four-wheel drives, and it is pretty flat in Kansas. What? As opposed to Colorado, I say to the distinguished Presiding Officer, who serves as an outstanding Senator. Four-wheel drive, and it is flat, and because they have lizards, windstorms. Our weather out there is a little tough for some bird in, like Virginia, down here to make that assessment.

So I have a little bias here, but I want to give HCFA a break.

I want to ask the Senator, are these policy changes necessary to achieve the Medicare savings goals? Medicare is a top concern; strengthen and preserve it. We have all worked very hard to do that. Are these policies necessary to achieve the savings that we want to achieve to strengthen and preserve Medicare?

Ms. COLLINS. The Senator has raised an excellent question. There is a very good answer. That is no. In fact, the regulatory overkill of the Clinton administration has already exceeded the savings projected by the balanced budget amendment. Medicare for home health fell nearly 15 percent last year, and CBO now projects the reductions in home health care will exceed $46 billion over the next 5 years. That is almost three times greater than the $16 billion estimate that the Congressional Budget Office originally estimated.

It is yet another indication that these cuts are far too deep, and that they are hurting far too many people completely unnecessarily. They have been far too severe and much more far reaching than Congress ever intended when it was trying to bring a measure of fiscal restraint to the Medicare Program.

Mr. ROBERTS. I ask the distinguished Senator from Maine, didn't we fix the problems last year when we passed the omnibus appropriations bill? I think we both made speeches at that particular time. What is the status?

Ms. COLLINS. The Senator worked closely with me and others last year in providing a small measure of relief in the omnibus appropriations bill. I am pleased that together we were able to take some initial steps to remedy this issue. However, I think it is evident from the overwhelming evidence that the proposal did not go nearly far enough in relieving the financial distress of these home health agencies. The ones that are paying the price are the good agencies, the cost-effective agencies that are serving our seniors. That is the tragedy.

Mr. ROBERTS. If I could ask the Senator one final question, I know I have been hard on HCFA. Each Member has some very special experiences, and these are experiences that come to our attention when a constituent is having a big-time problem or a hospital or home health care agency. All of the folks that work down at HHS certainly don't fall under the category that I have been talking about. So what about our responsibility? What about our leadership? What should we do to fix the problem? How can we provide more relief to the beleaguered home health care agency?

Ms. COLLINS. I know the Senator from Kansas has been such a leader and cares so much about this issue and has joined with me in introducing legislation, along with our colleague from Missouri, Senator BOND, and 31 of our colleagues. Both sides of the aisle have joined in legislation that we have introduced called the Medicare Home Health Equity Act.

This solves the problem. For one thing, it eliminates another 15-percent cut that is scheduled to go into effect in October of next year. I am sure my friend, the Senator from Kansas, agrees with me if that goes into effect, it will sound the death knell for the remaining home health agencies. That means the ones that have been struggling to hang on will be forced to close their doors or refuse even more services to our senior citizens. This is totally unnecessary because we have already achieved the savings, the targets set by the Balanced Budget Act.

The legislation includes a number of other provisions that affect a lot of the regulatory issues we have discussed today. I think it is absolutely critical we pass this legislation or similar provisions before we go home. I have visited senior citizens in my State who, if they lose their home health services, are going to be forced into nursing homes or hospitals. The irony is that is going to be at far greater cost.

Mr. ROBB. It will increase the costs.

Ms. COLLINS. The Senator is right. This is penny wise and pound foolish—not to mention the human toll that is being taken on our vulnerable senior citizens and our disabled citizens.

I know the Senator shares my commitment. This is of highest priority. We must solve this problem before we adjourn.

Mr. ROBERTS. If the Senator will yield one more time, I thank the Senator for all of her leadership and all of her hard work in this effort. I believe it is absolutely mandatory for Congress to bring much needed relief to the home health care industry in the timeframe she has emphasized, as well as to the small rural hospitals and teaching hospitals that also are feeling the pinch of all the legislative and regulatory changes made in the last few years.

The Senator is exactly right. We will have to move quickly. We must do it this year. There has been talk if we can't agree on a single proposal, we might have to put it off until next year. Time is of the essence in regard to our hospitals, especially the small rural providers. They operate on a shoestring budget. The same is true for the home health care agencies.

I will continue to work with the distinguished Senator to pass legislation before Congress adjourns for the year. We cannot go home before we straighten this out and provide some help.

I thank the Senator for her leadership. I think we have had a very good colloquy.

Ms. COLLINS. I thank the Senator from Kansas. I appreciate his support and his compassion in making sure we are keeping our promise to our senior citizens. With his help and with our continuing partnership, I am convinced we can do the job and solve this problem before we adjourn.

I yield the floor.

GUNS IN SCHOOLS

Mr. GORTON. Mr. President, when is it okay for a gun to be at school? I find it hard to think of an instance when it is. In fact, a few years ago Congress was so concerned about guns at school that it passed a law that required school districts to implement a zero tolerance policy for guns or lose their Federal funding. Schools must expel a student who brings a gun to school for a year.

Three weeks ago a young man at Lakeside High School, a public school of 520 students in the Nine Mile Falls School District in eastern Washington, brought a handgun to school. Thankfully, school authorities were notified quickly and nobody was hurt. Students and parents were understandably upset that such an incident would happen at all, and assumed that the situation would be dealt with in accordance with the district's ''zero-tolerance'' policy for such matters.

What happened was very different. I began receiving calls from students and parents who were concerned that this young man will now be allowed back at school after just 45 days. They were both confused and upset when they found out that Federal law supersedes local policies for addressing such incidents. So upset, in fact, that students at Lakeside High School have begun organizing a walkout. I have a flyer that has been circulated by students promoting a planned walkout on October 18. The students plan to drive to the district office and protest the return of the student. I ask unanimous consent the students' flyer be printed in the RECORD.

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

Do we really want this kid with a gun coming back to our school?!

NO!!!

Let's stand for our

RIGHTS!

Join US

On October 18, 1999, LHD Students Are Having A WALK OUT! Between 1st and 2nd Block—Meet In The Student parking lot and drive down to the district office.

WE HAVE A RIGHT, TOO!

Like other school districts across the country, the students, parents and educators at Lakeside High School have just run head-first into the double standard inherent in the discipline policies mandated by the federal Individuals With Disabilities Education Act, or IDEA. While the intent of this law is commendable—to ensure that disabled children are educated in a fair and equitable manner—in practice it has again shown its flaws. As I said when I was the only Senator to vote against the reauthorization of IDEA in 1997, the single aspect of this bill that is most questionable and unjust is the double standard it sets with respect to discipline in schools. Each and every school district retains nearly full and complete authority over disciplinary matters as they apply to students who are not in special education classes. They lose almost all of that authority under the present IDEA statute.

Under the IDEA amendments of 1997, if a child brings a gun to school and a team of parents and educators decide it is not related to the child's disability, that student may be removed for up to a year. But, the district must continue to provide the child with a free appropriate public education.

If the incident is determined to be caused by the child's disability, then the student may be moved from their regular classroom for no more than 45 days. Again, that child must receive not simply a free appropriate public education, but the school district must ensure that the student can continue to participate in the general curriculum, continue to receive services that allow the student to meet the goals set out in the child's individual education plan, and the school must provide services that address the misbehavior so that it does not recur.

Although I've just given you a succinct description of federal law, Mr. Parker is still faced with a paradox. He is responsible for making sure school is a safe place for all children to learn. However, IDEA requires the school to implement different consequences for children who qualify for special education services for violations like bringing a gun to school, selling drugs or engaging with violent behavior. Children in special education can make up anywhere from 10–20 percent of a school district's enrollment, encompassing children with a broad range of disabilities.

Instead of focusing on what's best for the children and staff at his school, including the student who brought the gun to school, he and other administrators in his district must focus on what they have to do to minimize the district's exposure to a lawsuit. It's an unfortunate fact that this provision of law is often fought out in the court room, driving desperately needed resources away from serving children.

Mr. Parker and district officials have not yet made a final decision about what to do in this instance. However, Mr. Parker did make a point in an article published in the Spokane Spokesman Review yesterday. He said, ''We have to focus on the law, not the kid.'' He's right. As I mentioned earlier, students at Lakeside High School are planning to walk out of class on the 18th of October and hold a rally to bring attention to their concerns. I want to assure the students and parents that they have my attention, and a disruption of classes is unnecessary. Instead, I hope they channel that energy into writing letters to and meeting with their elected officials to make them aware of their concerns about the law.

Mr. President, IDEA says that Members of Congress know more about how to educate students than do their teachers, their administrators, their school board members, people who have spent their lives and careers at this job. We do not know more. They know more. We should permit them to do their jobs.

The PRESIDING OFFICER. The Senator from Alabama.

FEDERAL MANDATES AND SCHOOLS

Mr. SESSIONS. Mr. President, the Senator from Washington has, once again, succinctly and clearly stated a circumstance and situation in this country that is almost beyond belief. I have had a number of complaints about that. I used to be a Federal prosecutor. One of my good friends who has been a prosecutor for a very long time personally came to Washington to talk to me about the abuses of this law. It actually resulted in a full-page article in Time magazine. The title of it was, ''The Meanest Kid In Alabama.''

It is probably not an accurate statement, but it indicated what we were dealing with. My friend, David Whetstone, told me of the circumstance in which a very violent, disruptive young man was kept in the classroom, under these Federal laws, beyond all common sense, all reason, beyond anything that can have any basis in connection with reality.

Americans may not know what is occurring, but this is happening in other schools. I want to tell you what happened to this young man. He had an aide who got on the school bus with him alone in the morning, sat with him alone through the classroom day, and went home with him at the end of the day because of his disruptive behavior. That had to be paid for by the school board, the taxpayers of that community. Can you imagine what it would be like trying to be a teacher, trying to teach in a classroom with that kind of problem? He used curse words to the principal on a regular basis, and it was very disruptive. But our law said, basically, he had to stay in that classroom. It was just remarkable.

Eventually the young man, going home one afternoon on the school bus, attacked the bus driver, it has been reported. The aide tried to restrain him, and he attacked the aide. My friend, the prosecutor, brought a criminal action or some legal action against him to try to deal with it. He was shocked, stunned, and amazed that this goes on, on a regular basis. He wrote me that in that County, Baldwin County, AL, there are at least six other incidents of a similar nature of which he was aware.

This may sound unbelievable, but I suggest anybody who thinks what the Senator has just said is not true, the kinds of things I am talking about are not true, ask your principals and teachers. Just ask them. It is Federal law that is mandating it.

We were supposed to pay for it when we passed it, and we never even paid for it. We were supposed to pay 40 percent of that unfunded mandate on the school systems. I think we are paying 15 percent now. This administration, President Clinton, opposes our getting it up to 40 percent. Why? I will tell you why I think the President opposes it. Not because it is not necessary; it is because the school systems, by this law, are having to do it anyway. They ran polling data that said maybe it strikes a better chord to have more teachers than to have funding for the Federal mandate we put on the schools, so we want to get more teachers and get more political credit or something; I don't know. We ought to finish funding this mandate. We ought to go back and look at this requirement and change it. It is not sound.

We want to keep disabled children in the classroom as much as possible. That is a worthy goal. But to go to the extent that we cannot remove children who bring guns to school, who consistently disrupt the school system, is beyond my comprehension.

In the Health, Education, Labor and Pensions Committee, we had testify the superintendent of a school system in Vermont. I was stunned. He said 20 percent of his budget goes to IDEA students, these kids with disabilities. In Vermont, 20 percent of the system's money goes for that. Somehow we are out of sync. You wonder why we cannot get more good education? Teachers cannot maintain discipline. They can only remove them, what, 40 days from a classroom in the face of the most outrageous behavior, even where there is violence involved. We have an obligation to the classrooms and to our teachers to help our teachers maintain order. If we are not going to do anything, then we don't do anything, but the worst thing for this Congress to do

is to pass laws that make it worse, make it harder for a teacher to do his or her job.

I know teachers who have quit; they say they cannot take it anymore. A friend of mine, who is 6 feet 4 and played college basketball, told me he taught junior high school and he didn't feel safe a lot of days.

I think we can do better. We ought to help our school systems do that. The Senator from Washington and a number of us, including the Presiding Officer, are working on some proposals that would allow us to empower school systems to receive funds with a minimum of restrictions as long as they have a firm plan that they know will work in their community to actually improve education.

We need to give the people elected to run our school systems more authority and give them the money so they can use it of the Federal money we are spending on schools, we know now only 65 cents out of every Federal dollar for education actually gets down to the classroom. We need to get our dollars to the classroom. We need to get that money down to the people who know our children's names. They need the money, not Washington. We cannot be a super school board for America. That would be so silly.

CUTS IN HOME HEALTH CARE FUNDING

Mr. SESSIONS. Mr. President, I sat here and listened with great interest when the Senator from Maine and the Senator from Kansas were talking about the home health care. I realized early that was going to be a problem in Alabama. It has had a dramatic and devastating impact on the State. Mr. President, 15 percent cuts consistently are really devastating the home health care agency.

Senator SHELBY, the senior Senator from Alabama, and I, right after this bill passed—without hearings, by the way, as part of a conference committee report—along with other people, when it was voted on, did not realize its significance. But pretty soon we realized that, so we called the top officials of HCFA into our office to discuss with them what we could do. We had proposed and offered an amendment to the effect we would delay the implementation of these changes until we had hearings to analyze their impact. We could tell it was going to be very bad. HCFA refused. They would not join us in that effort. That amendment we sought to have agreed to over a year ago was not agreed to.

It is, to my way of thinking, a situation that cannot continue. We are going to have to fix it. It was seen early. It was a matter that came up in an attempt to make some changes they thought would work, and Congress ought to pass laws to help effectuate that. But there was not an understanding of how bad it was going to be.

The agency in charge of the management of the home health care, HCFA, is responsible and ought to be helping us in a more effective way to deal with this. It is true, as the Senator from Maine said, even under the containment of costs provided in the legislation that passed at that time, HCFA has cut substantially more than that.

It is expected to produce only about one-third of the savings that actually occurred. They squeezed that program for $46 billion over 5 years. That is about three times what was actually planned to be cut. We have a crisis that does require attention. I thank the Senator from Maine for leading the effort.

DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. KYL. Mr. President, Congress has no greater responsibility than to ensure that our Armed Forces—the guardians of the freedoms which all Americans cherish so dearly—are given the resources they need to carry out their mission. Consequently, the Defense Appropriations bill is one of the most important pieces of legislation that we pass each year.

As others have expressed, this is by no means a perfect piece of legislation. There are a number of items contained in this bill that do not meet the most urgent needs of the Armed Forces. At a time when the men and women who serve in uniform are being called upon to serve the interests of the United States in a growing number of places—Bosnia, Kosovo, Haiti, Iraq, and the list goes on—Congress must ensure that the most critical needs of the Armed Forces are met first.

However, I believe that the strengths of this conference report outweigh its faults. The report does contain funding to address a growing number of readiness and quality-of-life issues currently challenging our military. Our men and women in uniform need to know that their Congress supports them, and voting for this conference report is one way to demonstrate that support.

So, Mr. President, although I believe that Congress can always do a better job of directing defense dollars where they are most needed, I also I believe that there is much in this conference report that addresses critical needs of the military, and that is why I voted in favor of the report.

IN THE AFTERMATH OF THE RONNIE WHITE VOTE

Mr. LEAHY. Mr. President, this Chamber is where 50 years ago this month, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African-American to our federal district courts and courts of appeal. Indeed, today is the 50th anniversary of that historic event. This Senate is where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court. And this is where last week, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

For the first time in almost 50 years a nominee to a Federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party line vote. On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the Federal court in Missouri.

For many months I had been calling for a fair vote on the nomination, which had been delayed for 27 months. Instead, the country witnessed a partisan vote and a party line vote as the 54 Republican members of the Senate present that day all voted against confirming this highly qualified African-American jurist to the Federal bench.

Tuesday of last week the Republican Senate caucus blocked confirmation of Justice Ronnie White. It is too late for the Senate to undo the harm done by that caucus vote, although I would hope that some who voted based on inaccurate characterizations of Justice White and his record would apologize to him. What the Senate can do and must do now is to make sure that partisan error is not repeated. The Senate should ensure that other minority and women candidates receive a fair vote. We can start with the nominations of Judge Richard Paez and Marsha Berzon, which have been held up far too long without Senate action. It is past time for the Senate to do the just thing, the honorable thing, and vote to confirm each of these highly qualified nominees.

Likewise, we should be moving forward to consider the nomination of Judge Julio Fuentes to the Third Circuit. His nomination has already been pending for over seven months. He should get a hearing and prompt consideration. He should be accorded a fair up or down vote on his nomination before the Senate adjourns this year.

The bipartisan Task Force on Judicial Selection of Citizens for Independent Courts recently recommended that the Senate complete its consideration of judicial nominations within 60 days. The Senate has already exceeded that time with respect to the nomination of Judge Ann Williams to the Seventh Circuit. When confirmed, she will be the first African-American to serve on that court. We should proceed on that nomination without further delay.

Likewise, the Senate should be moving forward to consider the nomination of Judge James Wynn, Jr. to the Fourth Circuit. When confirmed, Judge

Wynn will be the first African-American to serve on the Fourth Circuit and will fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit.

In addition, early next year the Senate should act favorably on the nominations of Kathleen McCree Lewis to the Sixth Circuit and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are both well qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit has this month declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, lack of Senate action on pending nominations, and overwhelming workload.

I have noted the unfortunate pattern that the Republican Senate has established by delaying consideration of too many women and minority nominees. The recent Republican caucus vote against Justice Ronnie White is the most egregious example, but the treatment of Judge Richard Paez and Marsha Berzon show that it is, unfortunately, not an isolated example.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women nominees fairly and proceed to consider them with the same speed and deference that it shows other nominees. Let us start the healing process. Let us vote to confirm Judge Richard Paez and Marsha Berzon before this month ends; Judge Julio Fuentes before the Senate adjourns in November; and Judge Ann Williams, Judge James Wynn, Kathleen McCree Lewis, and Enrique Moreno in the first weeks of next year.

MOTHERS AND NEWBORNS HEALTH INSURANCE ACT

Mr. BAUCUS. Mr. President, I rise today in support of the Mothers and Newborns Health Insurance Act, a bill that I have introduced along with my colleagues Senators BOND, BREAUX, LINCOLN, and MCCAIN.

As you know, Mr. President, in 1997 Congress passed the Children's Health Insurance Program, or CHIP. CHIP is a joint Federal-State program, designed to ensure that children of low-income working families have access to health insurance. I'm proud to have worked on the Senate Finance Committee to establish CHIP, and I remain committed to its guiding principle: that all children should have access to the medical care they need to stay healthy and strong.

In fact, just 13 days ago, the Montana CHIP program went into effect. So as I speak, children in my state are already benefitting from this program.

But while CHIP is important, it is not without imperfections. Most notably, States are not allowed to extend CHIP funds to low-income, pregnant adult women. This just doesn't make sense. If pregnant women go uninsured, they are far less likely to receive prenatal care. And if they don't receive prenatal care, their babies face a much higher risk of having health problems, from premature birth to birth defects. We should make sure that these babies are healthy and strong from the very start, by allowing states to offer health insurance to low-income pregnant women under CHIP.

A second problem with CHIP is that, just like the Medicaid program, we've had a hard time getting the word out about it. Right now, there are 358,000 pregnant woman and fully 3 million children who are eligible for Medicaid, but are not enrolled in the program. The same holds true with CHIP: across the United States, low-income, uninsured kids cannot benefit from the program, because they aren't enrolled.

Mr. President, our bill is aimed at solving these problems, and making CHIP an even stronger, more effective program. First, it would give States the freedom to extend CHIP funds to low-income, pregnant mothers above the age of 19. This is a critical steps toward empowering our States to provide health care to those who need it most, when they need it most. As many as 45,000 pregnant women could benefit from this change every year—and bare in mind, that means that 45,000 babies could benefit as well.

And let me add, Mr. President, that this does not create a new Federal mandate. To the contrary, this provision would only increase the freedom of the States to direct these Federal health care resources as they see fit.

Second, our bill would assist States in reaching out to their uninsured citizens. When Congress passed the welfare reform bill in 1996, we also created a $500 million fund that States could use to let uninsured folks know if they were eligible for Medicaid. The problem is, most of this money has gone unused. And in just a short while, most states will lose their 3-year window of opportunity to use these funds. Our bill will eliminate this 3-year deadline, to allow continued access to these funds. It will also allow states to use the funds to reach out to both Medicaid and CHIP-eligible women and children. By making this change, we can help ensure that CHIP and Medicaid function as they are supposed to—and that the mothers and children who need health insurance coverage will get it.

Mr. President, most of my colleagues, liberal and conservative alike, agree that CHIP is a step in the right direction toward solving the growing problem of the uninsured. Let's act now to make CHIP even stronger.

CTBT VOTE

Mr. KYL. Mr. President, I want to take a few minutes today to correct some misconceptions about the reasons why the Senate voted to reject the Comprehensive Test Ban Treaty Wednesday, and the impact its rejection will have on efforts to control the spread of nuclear weapons.

Some have asserted that the Senate acted to reject the treaty for partisan political reasons. At the same time, they threatened grave political consequences for those who opposed the treaty. Obviously, there is a lot more politics in the aftermath of the treaty's rejection (by supporters) than in its not popular, but principled rejection. Simply put, Senators voted to defeat the treaty because it jeopardized our nation's security by undermining the U.S. nuclear deterrent that has served our country so well for the past 50 years.

Nor was this evidence that Republicans are isolationist, as the President charged. It is Republicans who support free trade agreements (rather than the President's party, which is dominated by labor union isolationism). And Republicans strongly supported NATO expansion.

Our distinguished colleague, Senator LUGAR, summed up the case against the CTBT quite well stating,

> I do not believe that the CTBT is of the same caliber as the arms control treaties that have come before the Senate in recent decades. Its usefulness to the goal of nonproliferation is highly questionable. Its likely ineffectuality will risk undermining support and confidence in the concept of multilateral arms control. Even as a symbolic statement of our desire for a safer world, it is problematic because it would exacerbate risks and uncertainties related to the safety of our nuclear stockpile.

The majority leader and other opponents of this treaty never asked Members to vote against it for reasons of party loyalty. Rather, Senators were persuaded to reject the treaty by the facts about its effect on our security. In fact, Republican Senators were on both sides of this issue, while Democrats paradoxically, voted lockstep, except for Senator BYRD, who voted present.

Unfortunately, the President and the Democratic leader have asserted that the process for consideration of the treaty was unfair, and have implied they were forced to vote on the treaty. With all due respect, these assertions strike me as nothing more than sour grapes. Let's review the history that brought us to the vote yesterday.

For 2 years, the President and other supporters of the CTBT called on the Senate to take up the treaty.

In his State of the Union Address in 1998, President Clinton called for it to be taken up ''this year.''

In June 1998, President Clinton said it was ''important that the Senate debate and vote on the Comprehensive Test Ban Treaty without delay.''

On August 9 of this year, the President asked ''the full Senate to vote for ratification as soon as possible.''

On April 1 of this year, Secretary of State Albright gave a speech calling for action on the CTBT, ''this year, this session, now.''

And some of our colleagues on the other side of the aisle were quite outspoken in calling for a vote on the treaty. In 1998, the Democratic leader, Senator DASCHLE said on the Senate floor that ''We believe that it's important for us to move this very important treaty this year.'' And just over 2 weeks ago, he stood on the Senate floor and said, ''I still think, one way or the other, we ought to get to this treaty, get it on the floor, debate it, and vote on it.''

And as we all know, it was the threat to bring the business of the Senate to a halt that led the majority leader to offer a unanimous consent agreement on the CTBT. On September 8—with 22 days remaining in the fiscal year to dispose of the remaining appropriations bills—Senator DORGAN said the following:

> When [the majority leader] comes to the floor, I intend to come to the floor and ask him when he intends to bring this treaty to the floor. If he and others decide it will not come to the floor, I intend to plant myself on the floor like a potted plant and object. I intend to object to other routine business of the Senate until this country decides to accept the moral leadership that is its obligation and bring this treaty to the floor for a debate and a vote.

Supporters of the CTBT clearly wanted a vote on the treaty; it now turns out they actually only wanted a vote if they could win. Well, that's not the way it works.

I have also been surprised that some Senators have complained that the time for consideration of the treaty was too short. Let's remember that the time-frame for consideration of the treaty was established by unanimous consent. In fact, the majority leader first offered a unanimous-consent agreement on September 30. The Democratic leader objected to that first request, asking for it to be modified to add more time—4 more hours of general debate, and up to 8 hours for amendments (in addition to the 10 hours already allocated). The majority leader accommodated the Democratic request, and on October 1, a modified version of the unanimous-consent request was again offered, and not a single Senator objected either to the time or to the date. The latter is also important, because setting the date for the vote on October 12 or 13 (it occurred on the 13th) meant there were almost 2 weeks for ''education'' of Senators who had not already become educated on the treaty. (Presumably those who were fomenting consideration of the treaty had taken the time to familiarize themselves with it. They can hardly argue they needed more time in view of their insistence.)

In any event, we all agreed on a timetable to take up the treaty. This is why I am disappointed that some have charged that the majority leader scheduled the vote out of some sense of partisanship. If Members had a concern about the time frame for the treaty's consideration, any single Senator could have objected—but none did. And the week after the agreement, three Senate committees held hours of hearings. Responsible Senators had plenty of time to learn enough to make an informed decision, witness the early expression of support by those who said others needed more time (i.e., those who didn't agree with them).

I am also disappointed by assertions that, by rejecting the CTBT, the United States Senate has diminished America's moral authority in the fight against nuclear proliferation. I deeply regret that this sentiment has been echoed, and to some degree instigated, by Members of this body and the administration who find themselves on the losing side of the debate.

Nothing could be further from the truth. By rejecting this deeply flawed accord, the Senate has anchored the United States firmly on the moral high ground.

My vote against this treaty rested on three premises:

First, we must be able to test if we are to maintain safe and reliable nuclear weapons because they help to secure peace for American citizens and for the rest of the world.

Second, this unenforceable, unverifiable treaty would have little if any impact on the problem of proliferation. In fact, it might actually cause more nations to seek nuclear weapons if they became unsure of the reliability of the U.S. nuclear umbrella.

It is vitally important that our Nation pursue efforts to combat nuclear proliferation. But we should pursue meaningful efforts with real effects. Unfortunately, while criticizing treaty opponents of not being serious about proliferation, it is the Clinton administration that has not been willing to take serious actions to combat proliferation. For example, in 1997, when reports began to surface about Russian missile assistance to Iran, I led a group of 99 Members of the House and Senate, in writing to the President to urge him to invoke sanctions to halt this trade. The President refused. In November 1997, the Senate unanimously passed a concurrent resolution that I sponsored, expressing the sense of the Congress that the President should sanction the Russian organizations involved in selling missile technology to Iran. The House also passed this resolution overwhelmingly by a vote of 414 to 8. Again the President refused to impose sanctions.

The Congress tried again to spur the administration to action 6 months later, when we passed the Iran Missile Proliferation Sanctions Act mandating sanctions on any organization involved in assisting Iran's missile program. This bill passed the Senate by a vote of 90 to 4. Yet when it reached the President's desk, he vetoed the bill. As these examples show, this administration is simply not willing to take the tough actions necessary to prevent proliferation. It is these meaningful measures that will reduce proliferation, not an unenforceable, unverifiable treaty.

The third and final reason I voted against the CTBT is that the Constitution establishes the Senate as co-equal with the President in committing this country to treaties. I take this responsibility seriously, and will not simply rubber-stamp any arms control agreement that does not meet at least minimum standards—and this one does not. Rejection will help future negotiators insist on meaningful provisions that are verifiable and enforceable.

Each of these premises is morally sound; in my view they are morally superior than a vote for this flawed pact, no matter how well-intentioned.

Because this treaty would have harmed our security, its ratification would have been an abdication of our moral responsibility to maintain peace through strength. In 1780, President George Washington said, ''There is nothing so likely to produce peace as to be well prepared to meet an enemy.'' Two hundred years later, President Ronald Reagan called this doctrine ''Peace Through Strength.'' History has redeemed the judgment of Ronald Reagan in first adopting this stance with the Soviet Union; I believe that history will redeem the rejection of the CTBT as well.

CTBT COMMISSION

Mr. WARNER. Mr. President, on Wednesday evening, the Senate cast a historic vote on the Comprehensive Test Ban Treaty.

In the aftermath of this vote, I am reminded of the old saying, ''The past is prologue.''

At some point we have to lift this issue from the cauldron of politics.

Now, is it not time to build bridges and find common ground on the issue of a possible treaty covering nuclear testing? Let the issues be worked on, for a while, by people of the caliber, of the experience, of those who wrote to the Senate, who testified, and called or sent statements during the Senate's debate. Their wisdom can then be returned to our next President and the 107th Congress.

That is why, today, I propose the creation of a bipartisan, blue ribbon commission of experts, representing differing viewpoints on the basic issues, to study this issue and make recommendations—including possible changes to the treaty. Colleagues, I ask for your ''advice and consent'' as I pursue this goal of a commission.

During the course of the debate in the Senate, it was clear that a number of Members could have supported some

type of a test ban treaty, but were troubled by several key provisions in the Comprehensive Test Ban Treaty that was before us.

Of a particular concern was the zero-yield threshold. Legitimate concerns were raised about our ability to monitor violations down to the zero-yield level, and with our need to conduct, at some point in the future, very low yield nuclear explosions to verify the safety of our stockpile, or to ensure the validity of the stockpile stewardship program. Perhaps it would have been better to agree to a Treaty which allowed very low yield testing—as all past presidents, beginning with President Eisenhower, have proposed.

Another grave concern was the fact that this Treaty bans nuclear testing in perpetuity. When we are dealing with the safety and credibility of the U.S. nuclear arsenal, we should exercise the greatest degree of caution. Would it not have been better to have a treaty which required, specifically in its text, periodic reviews, at fixed intervals, as did the Nuclear Non-Proliferation Treaty, NPT. At the time the Senate considered that Treaty, the NPT provided for automatic reviews every 5 years.

The Stockpile Stewardship Program was another issue of concern. In my view, it is just not far enough along, as confirmed by qualified experts, for the United States to stake the future of its nuclear arsenal on this alternative to actual testing. More needs to be done on that issue. For example, there is currently underway a panel, pursuant to a provision in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, to study and report on the reliability, safety and security of the U.S. nuclear stockpile. Perhaps some of the fine work of this commission, which is comprised of experts such as former Secretary of Defense James Schlesinger and Dr. Johnny Foster, could be incorporated into the work of a test ban commission.

These are but examples of a number of issues related to this Treaty where there are honest differences of opinion, and over which bridges must be built to reach common ground. These issues could benefit from examination now by a group outside of the political arena—a group of experts.

Recent history is replete with examples of commissions, composed of a bipartisan group of experts, who have successfully advised the Congress, the President.

For example, in 1994, when I was Vice Chairman of the Intelligence Committee and the CIA was under attack, I included legislation in the FY 1995 Intelligence Authorization Act establishing a commission to study the roles and capabilities of the Intelligence Community. The commission was formed by the President and the congressional leadership. It was chaired by former secretaries of defense Les Aspin and Harold Brown and former Senator Warren Rudman. They met the challenge; their advice was accepted.

Let's join together; get it done.

I ask unanimous consent that a number of items be printed in the RECORD at this point.

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

EXCERPTS FROM THE STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999 CONFERENCE REPORT

SEC. 3159. PANEL TO ASSESS THE RELIABILITY, SAFETY, AND SECURITY OF THE UNITED STATES NUCLEAR STOCKPILE.

(a) REQUIREMENT FOR PANEL.—The Secretary of Defense, in consultation with the Secretary of Energy, shall enter into a contract with a federally funded research and development center to establish a panel for the assessment of the certification process for the reliability, safety, and security of the United States nuclear stockpile.

(b) COMPOSITION AND ADMINISTRATION OF PANEL.—(1) The panel shall consist of private citizens of the United States with knowledge and expertise in the technical aspects of design, manufacture, and maintenance of nuclear weapons.

(2) The federally funded research and development center shall be responsible for establishing appropriate procedures for the panel, including selection of a panel chairman.

(c) DUTIES OF PANEL.—Each year the panel shall review and assess the following:

(1) The annual certification process, including the conclusions and recommendations resulting from the process, for the safety, security, and reliability of the nuclear weapons stockpile of the United States, as carried out by the directors of the national weapons laboratories.

(2) The long-term adequacy of the process of certifying the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(3) The adequacy of the criteria established by the Secretary of Energy pursuant to section 3158 for achieving the purposes for which those criteria are established.

(d) REPORT.—Not later than October 1 of each year, beginning with 1999, the panel shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth its findings and conclusions resulting from the review and assessment carried out for the year covered by the report. The report shall be submitted in classified and unclassified form.

(e) COOPERATION OF OTHER AGENCIES.—The panel may secure directly from the Department of Energy, the Department of Defense, or any of the national weapons laboratories or plants or any other Federal department or agency information that the panel considers necessary to carry out its duties.

(2) For carrying out its duties, the panel, shall be provided full and timely cooperation by the Secretary of Energy, the Secretary of Defense, the Commander of United States Strategic Command, the Directors of the Los Alamos National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratories, the Savannah River Site, the Y–12 Plant, the Pantex Facility, and the Kansas City Plant, and any other official of the United States that the chairman of the panel determines as having information described in paragraph (1).

(3) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the panel.

(f) FUNDING.—The Secretary of Defense and the Secretary of Energy shall each contribute 50 percent of the amount of funds that are necessary for the panel to carry out its duties. Funds available for the Department of Energy for atomic energy defense activities shall be available for the Department of Energy contribution.

(g) TERMINATION OF PANEL.—The panel shall terminate three years after the date of the appointment of the member designated as chairman of the panel.

(h) INITIAL IMPLEMENTATION.—The Secretary of Defense shall enter into the contract required under subsection (a) not later than 60 days after the date of the enactment of this Act. The panel shall convene its first meeting not later than 30 days after the date as of which all members of the panel have been appointed.

* * * * *

EXCERPT FROM THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

TITLE IX—COMMISSION ON THE ROLES AND CAPABILITIES OF THE UNITED STATES INTELLIGENCE COMMUNITY

SEC. 901. ESTABLISHMENT.

There is established a commission to be known as the Commission on the Roles and Capabilities of the United States Intelligence Community (hereafter in this title referred to as the ''Commission'').

SEC. 902. COMPOSITION AND QUALIFICATIONS.

(a) MEMBERSHIP.—(1) The Commission shall be composed of 17 members, as follows:

(A) Nine members shall be appointed by the President from private life, no more than four of whom shall have previously held senior leadership positions in the intelligence community and no more than five of whom shall be members of the same political party.

(B) Two members shall be appointed by the majority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(C) Two members shall be appointed by the minority leader of the Senate, of whom one shall be a Member of the Senate and one shall be from private life.

(D) Two members shall be appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(E) Two members shall be appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be from private life.

(2) The members of the Commission appointed from private life under paragraph (1) shall be persons of demonstrated ability and accomplishment in government, business, law, academe, journalism, or other profession, who have a substantial background in national security matters.

(b) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate two of the members appointed from private life to serve as Chairman and Vice Chairman, respectively, of the Commission.

* * * * *

SEC. 903. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Commission—

(1) to review the efficacy and appropriateness of the activities of the United States intelligence community in the post-cold war global environment; and

(2) to prepare and transmit the reports described in section 904.

(b) IMPLEMENTATION.—In carrying out subsection (a), the Commission shall specifically consider the following:

(1) What should be the roles and missions of the intelligence community in terms of providing support to the defense and foreign policy establishments and how should these relate to tactical intelligence activities.

(2) Whether the roles and missions of the intelligence community should extend beyond the traditional areas of providing support to the defense and foreign policy establishments, and, if so, what areas should be considered legitimate for intelligence collection and analysis, and whether such areas should include, for example, economic issues, environmental issues, and health issues.

(3) What functions, if any, should continue to be assigned to the organizations of the intelligence community, including the Central Intelligence Agency, and what capabilities should these organizations retain for the future.

(4) Whether the existing organization and management framework of the organizations of the intelligence community, including the Central Intelligence Agency, provide the optimal structure for the accomplishment of their missions.

(5) Whether existing principles and strategies governing the acquisition and maintenance of intelligence collection capabilities should be retained and what collection capabilities should the Government retain to meet future contingencies.

(6) Whether intelligence analysis, as it is currently structured and executed, adds sufficient value to information otherwise available to the Government to justify its continuation, and, if so, at what level of resources.

(7) Whether the existing decentralized system of intelligence analysis results in significant waste or duplication, and if so, what can be done to correct these deficiencies.

(8) Whether the existing arrangements for allocating available resources to accomplish the roles and missions assigned to intelligence agencies are adequate.

(9) Whether the existing framework for coordinating among intelligence agencies with respect to intelligence collection and analysis and other activities, including training and operational activities, provides an optimal structure for such coordination.

(10) Whether current personnel policies and practices of intelligence agencies provide an optimal work force to satisfy the needs of intelligence consumers.

(11) Whether resources for intelligence activities should continue to be allocated as part of the defense budget or be treated by the President and Congress as a separate budgetary program.

(12) Whether the existing levels of resources allocated for intelligence collection or intelligence analysis, or to provide a capability to conduct covert actions, are seriously at variance with United States needs.

(13) Whether there are areas of redundant or overlapping activity or areas where there is evidence of serious waste, duplication, or mismanagement.

(14) To what extent, if any, should the budget for United States intelligence activities be publicly disclosed.

(15) To what extent, if any, should the United States intelligence community collect information bearing upon private commercial activity and the manner in which such information should be controlled and disseminated.

(16) Whether counterintelligence policies and practices are adequate to ensure that employees of intelligence agencies are sensitive to security problems, and whether intelligence agencies themselves have adequate authority and capability to address perceived security problems.

(17) The manner in which the size, missions, capabilities, and resources of the United States intelligence community compare to those of other countries.

(18) Whether existing collaborative arrangements between the United States and other countries in the area of intelligence cooperation should be maintained and whether such arrangements should be expanded to provide for increased burdensharing.

(19) Whether existing arrangements for sharing intelligence with multinational organizations in support of mutually shared objectives are adequate.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, October 14, 1999, the Federal debt stood at $5,666,668,943,905.59 (Five trillion, six hundred sixty-six billion, six hundred sixty-eight million, nine hundred forty-three thousand, nine hundred five dollars and fifty-nine cents).

One year ago, October 14, 1998, the Federal debt stood at $5,536,803,000,000 (Five trillion, five hundred thirty-six billion, eight hundred three million).

Five years ago, October 14, 1994, the Federal debt stood at $4,691,920,000,000 (Four trillion, six hundred ninety-one billion, nine hundred twenty million).

Twenty-five years ago, October 14, 1974, the Federal debt stood at $478,496,000,000 (Four hundred seventy-eight billion, four hundred ninety-six million) which reflects a debt increase of more than $5 trillion—$5,188,172,943,905.59 (Five trillion, one hundred eighty-eight billion, one hundred seventy-two million, nine hundred forty-three thousand, nine hundred five dollars and fifty-nine cents) during the past 25 years.

MESSAGE FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2679. An act to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill, H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. EWING, Mr. HORN, Mr. QUINN, Mr. EHLERS, Mr. BASS, Mr. PEASE, Mr. SWEENEY, Mr. OBERSTAR, Mr. RAHALL, Mr. LIPINSKI, Mr. DEFAZIO, Mr. COSTELLO, Ms. DANNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL as managers of the conference on the part of the House:

From the Committee on the Budget, for consideration of titles IX and X of the House bill, and modifications committed to conference: Mr. CHAMBLISS, Mr. SHAYS, and Mr. SPRATT.

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, and Mr. RANGEL.

From the Committee on Science, for consideration of title XIII of the Senate amendment and modifications committed to conference: Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. HALL of Texas.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2679. An act to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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–5626. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, a report relative to the methods of selection of members of the Armed Forces to serve on courts-martial; to the Committee on Armed Services.

EC–5627. A communication from the Deputy Secretary of Defense transmitting a report relative to the Department of Energy Stockpile Stewardship Program; to the Committee on Appropriations.

EC–5628. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the financial reports of the Colorado River Basin Project for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–5629. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, the annual report on Accelerated Land Transfer and Technology Integration; to the Committee on Energy and Natural Resources.

EC–5630. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Companies (LMI)'' (FR Doc. 99–25244, Published 9/30/99, 64 FR 52641), received October 13, 1999; to the Committee on Small Business.

EC–5631. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Individual Development Accounts'' (Rev. Rul. 99–44), received October 14, 1999; to the Committee on Finance.

EC–5632. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to the processing of continuing disability reviews for fiscal year 1998; to the Committee on Finance.

EC–5633. A communication from the Director, Administrative Office of the United

States Courts, transmitting, pursuant to law, the actuarial reports on the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1998; to the Committee on Governmental Affairs.

EC–5634. A communication from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received October 13, 1999; to the Committee on Governmental Affairs.

EC–5635. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits,'' received October 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5636. A communication from the Deputy Executive Secretary, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Human Drugs and Biologics; Determination That Informed Consent Is Not Feasible or Is Contrary to the Best Interests of Recipients; Revocation of 1990 Interim Final Rule; Establishment of New Interim Final Rule'' (RIN0910–AA89), received October, 5, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5637. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling, Declaration of Ingredients'' (98P–0968), received October 13, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5638. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Internal Analgesics, Antipyretic and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Rule for Professional Labeling of Aspirin, Buffered Aspirin and Aspirin in Combination With Antacid Drug Products—Final Rule—Technical Amendment'' (77N–094A), received October 13, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5639. A communication from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Rule To List the Devils River Minnow as Threatened'' (RIN1018–AE86), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5640. A communication from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Rule To List the Plant Deseret Milk-Vetch as Threatened Under the Endangered Species Act'' (RIN1018–AE57), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5641. A communication from the Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Rule To List the Plant Pecos Sunflower as Threatened Under the Endangered Species Act'' (RIN1018–AE88), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5642. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Expand Applicability of Part 72 to Holders of, and Applicants for, Certificates of Compliance, and Their Contractors and Subcontractors'' (RIN3150–AF93), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5643. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Repeal of Board Seal Rule and Revisions to Particulate Matter Regulations'' (FRL #6459–8), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5644. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Enhanced Inspection and Maintenance Program'' (FRL #6449–3), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5645. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Land Disposal Restriction Phase IV:P Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Devill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewater'' (FRL #6458–8), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5646. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104; to the Committee on Environment and Public Works.

EC–5647. A communication from the Commandant, U.S. Coast Guard, transmitting, pursuant to law, a report relative to the establishment of a seasonal search and rescue facility on Southern Lake Michigan; to the Committee on Commerce, Science, and Transportation.

EC–5648. A communication from the Secretary of Commerce transmitting a report entitled ''National Implementation Plan for Modernization of the National Weather Service''; to the Committee on Commerce, Science, and Transportation.

EC–5649. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a report relative to the Public Telecommunications Facilities Program grants for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–5650. A communication from the Assistant Secretary for Communications and Information, Department of Commerce transmitting a report relative to the Telecommunications and Information Infrastructure Assistance Program grants for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–5651. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the fiscal year 2001 budget request; to the Committee on Commerce, Science, and Transportation.

EC–5652. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the annual report for 1997; to the Committee on Commerce, Science, and Transportation.

EC–5653. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the proposed ''National Transportation Safety Board Amendments Act of 1999''; to the Committee on Commerce, Science, and Transportation.

EC–5654. A communication from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Socorro, NM; Shiprock, NM; Magdelena, NM; Minatare, NE; Dexter, NM; Tularosa, NM; (MM Docket Nos. 99–90, 99–119, 99–120, 99–122, 99–158, 99–191), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5655. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Choteau, Alberton, and Valier, MT; Hubbardston, MI; Ingramm, and Breckenridge, TX; Parowan and Toquerville, UT; Washburn, WI; (MM Docket Nos. 99–219, 99–80, 99–235, 99–224, 99–226, 99–228, 99–18, 99–243, and 99–218), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5656. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations; Wellsville and Canaseranga, NY''; (MM Docket No. 98–207, RM–9408, RM–9497), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5657. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone'' (Docket No. 950427117–9138–08; I.D. #051999D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5658. A communication from the Assistant Bureau Chief, Management, International Bureau, Satellite and Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Report and Order in the Matter of Direct Access to the INTELSAT System''; (IB Docket No. 98–192, File No. 60–SAT–ISP–97, FCC 99–236), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5659. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone'' (Docket No. 950427117–9149–09; I.D. #052799D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5660. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone'' (Docket No. 950427117–9133–07; I.D. #051299D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5661. A communication from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone'' (Docket No. 950427117–9123–06; I.D. #050599D; RIN0648–AH97), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5662. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''1998 Biennial Regulatory Review-Spectrum Aggregation Limits for Wireless Telecommunications Carriers''; (WT Docket Nos. 98–205 and 96–59, GN Docket No. 93–252, FCC 99–244), received October 8, 1999; to the Committee on Commerce, Science, and Transportation.

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. ENZI:

S. 1735. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 1736. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself and Mr. SCHUMER):

S. 1737. A bill to amend the National Housing Act with respect to the reverse mortgage program and housing cooperatives; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON (for himself, Mr. KERREY, Mr. GRASSLEY, and Mr. THOMAS):

S. 1738. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, and Mr. LEAHY):

S. 1739. A bill to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. BRYAN, Mr. KERREY, and Mr. DODD):

S. 1740. A bill to protect consumers when private companies offer services or products that are provided free of charge by the Social Security Administration and the Department of Health and Human Services; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. HOLLINGS, Mr. HATCH, and Mr. SANTORUM):

S. 1741. A bill to amend United States trade laws to address more effectively import crises; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. BAYH, Mr. BENNETT, Mr. BURNS, Mr. BYRD, Mr. DEWINE, Mr. DODD, Mr. GRAMS, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. INOUYE, Mr. LEVIN, Mr. LUGAR, Mrs. MURRAY, Mr. REID, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. THURMOND, and Mr. WYDEN):

S. Res. 204. A resolution designating the week beginning November 21, 1999, and the week beginning on November 19, 2000, as 'National Family Week,' and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI:

S. 1735. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

THE HALLOWEEN SAFETY ACT OF 1999

MR. ENZI. Mr. President, today I am pleased to introduce the ''Halloween Safety Act of 1999.'' This Act has one simple purpose: to extend the date on which the daylight saving time ends from the last Sunday in October to the first Sunday of November in order to include the holiday of Halloween.

The idea of extending daylight saving time was first introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, Wyoming, and her students. I received a packet of twenty letters from Mrs. Rasmussen's second grade class expressing their wish to have an extra hour of daylight during Halloween in order to make the holiday safer. These children explained that they would feel more secure if they had an extra hour of daylight when venturing door-to-door in their annual trick-or-treating. Halloween is a holiday of great importance to youngsters throughout the United States and a large number of children do celebrate by trick-or-treating in their neighborhoods and towns. I believe this reasonable proposal would make those Halloween activities safer.

Upon conducting some research of my own, I discovered that Halloween is a time of increased danger for children. According to the Insurance Institute for Highway Safety, fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 p.m., comprising twenty-five percent of the total. Another twenty-one percent occur between 9 p.m. and midnight, making nighttime the most dangerous time for pedestrians.

Unfortunately, these general accident trends are magnified on Halloween given the considerable increase in pedestrians—most of whom are children, on Halloween evening. A study by the Division of Injury Prevention, National Center for Injury Prevention and Control of the Center for Disease Control, concluded that the incidence of pedestrian deaths in children ages 5–14 is four times higher on Halloween than any other night of the year. In order to make this holiday safer for all our children, Congress should take the modest step of providing one extra week of daylight saving time.

Attempts have been made in the past to extend daylight saving time. Most recently, Senator Alan Simpson introduced the ''Daylight Saving Extension Act of 1994.'' Although Senator Simpson's legislation would have changed both the starting date and the ending date of daylight saving time, the legislation I am introducing today would simply extend it for a week.

The fact that the students of Mrs. Rasmussen's second grade class took the time to write and request that I sponsor a bill to extend daylight saving time is important to me. I believe that many of these children's parents would also be pleased with this extension of daylight savings time. If children are concerned about their own safety and come up with a reasonable approach to make their world a little bit safer, I believe that accommodating their request is not too much to ask. Protecting the children of our country should be a primary concern for all of us as lawmakers. If one life could be saved by extending daylight saving time to encompass Halloween, it would be worthwhile. I trust that all my colleagues will take the time to consider the importance the ''Halloween Safety Act of 1999'' would have for children and their parents in their respective states.

By Mr. SPECTER:

S. 1736. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

FAIR LABOR STANDARDS ACT AMENDMENTS

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to permit certain youths (those exempt from attending school) between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced an identical measure at the close of the 105th Congress and am hopeful that the Senate can once again consider this important issue. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House this year.

As Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. Last year, I toured an Amish sawmill in Lancaster County, Pennsylvania, and had the opportunity to meet with some of my Amish constituency. They explained that while the Amish once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland disappears in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth upon the completion of their education at the age of 14 to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

In the 105th Congress, the House passed by a voice vote H.R. 4257, introduced by Representative Pitts, which was similar to the bill I am introducing today. I am aware that concerns to H.R. 4257 existed: safety issues had been raised by the Department of Labor and Constitutional issues had been raised by the Department of Justice. I have addressed these concerns in my legislation.

Under my legislation youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My legislation requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice stated that H.R. 4257 raised serious concerns under the Establishment Clause. The House measure conferred benefits only to a youth who is a ''member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade.'' By conferring the ''benefit'' of working in a sawmill only to the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to ''irreligion.'' In drafting my legislation, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who ''are exempted from compulsory education laws after the eighth grade.'' Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin v. Yoder supports my bill. Yoder held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the Free Exercise clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade ''contravenes the basic religious tenets and practices of the Amish faith.'' I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

I offer my legislation once again with the hope of opening a dialogue on this important issue. This is a matter of great importance to the Amish community and I urge its timely consideration by the Senate.

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. 1736

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

SECTION 1. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

''(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

''(i) is under the age of 18 and over the age of 14, and

''(ii) by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

''(B) The employment of an individual under subparagraph (a) shall be permitted—

''(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

''(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

''(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

''(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.''.

By Mr. JOHNSON (for himself, Mr. KERREY, Mr. GRASSLEY, and Mr. THOMAS):

S. 1738. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

THE RANCHER ACT OF 1999

● Mr. JOHNSON. Mr President, I rise before you today to introduce legislation on behalf of Senators BOB KERREY, CHARLES GRASSLEY, CRAIG THOMAS, and myself. The RANCHER Act (Rural America Needs Competition to Help Every Rancher) is designed to reestablish a free, fair, and competitive market for independent livestock producers.

South Dakota family farmers and ranchers indicate to me that one of the most critical problems in agriculture today is the growing, unabated trend of agribusiness consolidation and concentration. Too often today, elected leaders overlook agricultural concentration with rhetoric and empty promises. But talk doesn't provide any assurance to a cow-calf producer in South Dakota worried about what he or she will sell feeder calves for this fall. Talk doesn't minimize the worries of a diversified farmer looking for competitive markets in which to sell his or her grain. And talk surely doesn't assure any feeder of livestock that he or she will have a fair opportunity to sell slaughter livestock in this concentrated market.

This bipartisan legislation would strengthen and amend Section 202 of the Packers and Stockyards Act of 1921 by prohibiting meatpackers from owning livestock prior to purchase for slaughter. It does provide exceptions for farmers and ranchers who own and process livestock in a producer owned and controlled cooperative.

Mr. President, concern over meatpacker concentration is not new in the United States. Cartoons in the 1880s negatively depicted companies that pooled livestock together for sale as ''beef trusts'' engaging in monopolistic pricing behavior. In 1917 President Woodrow Wilson directed the Federal Trade Commission (FTC) to investigate meatpackers to determine if they were leveraging too much power over the marketplace.

The FTC released a report in 1919 stating that the ''Big 5'' meatpackers (Armour, Swift, Morris, Wilson, and Cudahy) dominated with ''monopolistic

control of the American meat industry''. The FTC also found these meatpackers owned stockyards, rail car lines, cold storage plants, and other essential facilities for distributing food. This led to the Packers Consent Decree of 1920 which prohibited the Big 5 packers from engaging in retail sales of meat and forced them to divest of ownership interests in stockyards and rail lines. Then, Congress enacted the Packers and Stockyards Act of 1921 that—among other things—prohibited meatpackers from engaging in unfair, discriminatory, or deceptive pricing practices.

Unfortunately, we have allowed some in the meatpacking industry to once again dangerously choke free enterprise and market access. As in the past, producers again look to their elected leaders to take action. That is why I have introduced legislation in Congress to combat meatpacker concentration in livestock markets. My legislation will prohibit meatpackers from owning livestock for slaughter.

Within the last few weeks, we've heard from pork conglomerates Smithfield Foods, Murphy Farms, and Tyson Foods regarding Smithfield's intention to own all the hogs currently held by both Murphy and Tyson. If these deals are to go through, around 800,000 sows could be owned and controlled by Smithfield. Ask any pork producer, a breeding stock herd of this size could enable Smithfield to totally dominate the hog industry.

In response, we could seek a Department of Justice investigation of this deal, but it is clear to me that current anti-trust law may be simply too weak to stop a marriage of this nature. Some may believe we need trust busters with true grit in the Justice or Agriculture Departments to keep these deals from happening, but my experience in Congress tells me if we wait for this type of action, we won't have an independent farmer or rancher left—anywhere.

Mr. President, current anti-trust laws have failed to address concerns of livestock producers in the marketplace. Moreover, growing packer concentration creates an imbalance in bargaining power between a few meatpackers who buy livestock and several producers who sell livestock. The relative lack of buyers means the buying side of the market has much more power than the selling side. Envision an hourglass: it is wide at both ends and very narrow in the middle. The two wide ends aptly represent agricultural producers and consumers. The narrow middle of the hourglass is the number of processors and meatpackers that buy livestock from farmers and ranchers and then sell food to consumers. A decision on the part of one meatpacker may have a substantial effect on the marketplace. For instance, when Smithfield shut down the pork plant in Huron—formerly owned by American Foods Group—pork producers in South Dakota were left with merely a single market for their slaughter hogs in the state. Alternatively, a decision on the part of a livestock producer seller has little if any effect at all on price. What does this mean? It means the marketplace is not competitive.

Some so called experts'' in the industry claim that concentration leads to cheap prices for consumers. These experts believe concentration is simply unstoppable, and better yet, they point to the vertically integrated poultry industry as a successful guide or model for cattle and pork producers. They gloss over the real effects of concentration by touting economies of scale and productive efficiency.

Apologists for the corporate conglomerates can criticize my efforts to keep meatpackers from owning livestock if they want, but given a choice, I will side with a broad base of family farmers and ranchers over conglomerate agriculture any day. It boils down to whether we want independent producers in agriculture, or if we will yield to concentration and see farmers and ranchers become low wage employees on their own land.

Ultimately, if we continue to stand idle and watch control of the world's food supply fall into the hands of the few, consumers will be the real losers in terms of both retail cost and food safety.

So today, almost a century after President Teddy Roosevelt used a big stick to give livestock producers a square deal, we again face a choice between corporate takeover of agriculture and a fight for free enterprise. I proudly cast my lot with the free enterprise family farm and ranch agriculture that has served our country so well.●

● Mr. THOMAS. Mr. President, it gives me great pleasure to join my colleagues Senator JOHNSON, Senator GRASSLEY and Senator KERREY in introducing the ''Rural America Needs Competition to Help Every Rancher Act of 1999'' (RANCHER).

Additional regulation of meat packing companies has become necessary because of a loophole my colleagues and I have long been concerned about: the Packers and Stockyards Act of 1921 does not clearly and definitively address meat packers owning livestock for slaughter. This legislation will prohibit meat packing companies from owning and feeding livestock, with the exception of producer-owned cooperatives defined by the majority of ownership interest in the cooperative being held by co-cop members that own, feed, or control livestock and provide those livestock to the co-op. An exemption for cooperatives is included as recognition and reward to those producers who have invested the resources necessary to enhance their market edge.

In placing a prohibition on meat packing companies, our efforts today will be branded as anti-competitive and in support of ''big government,'' versus the ''free market.'' However, our intentions are precisely the opposite—we are introducing this legislation with goal of restoring competition to our livestock markets. In fact, this legislation is long overdue. In recent years, livestock markets have become increasingly more concentrated, leaving individual producers with fewer options for selling their products.

According to the U.S. Department of Agriculture (USDA), the four top meat packing firms control roughly 80 percent of today's slaughter market, while less than 20 years ago, the top four firms controlled only 36 percent of the market. Over the last year we have watched the on-farm price of commodities plummet, while at the same time, retail prices have remained constant or even increased. The problem of price disparity, I believe is in part, attributable to growing market concentration. Since it is evident that market concentration exists, this legislation is a first step in working to restore fair market prices to our producers.

Mr. President, I am proud to cosponsor this legislation—it is an admirable initiative that seeks to strengthen financial solvency for our family producers. I hope our colleagues in the Senate will recognize the benefits this effort will generate for producers and rural communities across the United States and will join us in restoring true market competition.●

By Mr. WELLSTONE (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. FEINGOLD, Mr. HARKIN, Mr. JOHNSON, and Mr. LEAHY):

S. 1739. A bill to impose a moratorium on large agribusiness mergers and to establish a commission to review large agriculture mergers, concentration, and market power; to the Committee on the Judiciary.

AGRIBUSINESS MERGER MORATORIUM AND ANTITRUST REVIEW ACT OF 1999

● Mr. DORGAN. Mr. President, over the past several years there has been a wave of corporate mergers and acquisitions in this country that is of historic proportions. Last year the dollar value of announced corporate combinations in the United States was more than $1.6 trillion. This exceeded the amount of all the mergers in the world the year before.

The big are getting bigger, the small are getting trampled, and this has large implications for the kind of economy we are going to have and—more importantly—for the kind of nation we are going to be.

This is apparent in rural America, where the elephants have been stomping with a special gusto. Control of the nation's food chain—from production and processing to packing and distribution—has been falling into fewer and fewer hands. Over a decade ago, the four biggest grain processing companies in the U.S. accounted for some 40 percent of the nation's flour milling. Today the figure is 62 percent. About three quarters of the wet corn milling and soybean crushing are controlled by

the four biggest firms—and about 80 percent of the beef.

This extraordinary concentration of economic power has large implications. It is draining the economic life out of rural America. In 1952 farmers received close to half of every retail food dollar. Today they get less than a quarter of that same dollar. From a pound loaf of white bread that costs 87 cents at the store, the wheat farmer gets less than 4 cents. Farmers are working harder than ever; but the reward for their toil is going to the corporate conglomerates, which offer farmers fewer options for marketing their products than at probably any time in this century.

While these corporations are showing record profits, farmers are forced to sell commodities such as wheat and pork, at Depression era prices. Thousands of farmers have gone under, and thousands more are barely hanging on. Farm auctions have become a grim feature of the rural landscape today, as has suicide. ''Everything is gone, wore out or shot, just like me,'' one Iowa farmer said in his suicide note.

When farmers go, our rural communities go. We lose the stable social structures, the generations of family ties, the investment in schools and churches, libraries and clinics. Independent business people, from implement dealers to insurance salesmen, go belly up. And what do we get for this human tragedy and social loss? The low prices on the farm have not shown up in corresponding decreases at the supermarket. The processors and packers are getting the money instead.

That's not the only source of the hardship in rural America. But it's a large one. The growing concentration of the nation's food chain into fewer corporate hands is something this Congress must address.

The Clinton Administration deserves credit for reviving antitrust enforcement from the dormancy of the previous administrations. But it is laboring under reduced budgets and a body of law that, as interpreted by court decisions, may not be up to the task. When the two giants of the grain trade, Continental Grain and Cargill, are permitted to merge, then one has to wonder if the hole in the screen has become so big that there's no screen left.

That's why I'm joining with Senator WELLSTONE in introducing legislation to impose a moratorium on large corporate mergers in the agriculture sector. The legislation would also create an independent commission to advise how to change the underlying antitrust laws and other federal laws and regulations to ensure a competitive agricultural marketplace and to protect family farmers and other family-sized producers.

A moratorium on large corporate agriculture mergers is needed to give Congress time to consider these important questions and craft a suitable response. If we wait it could be too late. We won't be able to advance the fortunes of family-based agriculture because there won't be much left.

Specifically, our bill imposes an 18-month moratorium on those large corporate mergers in the agriculture industry that would generally be required to make a ''Hart-Scott-Rodino'' pre-merger filing with the Department of Justice. Such filings are triggered by a three-part test, one of which is that either of the two firms proposed for merger or acquisition have $100 million or more in net annual sales or assets. The Attorney General is granted authority to waive the application of the moratorium in ''extraordinary circumstances'' such as a merging firm's facing insolvency or similar financial distress.

The legislation also establishes a 12-member commission to study the nature and consequences of mergers and concentration in America's agricultural economy. The Commission members are appointed by the leaders in the Senate and House of Representatives after consultation with the Chairmen and ranking members of the House and Senate Agriculture Committees. After completing its study, the Commission will submit to the President and Congress a final report that includes its findings on consolidation in agriculture and recommendations about how our antitrust laws and other federal regulations should be changed to protect family-based agriculture, the communities they comprise, and the food shoppers of the nation.

The family farmers of this nation are facing what could be the end game. The distortions and abuses in the agriculture marketplace have contributed to the loss of thousands of family farmers, and the grim foreboding that hangs over much of rural America.

This does not have to be. No harm will come from this moratorium. Agribusiness enterprises will continue to see record profits, if the market so permits. Farmers and food shoppers will not lose because the record is clear that concentration in the food sector does not benefit them. Ironically, this merger mania means less freedom and less choice—in a nation that is supposed to stand for them.

I urge my colleagues to support this moratorium, and antitrust review commission, and cast a vote for family-based agriculture and the health of rural America.●

By Mr. HARKIN (for himself, Mr. BRYAN, Mr. KERREY, and Mr. DODD):

S. 1740. A bill to protect consumers when private companies offer services or products that are provided free of charge by the Social Security Administration and the Department Of Health and Human services; to the Committee on Finance.

SOCIAL SECURITY CONSUMER PROTECTION ACT

Mr. HARKIN. Mr. President, today I am reintroducing legislation I originally proposed during the 105th Congress, the Social Security Consumer Protection Act. Quite simply, this bill is designed to protect constituents from what has been an all too common consumer scam.

I introduced a similar bill during the prior Congress after an investigation by my staff found that unsuspecting consumers—from new parents to newlyweds to senior citizens—were falling prey to con artists who charged them for services that are available free of charge from the Social Security Administration (SSA) or the Department of Health and Human Services (HHS). Many of these schemes involve the use of materials and names which purposely mislead consumers into believing the scam artists are affiliated with the government.

Companies operating under official sounding names like Federal Document Services, Federal Record Service Corporation, National Records Service, and U.S. Document Services are mailing information to thousands of Americans, scaring them into remitting a free to receive basic government services, such as a new Social Security number and card for a newborn or changing names upon marriage or divorce.

One of my constituents, Deb Conlee of Fort Dodge, received one of these mailings. It sounded very official. It began, ''Read Carefully: Important Facts About your Social Security Card.'' The response envelope is stamped ''SSA–7701'' giving the impression that it is connected with the SSA. The solicitation goes on to say that she is required to provide SSA with any name change associated with her recent marriage and get a new Social Security card. It then urges her to send the company $14.75 to do this on her behalf. It includes the alarming statement, ''We urge you to do this immediately to help avoid possible problems where your Social Security benefits or joint income taxes might be questioned.''

What the solicitation fails to mention, of course, is that these services are provided at no charge by SSA.

After hearing Ms. Conlee's story, I contacted SSA and asked them to investigate these complaints. Then SSA Commissioner Shirley Chater responded that the services provided by these companies, ''Are completely unnecessary. Not only do they fail to produce any savings of time or effort for the customer, they also tend to delay issuance of the new Social Security card.''

In its investigations, SSA received hundreds of complaints involving over 100 companies. The Postal Inspection Service has received hundreds of additional complaints. The Inspector General of SSA validated many of these complaints, including finding repeated cases of violations of Federal law. While it is already illegal for a company to imply any direct connection with a Federal agency, it is not illegal to charge for the very same services that are available at no cost to the Government.

The Social Security Consumer Protection Act addresses this issue in a few important ways. First, the bill prohibits charging for services that are provided for free by SSA and HHS unless the following statement is prominently displayed on the first page of the solicitation in bold type, 16-point font, ''Important Public Disclosure: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration and the Department of Health and Human Services. You may wish to check the government section of your local phone book for the phone number of your local Social Security Administration or Department of Health and Human Services office for help in obtaining this service for no charge or you may choose to use our service for a fee.''

Should a consumer decide to use the services of one of these companies, they are protected from inappropriate use of their personal information. This bill prohibits the sale, transfer or use of personal information obtained on consumers through such a solicitation without their consent on a separate authorization form that clearly and plainly explains how their personal information could be used.

I am joined in introducing this important consumer legislation by Senators BRYAN, KERREY, and DODD.

I am also pleased that the Social Security Consumer Protection Act enjoys the support of such consumer organizations as the National Committee to Preserve Social Security and Medicare and the Consumer Federation of America.

Mr. President, these scams must come to an end. Consumers deserve full disclosure. This legislation will go a long way toward ensuring consumers understand their rights when it comes to obtaining services from their government. I urge my colleagues to support it.

I ask unanimous consent that a copy of the Social Security Consumer Protection Act be printed in the RECORD.

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

S. 1740

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 ''Social Security Consumer Protection Act''.

SEC. 2. PROHIBITION OF CHARGING FOR SERVICES OR PRODUCTS THAT ARE PROVIDED WITHOUT CHARGE BY THE SOCIAL SECURITY ADMINISTRATION OR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PROHIBITION OF SALE, TRANSFER, OR USE OF CERTAIN INFORMATION.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1140 the following:

''SEC. 1140A. PROHIBITION OF CHARGING FOR SERVICES OR PRODUCTS THAT ARE PROVIDED WITHOUT CHARGE BY THE SOCIAL SECURITY ADMINISTRATION OR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PROHIBITION OF SALE, TRANSFER, OR USE OF CERTAIN INFORMATION.

''(a) IN GENERAL.—Except as provided in subsection (b), a person shall not offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided for no fee by the Social Security Administration or the Department of Health and Human Services.

''(b) EXCEPTION.—A person may offer assistance for a fee if, at the time the offer is made, the person provides, to the individual receiving the assistance, a written notice on the first page of the offer that clearly and prominently contains the following phrase (printed in bold 16 point type): 'IMPORTANT PUBLIC DISCLOSURE: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration or the Department of Health and Human Services. You may wish to check the government section of your local phone book for the phone number of your local Social Security Administration or Department of Health and Human Services office for help in obtaining this service for no charge or you may choose to use our service for a fee.'.

''(c) SALE, TRANSFER, OR USE OF INFORMATION.—

''(1) IN GENERAL.—Except with prior, express, written authorization from an individual, a person obtaining any information regarding such individual in connection with an offer of assistance under subsection (b) shall not—

''(A) sell or transfer such information; or

''(B) use such information for a purpose other than providing such assistance.

''(2) REQUIRED FORM OF AUTHORIZATION.—An authorization under paragraph (1) shall be presented to the individual as a separate document, clearly explaining the purpose and effect of the authorization and the offer under subsection (a) shall not be contingent on such authorization.

''(d) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—The Commissioner or the Secretary (as applicable), pursuant to regulations, may impose a civil monetary penalty against a person for a violation of subsection (a) or (c) not to exceed—

''(A) except as provided in subparagraph (B), $5,000; or

''(B) in the case of a violation consisting of a broadcast or telecast, $25,000.

''(2) VIOLATIONS WITH RESPECT TO INDIVIDUAL ITEMS.—

''(A) OFFER OF SERVICES.—In the case of an offer of services consisting of pieces of mail, each piece of mail in violation of this section shall be a separate violation.

''(B) USE OF INFORMATION.—In the case of a violation of subsection (c), each sale, transfer, or use of information with respect to an individual shall be a separate violation.

''(e) RECOVERY OF PENALTY.—

''(1) PROCEDURE.—The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i) (other than paragraph (7)), and (m) and the first sentence of subsection (c)) shall apply to civil money penalties imposed under subsection (d) in the same manner as the provisions apply to a penalty or proceeding under section 1128A(a).

''(2) COMPROMISE.—Penalties imposed against a person under subsection (d) may be compromised by the Commissioner or the Secretary (as applicable).

''(3) VENUE.—Penalties imposed against a person under subsection (d) may be recovered in a civil action in the name of the United States brought in the district court of the United States for the district in which the violation occurred or where the person resides, has its principal office, or may be found as determined by the Commissioner or the Secretary (as applicable).

''(4) DEDUCTION OF PENALTY FROM BENEFITS.—The amount of a penalty imposed under this section may be deducted from any sum then or later owing by the United States to the person against whom the penalty has been imposed.

''(f) USE OF PENALTY AMOUNTS RECOVERED.—

''(1) COSTS OF THE OFFICE OF THE INSPECTOR GENERAL.—Amounts recovered under this section shall be made available to the Commissioner and the Secretary (as applicable) to reimburse costs of the applicable Office of the Inspector General related to the enforcement of this section.

''(2) EXCESS AMOUNTS.—Amounts recovered under this section, in excess of the amounts needed to reimburse the Commissioner and the Secretary under paragraph (1), shall be deposited as miscellaneous receipts of the Treasury of the United States.

''(g) ENFORCEMENT.—The provisions of this section may be enforced through the Office of the Inspector General of the Social Security Administration or the Office of the Inspector General of the Department of Health and Human Services (as appropriate).''.

(b) CONFORMING AMENDMENT.—The table of sections for part A of title XI of the Social Security Act is amended by inserting after the item relating to section 1140 the following:

''Sec. 1140A. Prohibition of charging for services or products that are provided without charge by the Social Security Administration or the Department of Health and Human Services and prohibition of sale, transfer, or use of certain information.''.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 20, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 863

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 863, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists.

S. 909

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 909, a bill to provide for

the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 956

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1091

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1091, a bill to amend the Public Health Service Act to porvide for the establishment of a pediatric research initiative.

S. 1263

At the request of Mr. JEFFORDS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. FEINSTEIN), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month''.

S. 1539

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1633

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1633, a bill to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

SENATE JOINT RESOLUTION 34

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of Senate Joint Resolution 34, a joint resolution congratulating and commending the Veterans of Foreign Wars.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program.

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. KYL, his name was added as a cosponsor of Senate Concurrent Resolution 59, a concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED IN HONOR OF THE U.S.S. ''WISCONSIN'' AND ALL THOSE WHO SERVED ABOARD HER

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 60

Whereas the Iowa Class Battleship, the U.S.S. Wisconsin (BB-64), is an honored warship in United States naval history, with 6 battle stars and 5 citations and medals during her 55 years of service;

Whereas the U.S.S. Wisconsin was launched on December 7, 1943, by the Philadelphia Naval Shipyard; sponsored by Mrs. Walter S. Goodland, wife of then-Governor Goodland of Wisconsin; and commissioned at Philadelphia, Pennsylvania, on April 16, 1944, with Captain Earl E. Stone in command;

Whereas her first action for Admiral William ''Bull'' Halsey's Third Fleet was a strike by her task force against the Japanese facilities in Manila, thereby supporting the amphibious assault on the Island of Mindoro, which was a vital maneuver in the defeat of the Japanese forces in the Philippines;

Whereas the U.S.S. Wisconsin joined the Fifth Fleet to provide strategic cover for the assault on Iwo Jima by striking the Tokyo area;

Whereas the U.S.S. Wisconsin supplied crucial firepower for the invasion of Okinawa;

Whereas the U.S.S. Wisconsin served as a flagship for the Seventh Fleet during the Korean conflict;

Whereas the U.S.S. Wisconsin provided consistent naval gunfire support during the Korean conflict to the First Marine Division, the First Republic of Korea Corps, and United Nations forces;

Whereas the U.S.S. Wisconsin received 5 battle stars for World War II and one for the Korean conflict;

Whereas the U.S.S. Wisconsin returned to combat on January 17, 1991;

Whereas the U.S.S. Wisconsin served as Tomahawk strike warfare commander for the Persian Gulf, and directed the sequence of Tomahawk launches that initiated Operation Desert Storm;

Whereas the U.S.S. Wisconsin, decommissioned on September 30, 1991, is berthed at Portsmouth, Virginia; and may soon be berthed at Nauticus, the National Maritime Museum in Norfolk, Virginia, where she would serve as a floating monument and an educational museum: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service in honor of the U.S.S. Wisconsin and all those who served aboard her; and

(2) the Citizen's Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued.

Mr. FEINGOLD. Mr. President, today, I have the distinct honor of submitting a resolution that commemorates one of the great vessels in our naval history and her crew members. I am joined by the senior Senator from Wisconsin, Mr. KOHL.

Mr. President, the U.S.S. *Wisconsin* is one of four *Iowa*-class battleships, the largest battleships ever built by the Navy. The four vessels, the *Wisconsin*, the *Iowa*, the *New Jersey* and the *Missouri*, served gallantly in every significant United States conflict from World War II to the Persian Gulf war.

At 887 feet, the *Wisconsin* carries a 108-foot, three-inch beam with a displacement of 45,000 tons. Her armor includes 9 sixteen-inch guns, 20 five-inch guns, 80 40-millimeter guns, and 49 20-millimeter guns. The 16-inch guns can lob shells roughly the weight of a VW Beetle to distances of up to 24 miles. The recoil of these might guns was so great that the deck had to be built of teak wood because steel plating would buckle from the stress. She was designed for a crew of 1,921 sailors, but she carried as many as 2,700 sailors during World War II and the Korean war.

Mr. President, the U.S.S. *Wisconsin* was built in Philadelphia and commissioned on 7 December 1943, exactly 2 years after the attack on Pearl Harbor. From the moment President Roosevelt selected the name of the vessel, Wisconsin citizens took an immediate interest. School children volunteered to christen the battleship. Some folks even recommended christening the *Wisconsin* with water from the Wisconsin River, instead of champagne.

In the summer of 1944, she underwent sea trials and training in the Chesapeake Bay. On 7 July, the *Wisconsin* departed from Norfolk, VA, on her way to war with the legendary Adm. William F. ''Bull'' Halsey and his 3rd Fleet. As U.S. Marines and infantry began their island-hopping strategy toward the home islands of Japan, *Wisconsin* sent her shells hurling with deadly accuracy into the Philippines. And coincidentally enough, the *Wisconsin*'s first commander, Captain Earl E. Stone, was born in Milwaukee and attended the city's public schools and the State university before his appointment to the Naval Academy.

The *Wisconsin* then joined the 5th Fleet under another legendary commander, Adm. Raymond Spruance, and helped silence Japanese resistance on

Iwo Jima and Okinawa, and then joined in the Battle of Leyte Gulf. Soon thereafter, the U.S.S. *Wisconsin* became part of Fast Carrier Task Force 38. She joined in attacks in the Philippine Islands, Saigon, Camranh Bay, Hong Kong, Canton, Hainan, and the Japanese home islands.

After the Japanese surrender, the *Wisconsin* headed home with five battle stars to her credit. One amazing fact about her World War II service is that the *Wisconsin* didn't lose one crewman or get hit.

She spent the summer at the Norfolk Naval Shipyard where she underwent an extensive overhaul. Following a 2-year stint as a training ship, she returned to Norfolk and joined the Atlantic Fleet Reserve Fleet for inactivation.

By July 1, 1948, she was taken out of commission and mothballed. However, the Korean war reawakened the *Wisconsin* and her sister battleships. She departed Norfolk on October 25, 1951, bound for the Pacific where she became the flagship of the 7th Fleet. When the Korean war broke out, future Adm. Elmo Zumwalt, Jr., served as the *Wisconsin*'s navigator and extolled her ''versatility, maneuverability, strength, and power.'' During the conflict, she covered troop landings; fired upon enemy troops, trains, trucks, and bridges all along the Korean coastline; and attacked important North Korean ports in Hungnam, Wonsan, and Songjin. In April 1952, she steamed toward Norfolk with another battle star.

Upon arriving in Norfolk, *Wisconsin* received her second overhaul at the Norfolk Naval Shipyard. Following a number of peacetime and diplomatic voyages showing the flag, she returned to Norfolk on June 11, 1954 for a brief overhaul before taking her role as a training ship.

On May 6, 1954, she was cruising off the Virginia Capes in heavy fog when she collided with the destroyer U.S.S. *Eaton*. *Wisconsin* returned to Norfolk with extensive bow damage, and a week later found herself back in the Norfolk Naval Shipyard. Shipyard workers fitted a 120-ton, 68-foot bow section from the unfinished Iowa-class battleship Kentucky. Working round-the-clock, *Wisconsin*'s ship's force and shipyard personnel completed the operation in just 16 days.

On June 28, 1956, the ship was ready for sea. *Wisconsin* steamed from Norfolk five more times before heading for Philadelphia and deactivation in 1958. She remained on inactive status until 1986, when she was towed to Ingalls Shipbuilding in Pascagoula, Mississippi. In 1988, the U.S.S. *Wisconsin* was re-commissioned for a third time.

In 1991, she led the Navy's surface attack on Iraq during the Gulf war with the first-ever use of cruise missiles in battle.

Now, Mr. President, she is decommissioned and will soon be berthed at Nauticus, the National Maritime Museum in Norfolk, VA, where she will serve as a floating monument and an educational museum. I wish she had found her final port in the great State of Wisconsin, but getting her there simply isn't possible—she's just too big.

Mr. President, I hope my colleagues will help me and the senior Senator from Wisconsin honor this great ship with a commemorative stamp.

SENATE RESOLUTION 204—DESIGNATING THE WEEK BEGINNING NOVEMBER 21, 1999, AND THE WEEK BEGINNING ON NOVEMBER 19, 2000, AS ''NATIONAL FAMILY WEEK'', AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. ABRAHAM, Mr. BAYH, Mr. BENNETT, Mr. BURNS, Mr. BYRD, Mr. DEWINE, Mr. DODD, Mr. GRAMS, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. INOUYE, Mr. LEVIN, Mr. LUGAR, Mrs. MURRAY, Mr. REID, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. THURMOND, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 204

Whereas the family is the basic strength of any free and orderly society;

Whereas it is in the family that America's youth are nurtured and taught the values vital to success and happiness in life: respect for others, honesty, service, hard work, loyalty, love, and others;

Whereas the family provides the support necessary for people to pursue their goals;

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States;

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 21, 1999 and the week beginning on November 19, 2000, as ''National Family Week''. The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

Mr. HATCH. Mr. President, I am pleased today to submit a resolution designating the week beginning on November 21, 1999, and the week beginning on November 19, 2000, as ''National Family Week.'' Such a resolution has been passed in every Congress since 1976, and I am proud to support this tradition of honoring America's families.

The family is the backbone of our free nation and vital to the prosperity of the United States. We have all seen and, hopefully, have felt the tremendous impact a supportive family makes in the life of an individual. A strong family nurtures and teaches children the values they need to be successful in this world: hard work, honesty, loyalty and respect for others.

National Family Week is the week that includes Thanksgiving in both 1999 and 2000. This is a very fitting time to celebrate the institution that brings us together with those we love.

This resolution will officially recognize the great significance of the family in our society and encourages states and communities to emphasize the importance of the family with appropriate activities, celebrations, and ceremonies.

I hope my distinguished colleagues will join me in support of this resolution.

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

DASCHLE (AND OTHERS) AMENDMENT NO. 2298

Mr. DASCHLE (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. LEAHY, Mr. DURBIN, Mr. BINGAMAN, Mr. REED, and Mr. KERRY) proposed an amendment to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Finance Reform Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Express advocacy determined without regard to background music.
Sec. 203. Civil penalty.
Sec. 204. Reporting requirements for certain independent expenditures.
Sec. 205. Independent versus coordinated expenditures by party.
Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.

Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.
Sec. 510. Protecting equal participation of eligible voters in campaigns and elections.
Sec. 511. Penalty for violation of prohibition against foreign contributions.
Sec. 512. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
Sec. 513. Conspiracy to violate presidential campaign spending limits.
Sec. 514. Deposit of certain contributions and donations in Treasury account.
Sec. 515. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
Sec. 516. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.
Sec. 517. Clarification of right of nationals of the United States to make political contributions.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

Sec. 601. Establishment and purpose of Commission.
Sec. 602. Membership of Commission.
Sec. 603. Powers of Commission.
Sec. 604. Administrative provisions.
Sec. 605. Report and recommended legislation.
Sec. 606. Expedited congressional consideration of legislation.
Sec. 607. Termination.
Sec. 608. Authorization of appropriations.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

Sec. 701. Prohibiting use of White House meals and accommodations for political fundraising.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

Sec. 901. Prohibition against acceptance or solicitation to obtain access to certain Federal government property.

TITLE X—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

Sec. 1001. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

Sec. 1101. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

Sec. 1201. Enhancing enforcement of campaign finance law.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

Sec. 1301. Ban on coordination of soft money for issue advocacy by presidential candidates receiving public financing.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

Sec. 1401. Requirement that names of passengers on Air Force One and Air Force Two be made available through the Internet.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

Sec. 1501. Permitting consideration of privileged motion to expel House member accepting illegal foreign contribution.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 1601. Severability.
Sec. 1602. Review of constitutional issues.
Sec. 1603. Effective date.
Sec. 1604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF POLITICAL PARTIES

''SEC. 323. (a) NATIONAL COMMITTEES.—

''(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

''(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

''(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

''(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

''(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Commissioner of the Internal Revenue Service for determination of tax-exemption under such section).

''(e) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

''(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

''(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.''.

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000''.

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$30,000''.

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 204) is amended by inserting after subsection (d) the following:

''(e) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (2)(B)(v) of section 323(b).

''(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not coordinated activity or is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates;

''(ii) referring to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a communication which is in printed form or posted on the Internet that—

''(i) presents information solely about the voting record or position on a campaign issue of one or more candidates (including any statement by the sponsor of the voting record or voting guide of its agreement or disagreement with the record or position of a candidate), so long as the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to one or more clearly identified candidates;

''(ii) is not coordinated activity or is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent, except that nothing in this clause may be construed to prevent the sponsor of the voting guide from directing questions in writing to a candidate about the candidate's position on issues for purposes of preparing a voter guide or to prevent the candidate from responding in writing to such questions; and

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (year)', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) a payment made by a political committee for a communication that—

''(I) refers to a clearly identified candidate; and

''(II) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Section 301(20) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), as added by section 201(b), is amended by adding at the end the following new subparagraph:

''(C) BACKGROUND MUSIC.—In determining whether any communication by television or radio broadcast constitutes express advocacy for purposes of this Act, there shall not be taken into account any background music not including lyrics used in such broadcast.''.

SEC. 203. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (4)''; and

(2) by adding at the end the following:

''(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

''(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

''(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

''(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

''(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.''.

SEC. 206. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) coordinated activity (as defined in subparagraph (C)).''; and

(B) by adding at the end the following:

''(C) 'Coordinated activity' means anything of value provided by a person in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election (regardless of whether the value being provided is a communication that is express advocacy) in which such candidate seeks nomination or election to Federal office, and includes any of the following:

''(i) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate, authorized committee, or the political party of the candidate.

''(ii) A payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat).

''(iii) A payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made.

''(iv) A payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position.

''(v) A payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions (other than any discussion treated as a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or as a similar lobbying activity in the case of a candidate holding State or other elective office) with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made.

''(vi) A payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate (including services provided through a political committee of the candidate's political party) in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign.

''(vii) A payment made by a person who has directly participated in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate.

''(viii) A payment made by a person who has communicated with the candidate or an agent of the candidate (including a communication through a political committee of the candidate's political party) after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member acting on behalf of the candidate), about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy.

''(ix) The provision of in-kind professional services or polling data (including services or data provided through a political committee of the candidate's political party) to the candidate or candidate's agent.

''(x) A payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (ix) for a communication that clearly refers to the candidate or the candidate's opponent and is for the purpose of influencing that candidates's election (regardless of whether the communication is express advocacy).

''(D) For purposes of subparagraph (C), the term 'professional services' means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a coordinated activity, as described in section 301(8)(C), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

TITLE III—DISCLOSURE

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation,

statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.''.

SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Commission'';

(2) by moving the text 2 ems to the right; and

(3) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least four members of the Commission.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking ''$200'' and inserting ''$50''; and

(2) by striking the semicolon and inserting '', except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;''.

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name; or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a) IN GENERAL.—''; and

(2) by adding at the end the following:

''(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 204) is amended by adding at the end the following:

''(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person, other than a political committee of a political party or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

''(A) on a monthly basis as described in subsection (a)(4)(B); or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) Federal election activity;

''(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

''(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

''(3) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committees; or

''(B) an independent expenditure.

''(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

''(A) the aggregate amount of disbursements made;

''(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

''(C) the date made, amount, and purpose of the disbursement; and

''(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.''.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

''(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.''.

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall—

''(1) be of sufficient type size to be clearly readable by the recipient of the communication;

''(2) be contained in a printed box set apart from the other contents of the communication; and

''(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a communication described in paragraph (1) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

''VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT

''SEC. 324. (a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

''(1) PRIMARY ELECTION.—

''(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than

the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

''(2) GENERAL ELECTION.—

''(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible general election Congressional candidate if the candidate files with the Commission—

''(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

''(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

''(i) the date on which the candidate qualifies for the general election ballot under State law; or

''(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

''(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

''(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

''(2) SOURCES.—A source is described in this paragraph if the source is—

''(A) personal funds of the candidate and members of the candidate's immediate family; or

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(c) CERTIFICATION BY THE COMMISSION.—

''(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

''(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

''(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

''(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

''(d) PENALTY.—If the Commission revokes the certification of an eligible Congressional candidate—

''(1) the Commission shall notify the candidate of the revocation; and

''(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).''.

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

''(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for Senator or Representative in or Delegate or Resident Commissioner to the Congress who is not an eligible Congressional candidate (as defined in section 324(a)).''.

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

''(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

''(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

''(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

''(i) reasonable personal notice of the objection procedure, a list of the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

''(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

''(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

''(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

''(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

''(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.''.

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

''USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

''SEC. 313. (a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

''(4) for transfers to a national, State, or local committee of a political party.

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

''(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

''(A) a home mortgage, rent, or utility payment;

''(B) a clothing purchase;

''(C) a noncampaign-related automobile expense;

''(D) a country club membership;

''(E) a vacation or other noncampaign-related trip;

''(F) a household food item;

''(G) a tuition payment;

''(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(I) dues, fees, and other payments to a health club or recreational facility.''.

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during the 180-day period which ends on the date of the general election for the office held by the Member or during the 90-day period which ends on the date of any primary election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection during that year or for election to any other Federal office.''.

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—

''(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

''(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.''; and

(2) in subsection (b), by inserting ''or Executive Office of the President'' after ''Congress''.

SEC. 505. PENALTIES FOR VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking ''$5,000'' and inserting ''$10,000''; and

(2) in paragraphs (5)(B) and (6)(C), by striking ''$10,000 or an amount equal to 200 percent'' and inserting ''$20,000 or an amount equal to 300 percent''.

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting '', and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).''.

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) PENALTY FOR LATE FILING.—

''(A) IN GENERAL.—

''(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

''(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

''(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

''(B) FILING AN EXCEPTION.—

''(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

''(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.'';

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: ''In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A).''; and

(B) by inserting before the period at the end of the last sentence the following: ''or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)''; and

(3) in paragraph (6)(A), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)(A) or (13)''.

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election; or

''(B) a contribution or donation to a committee of a political party; or

''(2) a person to solicit, accept, or receive such a contribution or donation from a foreign national.''.

(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.—

(1) IN GENERAL.—Section 319 of such Act (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) PROHIBITING USE OF WILLFUL BLINDNESS DEFENSE.—It shall not be a defense to a violation of subsection (a) that the defendant did not know that the contribution originated from a foreign national if the defendant should have known that the contribution originated from a foreign national, except that the trier of fact may not find that the defendant should have known that the contribution originated from a foreign national solely because of the name of the contributor.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 401, is further amended by adding at the end the following new section:

''PROHIBITION OF CONTRIBUTIONS BY MINORS

''SEC. 325. An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.''.

SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

''(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

''(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

''(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to investigate whether''.

SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

''PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS

''SEC. 326. (a) IN GENERAL.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

''(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON CONTRIBUTIONS.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.''.

SEC. 511. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as amended by section 506(b), is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

''(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 512. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has

been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

''(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

''(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

''(B) whether an expenditure is an independent expenditure under section 301(17).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

SEC. 513. CONSPIRACY TO VIOLATE PRESIDENTIAL CAMPAIGN SPENDING LIMITS.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(g) PROHIBITING CONSPIRACY TO VIOLATE LIMITS.—

''(1) VIOLATION OF LIMITS DESCRIBED.—If a candidate for election to the office of President or Vice President who receives amounts from the Presidential Election Campaign Fund under chapter 95 or 96 of the Internal Revenue Code of 1986, or the agent of such a candidate, seeks to avoid the spending limits applicable to the candidate under such chapter or under the Federal Election Campaign Act of 1971 by soliciting, receiving, transferring, or directing funds from any source other than such Fund for the direct or indirect benefit of such candidate's campaign, such candidate or agent shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.

''(2) CONSPIRACY TO VIOLATE LIMITS DEFINED.—If two or more persons conspire to violate paragraph (1), and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 514. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, and 510, is further amended by adding at the end the following new section:

''TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

''SEC. 327. (a) TRANSFER TO COMMISSION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, if a political committee intends to return any contribution or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission if—

''(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation returned within 60 days of receipt by the committee); or

''(B) the contribution or donation was made in violation of section 315, 316, 317, 319, 320, or 325 (other than a contribution or donation returned within 30 days of receipt by the committee).

''(2) INFORMATION INCLUDED WITH TRANSFERRED CONTRIBUTION OR DONATION.—A political committee shall include with any contribution or donation transferred under paragraph (1)—

''(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

''(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

''(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

''(A) IN GENERAL.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

''(B) DISPOSITION OF AMOUNTS RECEIVED.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

''(i) deposit the amount in the escrow account established under subparagraph (A); and

''(ii) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

''(C) USE OF INTEREST.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

''(4) TREATMENT OF RETURNED CONTRIBUTION OR DONATION AS A COMPLAINT.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

''(b) USE OF AMOUNTS PLACED IN ESCROW TO COVER FINES AND PENALTIES.—The Commission or the Attorney General may require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

''(c) RETURN OF CONTRIBUTION OR DONATION AFTER DEPOSIT IN ESCROW.—

''(1) IN GENERAL.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

''(A) within 180 days after the date the contribution or donation is transferred, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to investigate whether that the making of the contribution or donation was made in violation of this Act; or

''(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (b); or

''(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

''(2) NO EFFECT ON STATUS OF INVESTIGATION.—The return of a contribution or donation by the Commission under this subsection shall not be construed as having an effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.''.

(b) AMOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

''(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 326, the amount of the donation involved shall be treated as the amount of the contribution involved.''.

(c) DISGORGEMENT AUTHORITY.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

''(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit to the Treasury any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has issued regulations to carry out section 326 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.

SEC. 515. ESTABLISHMENT OF A CLEARINGHOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) The listings of public hearings, hearing witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(4) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(5) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(6) All public information filed with the Federal Election Commission pursuant to the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) DISCLOSURE OF OTHER INFORMATION PROHIBITED.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by law.

(c) DIRECTOR OF CLEARINGHOUSE.—

(1) DUTIES.—The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse. In carrying out such duties, the Director shall—

(A) develop a filing, coding, and cross-indexing system to carry out the purposes of this section (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

(B) notwithstanding any other provision of law, make copies of registrations, reports,

and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public, and permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and

(C) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this section in the most effective and efficient manner.

(2) APPOINTMENT.—The Director shall be appointed by the Federal Election Commission.

(3) TERM OF SERVICE.—The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) PENALTIES FOR DISCLOSURE OF INFORMATION.—Any person who discloses information in violation of subsection (b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of subsection (c)(1)(B), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) FOREIGN PRINCIPAL.—In this section, the term ''foreign principal'' shall have the same meaning given the term ''foreign national'' under section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as in effect as of the date of the enactment of this Act.

SEC. 516. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless the candidate certifies that the candidate shall not solicit any funds for the purposes of influencing such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 517. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sections 506(b) and 511(a), is further amended by inserting after ''United States'' the following: ''or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)''.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the ''Independent Commission on Campaign Finance Reform'' (referred to in this title as the ''Commission''). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 602. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint three members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term ''political independent'' means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than four members of the Commission may be of the same political party.

SEC. 603. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least nine members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 604. ADMINISTRATIVE PROVISIONS.

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 605. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Sixth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which nine or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 606. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a recommendation of the Commission submitted under section 605(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section 605(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 607. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 605.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 612. Prohibiting use of meals and accommodations at White House for political fundraising

"(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

"(b) Any person who violates this section shall be fined under this title or imprisoned not more than 3 years, or both.

"(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"612. Prohibiting use of meals and accommodations at White House for political fundraising.".

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY.

It is the sense of the Congress that Federal law clearly demonstrates that "controlling legal authority" under title 18, United States Code, prohibits the use of Federal Government property to raise campaign funds.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

SEC. 901. PROHIBITION AGAINST ACCEPTANCE OR SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Acceptance or solicitation to obtain access to certain Federal Government property

"Whoever solicits or receives anything of value in consideration of providing a person with access to Air Force One, Marine One, Air Force Two, Marine Two, the White House, or the Vice President's residence, shall be fined under this title, or imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Acceptance or solicitation to obtain access to certain Federal Government property.".

TITLE X—REIMBURSEMENT FOR USE OF GOVERNMENT PROPERTY FOR CAMPAIGN ACTIVITY

SEC. 1001. REQUIRING NATIONAL PARTIES TO REIMBURSE AT COST FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, and 515, is further amended by adding at the end the following new section:

"REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

"SEC. 328. (a) IN GENERAL.—If the President, Vice President, or the head of any executive department (as defined in section 101 of title 5, United States Code) uses Air Force One for transportation for any travel which includes a fundraising event for the benefit of any political committee of a national political party, such political committee shall reimburse the Federal Government for the fair market value of the transportation of the individual involved, based on the cost of an equivalent commercial chartered flight.

"(b) AIR FORCE ONE DEFINED.—In subsection (a), the term 'Air Force One' means the airplane operated by the Air Force which has been specially configured to carry out the mission of transporting the President.".

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

SEC. 1101. PROHIBITING CAMPAIGNS FROM PROVIDING CURRENCY TO INDIVIDUALS FOR PURPOSES OF ENCOURAGING TURNOUT ON DATE OF ELECTION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, 515, and 1001, is further amended by adding at the end the following new section:

"PROHIBITING USE OF CURRENCY TO PROMOTE ELECTION DAY TURNOUT

"SEC. 329. It shall be unlawful for any political committee to provide currency to any individual (directly or through an agent of the committee) for purposes of encouraging the individual to appear at the polling place for the election.".

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SEC. 1201. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking "shall be fined, or imprisoned for not more than one year, or both" and inserting "shall be imprisoned for not fewer than 1 year and not more than 10 years"; and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

"(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. 1301. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(f) BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY.—

''(1) IN GENERAL.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

''(2) ISSUE ADVOCACY DEFINED.—In this section, the term 'issue advocacy' means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

SEC. 1401. REQUIREMENT THAT NAMES OF PASSENGERS ON AIR FORCE ONE AND AIR FORCE TWO BE MADE AVAILABLE THROUGH THE INTERNET.

(a) IN GENERAL.—The President shall make available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two not later than 30 days after the date that the person is a passenger on such aircraft.

(b) EXCEPTION.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any such case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate—

(1) the name of the person; and

(2) the justification for not making such name available through the Internet.

(c) DEFINITION OF PERSON.—As used in this Act, the term ''non-Government person'' means a person who is not an officer or employee of the United States, a member of the Armed Forces, or a Member of Congress.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

SEC. 1501. PERMITTING CONSIDERATION OF PRIVILEGED MOTION TO EXPEL HOUSE MEMBER ACCEPTING ILLEGAL FOREIGN CONTRIBUTION.

(a) IN GENERAL.—If a Member of the House of Representatives is convicted of a violation of section 319 of the Federal Election Campaign Act of 1971 (or any successor provision prohibiting the solicitation, receipt, or acceptance of a contribution from a foreign national), the Committee on Standards of Official Conduct, shall immediately consider the conduct of the Member and shall make a report and recommendations to the House forthwith concerning that Member which may include a recommendation for expulsion.

(b) EXERCISE OF RULEMAKING AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House of Representatives, and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives to change the rule at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 1601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 1602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 1603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 1604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 45 days after the date of the enactment of this Act.

SEC. . DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking ''and'' at the end of subparagraph (H);

(2) by adding ''and'' at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

''(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;''.

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

''(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. . PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking ''permit reports required by'' and inserting ''require reports under''.

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

''(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

''(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

''(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

REID AMENDMENT NO. 2299

Mr. REID proposed an amendment to amendment No. 298 proposed by Mr. DASCHLE to the bill, S. 1593, supra; as follows:

In the amendment strike all after the first line and insert the following:

This Act may be cited as the ''Bipartisan Campaign Reform Act of 1999''.

SEC. 2. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

''(a) NATIONAL COMMITTEES.—

''(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political

party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

''(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

''(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

''(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

''(C) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.

''(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section).

''(e) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

''(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

''(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.''.

SEC. 3. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.''.

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$30,000''.

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(d) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in subparagraphs (A) and (B)(v) of section 323(b)(2).

''(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

SEC. 5. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

''(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

''(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

''(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

''(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

''(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

''(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

''(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

''(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

''(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.''.

The provisions of the Act shall take effect one day after date of enactment.

SEC. ___. DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking ''and'' at the end of subparagraph (H);

(2) by adding ''and'' at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

''(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;''.

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

''(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. ___. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking ''permit reports required by'' and inserting ''require reports under''.

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

''(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

''(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

''(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

HAGEL AMENDMENTS NOS. 2300–2301

(Ordered to lie on the table.)

Mr. HAGEL submitted two amendments intended to be proposed by him to the bill, S. 1593, supra; as follows:

AMENDMENT NO. 2300

Beginning on page 1, strike line 7 and all that follows through page 8, line 6, and insert the following:

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

''(a) IN GENERAL.—A national committee of a political party, a Senatorial or Congressional Campaign Committee of a national political party, or an entity directly or indirectly established, financed, maintained, or controlled by such committee shall not accept a contribution, donation, gift, or transfer of funds of any kind (not including a transfer from another committee of the political party) from a person, during a calendar year, in an aggregate amount in excess of $60,000.

''(b) AGGREGATE LIMIT ON DONOR.—A person shall not make an aggregate amount of disbursements described in subsection (a) in excess of $60,000 in any calendar year.

''(c) INDEX OF AMOUNT.—In the case of any calendar year after 1999—

''(1) each $60,000 amount under subsections (a) and (b) shall be increased based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1999; and

''(2) each amount so increased shall be the amount in effect for the calendar year.''.

(b) CONFORMING AMENDMENTS.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1), by striking ''No person'' and inserting ''Subject to section 323(b), no person''; and

(2) in paragraph (2), by striking ''No multicandidate'' and inserting ''Subject to section 323(b), no multicandidate''.

At the end of the bill, add the following:

SEC. 6. INCREASE IN CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL AND POLITICAL COMMITTEE CONTRIBUTION LIMITS.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''$1,000'' and inserting ''$3,000'';

(B) in subparagraph (B), by striking ''$20,000'' and inserting ''$60,000''; and

(C) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''; and

(2) in paragraph (3), as amended by section 3(b)—

(A) by striking ''$30,000'' and inserting ''$75,000''; and

(B) by striking the second sentence.

(b) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking ''$5,000'' and inserting ''$7,500'';

(2) in subparagraph (B), by striking ''$15,000'' and inserting ''$30,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$7,500''.

(c) INDEXING.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting ''(A)'' before ''At the beginning''; and

(C) by adding at the end the following:

''(B) Except as provided in subparagraph (C), in any calendar year after 1999—

''(i) a limitation established by subsection (a), (b), or (d) shall be increased by the percent difference determined under subparagraph (A); and

''(ii) each amount so increased shall remain in effect for the calendar year.

''(C) In the case of limitations under paragraphs (1)(A) and (2)(A) of subsection (a), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.''; and

(2) in paragraph (2)(B), by striking ''means the calendar year 1974'' and inserting ''means—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsection (a), calendar year 1999''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to calendar years beginning after December 31, 1999.

(2) TRANSITION RULE.—For purposes of indexing amounts for a 2-year period under subparagraph (C) of section 315(c)(1) of the Federal Election Campaign Act of 1971, as added by subsection (c)(1)(C) of this section, the period beginning on January 1, 2000, and ending on the date of the first general election after the date of the enactment of this Act shall be treated as a 2-year period.

AMENDMENT NO. 2301

At the end of the bill, add the following:

SEC. 6. PUBLIC ACCESS TO BROADCASTING RECORDS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following:

''(c) POLITICAL RECORD.—

''(1) IN GENERAL.—A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—

''(A) is made by or on behalf of a legally qualified candidate for public office; or

''(B) communicates a message relating to any political matter of national importance, including—

''(i) a legally qualified candidate;

''(ii) any election to Federal office; or

''(iii) a national legislative issue of public importance.

''(2) CONTENTS OF RECORD.—A record maintained under paragraph (1) shall contain information regarding—

''(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;

''(B) the rate charged for the broadcast time;

''(D) the date and time that the communication is aired;

''(E) the class of time that is purchased;

''(F) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

''(G) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

''(H) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

''(3) TIME TO MAINTAIN FILE.—The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.''.

APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR FISCAL YEAR 2000

HUTCHISON (AND DURBIN) AMENDMENT NO. 2302

Mr. SESSIONS (for Mrs. HUTCHISON (for herself and Mr. DURBIN)) proposed an amendment to the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; as follows:

Strike all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further*, That if the authorized program is a nation-wide program, the Mayor may expend up to $17,000,000: *Provided further*, That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: *Provided further*, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided*, That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under his heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: *Provided*, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representatives provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payment under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000,

of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically undeserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: *Provided,* That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further,* That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of $92,520, exclusive of the Council Chairman, shall be paid a salary of more than $84,635 during fiscal year 2000.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): *Provided,* That such funds are available for acquiring services provided by the General Services Administration: *Provided further,* That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further,* That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further,* That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: *Provided further,* That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further,* That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further,* That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further,* That this appropriation shall

not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: *Provided further,* That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: *Provided further,* That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): *Provided,* That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: *Provided,* That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: *Provided,* That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further,* That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: *Provided,* That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenue in an amount equal to the Productivity Bank financing: *Provided,* That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: *Provided,* That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by an Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided,* That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'' (62 Stat. 339; D.C. Code, sec. 2–301 et

seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212. D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board such amount may not exceed $7,500 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUNDS

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: *Provided further,* That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided,* That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking ''. not to exceed'' and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

''(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.''.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6—85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120% of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120% of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) Notwithstanding the preceding subsection, if the Mayor, District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools [DCPS] in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with

school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by deleting ''1999'' and inserting, ''2000''; in subsection (b), by deleting ''1999'' and inserting ''2000''; in subsection (2), by deleting ''1999'' and inserting, ''2000''; and in subsection (k), by deleting ''1999'' and inserting, ''2000''.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 259; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expand funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by Section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Major, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.''.

(b) Section 202 of such act (Public Law 104–8), as amended by subsection (a), is amended by adding at the end the following:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 151. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to

make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been field with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of the enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement; or

(C) within 60 days of the enactment of this Act the Council certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payment for property described in subsections (a)(2)(B) or (a)(2)(C) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless—

(1) the Mayor and Council certify to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor and Council from time to time determine is surplus to the needs of the District of Columbia;

(3) the Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor and Council within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended—

(1) by inserting ''and public charter'' after ''public''; and

(2) by adding at the end the following: ''Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of 3 individuals appointed by the Mayor of the District of Columbia and 2 individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.''.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a performance in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority'') to the District of Columbia the sum of $18,000,000: for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: *Provided*, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committee on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Authority and the Major shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Major of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: ''The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection(e).''.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after ''1997,'' the second place it appears the following: ''any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the fund,''.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

''(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.''.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS''—

(A) by striking ''existing lessees'' the first place it appears and inserting ''existing lessees of the Marina''; and

(B) by striking ''the existing lessees'' the second place it appears and inserting ''such lessees''.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) ADDITIONAL FUNDING FOR IMPROVEMENTS CARRIED OUT THROUGH CORPS OF ENGINEERS.—

(1) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) SOURCE OF FUNDS.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia.

(d) QUARTERLY REPORTS ON PROJECT.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled ''Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia'', approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

''(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under District of Columbia law.''.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the ''Agency'') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

SEC. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the ''Authority'') to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (Section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103–373)) is amended—

(1) in subsection (a)(1), by striking ''District of Columbia Financial Responsibility and Management Assistance Authority'' and inserting ''Mayor''; and

(2) in subsection (b)(1), by striking ''Authority'' and inserting ''Mayor''.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

SEC. 173. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 174. WIRELESS COMMUNICATIONS. (a) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding:

(A) judicial review under chapter 7 of title 5, United States Code [the Administrative Procedure Act], and the Communications Act of 1934,

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable federal statutes, and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

This title may be cited as the ''District of Columbia Appropriations Act, 2000''.

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

NOTICES OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing originally scheduled for Tuesday, October 19, 1999 at 2:30 p.m. before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled for Thursday, October 21, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Jim O'Toole or Cassie Sheldon of the committee staff at (202) 224–6969.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, October 20, 1999 at 9:30 a.m. to mark up pending legislation to be followed by a hearing on Indian Reservation Roads and the Transportation Equity Act in the 21st Century (TEA–21).

The hearing will be held in room 485, Russell Senate Offfice Building.

Please direct any inquiries to committee staff at 202/224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, October 20, 1999, at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact May Suit Jones at the Rules Committee on 4–6352.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that S. 1723, ''A bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho,'' has been added to the agenda of the hearing that is scheduled for Wednesday, October 20, 1999 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Kristin Phillips, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, October 15, 1999, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Friday, October 15, 1999 at 9:00 am. for a hearing on Quality Management at the Federal Level.

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

ADDITIONAL STATEMENTS

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

● Ms. SNOWE. Mr. President, today I would like to salute five outstanding young women who have been honored with the Girl Scout Gold Awards by the Abnaki Girl Scout Council in Brewer, ME. The are Jodie Comer, Kaitlin Coffin, Jessie Mellott, Sara Agouab, and Michelle McLaughlin. These young women will receive their award at a ceremony this Sunday, October 17.

The Girl Scout Gold Award is the highest achievement award in U.S. Girl Scouting and it symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

In having this honor bestowed upon them, Jodie, Kaitlin, Jessie, Sara, and Michelle have shown that they are dedicated and committed to these qualities, and, just as important, that they enjoy what they are doing. For their parents, family and friends, this is a proud moment—and, as a Mainer, I share this feeling.

To reach this goal a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer. All of the girls throughout the United States who have earned this award have fulfilled a personal goal which will benefit them in the years to come.

For their project, Jodie Comer, Michelle McLaughlin, and Sara Agouab researched, designed, and produced a booklet on auto care and maintenance for women. In addition, they put on an auto care workshop for cadette and senior Girl Scouts. Kaitlin Coffin and Jessie Mellott produced a video to help recruit and retain younger girls in Girl Scouting.

I have always been, and will continue to be, supportive of the Girl Scouts and recognize the important values that it instills in young people, such as service, honesty and leadership. By helping to form the character of young women, the Girl Scouts makes a lasting contribution on the lives of people throughout Maine and the United States.

I know that my Senate colleagues join me in offering my congratulations to these young women for what they have accomplished. This prestigious award is a testament to their convictions and individual commitment to serve those in their community for the betterment of society.●

TEENAGE TRAGEDY

● Mr. LEVIN. Mr. President, the city of Detroit is grieving over the loss of Cody High School sophomore Darryl Towns, who was fatally shot just days before his sixteenth birthday. Darryl was murdered in his own backyard over a minor dispute that eventually turned into a major tragedy. What started off as a fist fight between life long friends ended up in murder: three fatal shots with a semiautomatic pistol.

Now, Darryl's community is left in shock as they grieve over the ''foolish'' and ''senseless'' death of their friend, known among many as a ''respectful,'' ''responsible'' young man. Friends and parents are forced to ask the troubling question: If a person like Darryl, who stayed out of trouble, isn't safe from gun violence, who among our teens is safe? Unfortunately, there is no one who can answer that question or predict the future. Yet, common sense tells us that the widespread proliferation of guns will only result in additional tragedies like Darryl's.

I urge my colleagues to take up a meaningful debate on gun safety and end the easy access to weapons that results in the destruction of so many young lives. I submit for the RECORD a letter printed in the Detroit Free Press, written to Darryl's mother, Annette Towns, expressing sympathy over such a difficult loss.

The letter follows.

[From the Detroit Free Press, Sept. 15, 1999]

MOTHERS: TEACH SONS ABOUT LOVE, GUNS

(By Kim Kingston)

Darryl Towns, 15, died senselessly and tragically on Sept. 9 (''Slaying questioned: One teen in custody is a childhood friend,'' Sept. 11). Many of us knew of him only as ''the baby.'' Most of us knew him through the stories from a mother's heart—of trials and tribulations, and the joys and challenges of trying to raise a son up right.

Some of us knew only his voice, as it changed over the years from that of a soft-spoken boy to that of a man, calling his mom every evening at work, just to check in. His mama was always saying with a glitter of pride in her eye: ''He's such a good and responsible boy.'' Fifteen years of love and dedication were ripped away in an instant by a senseless act, so very irreversible.

For every mother of every son, teach your sons the magnitude of a mother's love, and how guns lead to the destruction of so many lives—but none so insurmountable as that of a mother's anguish at the loss of her son.

Guns have no place in untrained hands—your hand or my hands—let alone in the emotionally charged squabbles of teenaged boys. The only ones powerful enough to stop it are the young men themselves—young men like Darryl, who stood apart from some of his peers. He didn't carry a gun. He tried to do what was right.

If his death could change the heart of just one boy, then he would not have died in vain.

To Annette, his Mother: We, your friends at work, want to thank you for sharing a part of your dear son with us through your eyes.

To Darryl, forever ''Mama's Baby'': We dedicate you to a better, safer place in the loving arms of your Creator.●

U.S. JUNIOR CHAMBER OF COMMERCE

● Mr. ENZI. Mr. President, each week, each of us meets with dozens, even hundreds, of constituents from our home States. For some States, thousands of constituents will travel to Washington to advocate positions on issues of concern. Being a Senator representing a sparsely populated States means meeting with everyone of those constituents who visits the Capitol. It is always good to see the folks from home.

Two weeks ago was old home week for me. It was a special time for me to reminisce about my service in the Jaycees. The Jaycees—now called the United States Junior Chamber of Commerce—State presidents held a meeting in the Nations' Capitol to talk about their organization's priorities. Debra Jennings, State president of the Wyoming Junior Chamber of Commerce, and Larry Wostenberg, the sole candidate for next years's State president of the Wyoming Junior Chamber of Commerce, were in town and I was fortunate to meet with them.

I'm a former Wyoming State Jaycee president. I served in 1973–74. That year and the activities that led to that year played a big role in forming my leadership skills. I took leadership classes, then I taught leadership classes.

As president, I emphasized that the Jaycees was not a service organization. The Jaycees were and are a leadership organization. The purpose has been and is to teach young people leadership skills. Members participate in the complete service projects to learn leadership skills.

My first project was a Christmas shopping tour. We raised money in order to take kids recommended by welfare shopping to buy presents for the other members of their families. We picked them up at their home. We took them shopping, took them to a restaurant where they wrapped the packages and had a little celebration, and then delivered them home. We also spent the year gathering toys, repairing them, and purchasing additional toys that were given to the kids we took on the shopping tour. Through activities such as the shopping tour, I developed leadership skills that helped me move up in the ranks within the Wyoming Jaycees—first as a committee chairman, then the local president, and State chaplain.

At one point in my experience, we noticed that many young businessmen were devoting so much time to the Jaycees that it was breaking up their families. I was part of a project for having one night a week devoted to families and family discussion. The name of that program, which became a national program, was ''Family Life.'' I spent a year traveling to chapters and State meetings extolling the virtues of strong families. It is my understanding that 25 years later the program is still intact and still being conducted.

Another favorite program of that time was one called ''Do Something.'' It could just as easily have been labeled ''Do Anything.'' Chapters across the Nation were encouraged to survey their community, figure out what needed to be done and do it. They were encouraged not to do formal surveys. They were encouraged to have each Jaycee ask his neighbors and the people in his community what they thought the community needed, then to do it. The emphasis was on talking to each other, then taking action, and it worked. Never underestimate the ability of young people to achieve. Remember they haven't had enough experience to know yet what can't be done. As a result they find that anything can be done and they do it. Most of them haven't been taught yet that only government can get things done. So, they learn first hand that only individuals working together get things done.

Jaycees gave me my start in politics in a strange way. I was a businessman

operating a retail shoe store who was too busy to worry about politics. I had never anticipated going into politics. At the State Jaycee convention as I was finishing my year as State president, Senator Alan Simpson was our guest speaker. At that time he was a State Representative and majority floor leader. I gave my speech on Jaycee leadership training. He gave his customarily humorous speech. After the dinner he took me by the elbow, led me off to the side and said, ''On this leadership thing, it's time you put your money where your mouth is. You need to get into politics. You ought to run for mayor of Gillette.'' Gillette, the community where I was from, was just beginning a boom. I was only 29. Not a good age to run for office in Wyoming. In addition, I had only lived in Gillette for 5 years. Nowhere near being a Gillette native. I wanted to see more city planning. Not an exciting or good issue to run on in the West. But the young people moving to Gillette in droves saw the need for an organizing force with new ideas, and I was elected. You could call that a ''Do Something'' project. I took a quick informal survey of what needed to be done followed by enlisting the help of everyone.

The United States Jaycees puts out an officer and directors guide. It's a manual for chapter management and leadership training. I've had a copy of that Officer and Directors Guide and a copy of the ''Do Something'' manual on my desk since 1975. I've found that you can run a city with them, that you can solve State problems with them, and that you can organize a United States Senate office and do legislation based on them.

Last week the U.S. Junior Chamber of Commerce—Jaycees—were in town learning leadership. They were learning about projects that will teach leadership and they were learning about laws that will affect their future and the future of this country. They have programs for getting young people into business. They have a national business network to help them when they are in business. They have a gun safety education program available to all youth. They have a program for teaching investing. And they get into some social issues, called ''Touch one child and you touch the world'' that helps provide care for infants affected by HIV/AIDS. They have a program called, ''Wake up. Live Big. Be Smoke Free.'' It's the Jaycees against youth smoking.

The Jaycees are about people to people dialogue and communication. Neighbor to neighbor. Delivering a message by those who are trusted. Yes, these young people will make a difference. They have a message for us on Social Security. They've been holding townhall meetings across the country and have been surveying the Nation. They've been searching for solutions to our Social Security dilemma. Mr. President, I ask to have printed in the RECORD at the conclusion of my remarks, a resolution that started them on this quest on March 16, 1996. It was revised and reauthorized September 23 of this year.

I also have an opinion editorial by the National Committee to Preserve Social Security and Medicare written by Mike Marshall who is the past president of the United States Junior Chamber of Commerce, entitled, ''Jaycees want Social Security Saved.'' I also ask that that document be printed in the RECORD at the conclusion of my remarks.

My fellow Senators, we've heard from the people on retirement. We've heard from the people almost ready to retire. We've heard from the baby boomers. Now we are hearing from the people at the beginning end of the spectrum of working for Social Security. These people will be paying into the system for 30 to 45 years and they want to be sure they get something back too.

Perhaps the serious condition of the Social Security system as an investment program can best be understood through an example. Let's suppose that only 2 percent of the present 15 percent is contributed from every paycheck to Social Security. If invested in the private markets, this 2 percent would produce the same result at retirement as the entire 15 percent gives them now. That's not much of a future for the current Social Security program. It would cause a revolution as these young people move into decision-making situations. If we listen to them now, if we work with them now, if we make changes in the system now, Social Security as we know it can be saved and extended for the benefit of our Nation's young people for years to come. If we wait very long, we will see pain. Please resolve with me now to join the United States Junior Chamber of Commerce in their quest to ensure the future economic solvency of the Social Security system for present generations and those to come.

I thank my colleagues.

The documents follow:

CALL FOR LEGISLATION TO ENSURE THE FUTURE ECONOMIC SOLVENCY OF THE SOCIAL SECURITY SYSTEM

(Revised and Reauthorized September 23, 1999)

Whereas, the membership of The United States Junior Chamber of Commerce as well as most Americans are concerned about the economic future of Social Security System.

Whereas, payroll deductions will have to be dramatically increased or benefits significantly decreased unless Social Security is reformed; and

Whereas, we need to meet our Social Security promises to existing and future retirees; and

Whereas, the number of retirees will almost double by the year 2030; or

Whereas, The United States Junior Chamber of Commerce has conducted surveys at seventy-five Social Security Town Hall Meetings in forty different states; and

Whereas, The United States Junior Chamber of Commerce has testified before congress to address these concerns; and

Whereas, as a result of The United States Junior Chamber of Commerce's Social Security Town Hall Report, an overwhelming majority approved the establishment of individual retirement accounts; and

Whereas, The U.S. Congress has introduced legislation for the establishment and maintenance of individual retirement accounts; and

Whereas, The United States Junior Chamber of Commerce has invested considerable time and resources in the solvency of the Social Security System; and

Whereas, The United States Junior Chamber of Commerce sees the need to get the average young American involved in the interest of their government; and

Whereas, The United States Junior Chamber of Commerce should actively promote getting out the vote to secure these aims: Now, therefore, be it

Resolved, That the United States Junior Chamber of Commerce Executive Board of Directors:

recognizes that Social Security is in need of immediate revision;

recognizes that the future of Social Security is a vital concern for young people and future generations in the United States;

recognizes the need for capitalization of the social security system;

recognizes the need for personal retirement accounts;

recognizes that a percentage of budget surpluses should go towards the solvency of Social Security;

recognizes a need for a national ''Get Out the Vote'' campaign;

gives authority to the USJCC staff to pursue a course to reform Social Security in local Junior Chamber communities and at the national level and organize a ''Get Out the Vote'' campaign.

JAYCEES WANT SOCIAL SECURITY SAVED

(By Mike Marshall)

Within the last year, Republicans and Democrats have expressed the necessity to take legislative action to strengthen Social Security. President Clinton, during his 1998 State of the Union address, announced plans for a series of public forums to be held across the country. He plans to hold a conference on Social Security in Washington, D.C., this December and then ask Congress to pass reforms in 1999. Senator Bob Kerrey, Nebraska Democrat, is urging President Clinton and congressional Republicans to begin ''eating our national spinach'' and reform government entitlements. Politicians are listening to their constituents and are coming to the conclusion that Americans want Social Security to be saved.

Members of The United States Junior Chamber of Commerce (Jaycees) completed a series of Social Security town hall meetings across America in 1997. They made some remarkable findings. Americans attending these town hall meetings indicated they want the Social Security system in this country reformed. With more than 1,400 town hall participants surveyed, 79 percent believe that the Social Security program will need radical or major changes to survive.

The Jaycee surveys also indicate that 76 percent of the town hall participants believe that they should be allowed to place their Social Security contributions into a personal retirement account. This coincides with a survey recently released by the Democratic Leadership Council which indicated that 75 percent of registered voters—regardless of political party—said they strongly or somewhat support letting workers take a third of the Social Security payroll taxes they now pay and invest them into private retirement accounts.

The Junior Chamber of Commerce believes any changes to Social Security should be

judged on whether the current hallmarks are maintained and remain dependable, universal, and available to the disabled as well as all elderly. In addition, we recognize the need for capitalization of the Social Security system. Americans need to have ownership in the system and politicians must have reduced access to the money they are taxing for our retirement savings. Some type of Personal Savings Retirement Accounts combined with the current system appear to be the best solution.

Some organizations would have you believe that Social Security can be saved with just a few adjustments. For 60 years, with little notice or fanfare, the government has been making adjustments to the system. If it was as simple as a slight adjustment, we would not have elected officials risking their political lives by addressing the need for dramatic, system-saving changes.

Now is the time honest debate and real reform. We are asking Congress and the President to leave a legacy of leadership behind them for this country. They must act to save the Social Security system for the elderly, the disabled, and current and future retirees. All Americans must take an active role on this issue, listen to all aides of the debate, and then call their elected officials and urge them to take action.

The United States Junior Chamber of Commerce is a volunteer, non-partisan, community service organization comprised of more than 100,000 men and women ages 21 to 39. 1–800–JAYCEES.●

SUPPORT OUR TEACHING HOSPITALS

● Mr. BIDEN. Mr. President, I rise today to express my strong support for this country's teaching hospitals.

These institutions provide the critical experiences of internship and residency by which raw medical school graduates, who have learned the science of medicine, are converted into seasoned physicians who have learned the art and practice of medicine. We are all going to face illness at one time or another in our lives, and we want to make sure that there will be well-educated, conscientious, and compassionate physicians to care for us during those periods. The critical role of the teaching hospitals in molding the doctors of the future cannot be overestimated.

These teaching hospitals also serve as key participants in the medical research advances from which we all benefit enormously. We tend to forget that medicine is a relatively young science. Antibiotics, which we all take for granted, have been in use for only about 50 years. Heart bypass surgery and kidney transplants, procedures so commonplace that we hardly give them a second thought, were virtually unheard of 40 years ago. These and other medical advances have led to a tremendous increase in life expectancy in this country over the past 100 years. Yet all of these innovations would have been virtually impossible without the ongoing participation of teaching hospitals in programs of medical research and development.

Finally, these teaching hospitals provide a tremendous service to our communities. For many of the most vulnerable among us, the teaching hospitals represent their major, and often only, source of medical care. The homeless, the indigent, the elderly, the new arrivals to our country: for many in these groups, there would be no medical care at all if not for the care provided by the teaching hospitals, such as Christiana Care in my home state of Delaware.

So we should all agree that teaching hospitals are an absolutely essential resource for our society; we don't want to go back to 19th century medicine, we want to move ahead to 21st century medicine.

But there is a problem: the teaching hospitals' financial underpinning has become very precarious, and a number of the most reknowned teaching hospitals in this country are now losing money each year. We have come somewhat late to the unsurprising realization that the time and resources which the teaching hospitals devote to the education of future physicians, the research we need for better and healthier lives, and the care of the indigent and working poor, costs a lot of money.

These costs are going up every year for our teaching hospitals: new technology costs money, dedicated employees must be paid a living wage, and so forth. But the income of teaching hospitals is not coming close to matching these cost increases. Health insurance companies are reducing their payments to health care providers, including teaching hospitals. Teaching hospitals, with their obligatory high costs, are not able to compete financially for contracts to take care of HMO patients. A significant percentage of teaching hospital costs has been paid in the past by Medicare, but as Medicare finds itself facing future insolvency, its payment to teaching hospitals for training interns and residents has also declined. We in Congress contributed to the decline in teaching hospitals' income with several provisions in the Balanced Budget Act of 1997, particularly the reductions in payments for indirect medical education and disproportionate share hospitals.

Everybody who gets health care in this country benefits from the work of teaching hospitals, but in the face of the financial straits that have overwhelmed our health care system, nobody wants to pay for them.

Mr. President, it is absolutely essential that this country's teaching hospitals remain vital and viable. Medicare may no longer be in a position to continue paying a disproportionately large share of teaching hospital expenses. In the long run, we must carefully reevaluate the funding mechanism for teaching hospitals to ensure their stability; if we all benefit from them, then perhaps we should all pay part of their costs.

These long-term changes are important, but we in the Senate must also be concerned about the here and now. Teaching hospitals that are currently losing money may not be able to wait for the ''long run''; they need help in the next few months. Senator DASCHLE has just introduced the Medicare Beneficiary Access to Care Act, which contains provisions that would benefit the teaching hospitals and their patients, and I understand that the Senate Finance Committee is currently working on proposals to address some unintended consequences of the Balanced Budget Act of 1997, including those that have impacted on teaching hospitals.

But time is of the essence, and the key word is urgency. Next year may be too late. The Senate is working furiously to pass the necessary appropriations bills in the few legislative days we have remaining this session, but I implore my colleagues not to move to adjournment until we take action to make sure that the teaching hospitals will still be around next session. The teaching hospitals spend 24 hours a day, 365 days a year, working to make sure we live long and healthy lives, and it's time for us to return the favor. If we don't have enough time this session to complete the necessary major surgery on the payment system for teaching hospitals, the least we can do is set aside the few hours or days it would take to administer a little life-saving financial CPR.●

IN RECOGNITION OF ''NATIONAL SUNDAY SCHOOL TEACHER APPRECIATION DAY''

● Mr. GRAMS. Mr. President, October 17, 1999 is ''National Sunday School Teacher Appreciation Day'' and I want to take this opportunity to honor the 15 million American men and women who serve as Sunday school teachers. They are surely one of our nation's most valuable resources.

Since 1993, ''National Sunday School Teacher Appreciation Day'' has helped foster an increased awareness of the vital role Sunday school plays in the life of the local church and community. By marking this day, churches have an opportunity to nominate the cream of the crop of their Sunday school teachers for national recognition. An integral part of this campaign is the search for the ''Henrietta Mears Sunday School Teacher of the Year.'' This award was established in honor of Dr. Henrietta Mears, a famous Christian educator who influenced the lives of such Christian leaders as Dr. Billy Graham, and many more.

Through their work, Sunday school teachers offer a wealth of information and guidance to America's youth. In the wake of incidents at Columbine High School and, more recently, at the Wedgewood Baptist Church in Texas, the importance of these volunteers, who help shepherd their communities through difficult times, only increases in value. Through community-based programs—and especially those deeply rooted in faith, such as Sunday School—our nation and my state of

Minnesota can help bring out the best in our children as they go through the ever-more challenging task of growing up in our society.

Sunday school teachers have had an enormous influence on countless Minnesotans, including myself. I personally recall my Sunday school teachers as men and women of great character who I respected and admired, and who helped shape my moral fiber. As I look back on my own experience, and those of my friends and relatives, it is with considerable appreciation I make this statement today. The service given by the men and women who every week give up their Sunday mornings to help educate and mold our children is certainly service given from the heart.

In conclusion, Mr. President, I personally thank all Sunday school teachers in my state of Minnesota and across the country for the tremendous work they do for not only our youth, but for all families and our society as a whole.●

COMMENDATION FOR THE IRISH EISENHOWER EXCHANGE FELLOWS

● Mr. SANTORUM. Mr. President, today I would like to call to your attention a very special anniversary which is taking place in my home state. Ten years ago, a group of emerging leaders from Northern Ireland and the Republic of Ireland, hosted by the Eisenhower Exchange Fellowships, met in Philadelphia, Pennsylvania to launch an exciting experiment in international cooperation.

The Eisenhower Exchange Fellowships is a private, non-profit, non-partisan organization created in 1953 by a group of prominent American citizens to honor then-President Dwight D. Eisenhower for his contribution to humanity as a soldier, statesman and world leader. Eisenhower Exchange Fellowships seeks to foster international understanding and productivity through the exchange of information, ideas and perspectives among emerging leaders throughout the world. The Eisenhower network numbers 1300 Fellows from 100 countries. Currently two Eisenhower Fellows are heads of government; over 90 Fellows have served at the cabinet level or above. More than 220 have become CEOs.

The Eisenhower Exchange Fellowships brought this group of fourteen Irish Fellows, consisting of seven Fellows from the North and seven from the South, to the United States for a two-month program. They came from all types of professional backgrounds, working in business, government, religion and law. They came from many perspectives and diverse political and personal beliefs. Through the auspices of the Eisenhower Exchange Fellowships, they met on common ground in Philadelphia in 1989, and they've been meeting and working together ever since.

They decided to commemorate the tenth anniversary of their Single Area program by returning to Philadelphia. There they will gather to look back on the last ten years and look forward to the next millennium. These Irish Eisenhower Fellows are to be commended for the contributions they have made to their region and to greater international understanding in the past decade—and they think of Philadelphia as their second home.

In the spirit of Dwight D. Eisenhower, in whose honor the organization was founded, the Irish Fellows work together in a pragmatic way to ensure understanding, respect, and reconciliation. Building bridges across cultural and political divides, they have played and continue to play important roles in the peace negotiations. They have made important contributions to economic growth, to the social welfare of their communities, and to more effective and efficient public administration. They have worked effectively towards a more dynamic economy, seeing the importance for their region to play a role in an evolving Europe and in the world.

By continuing to find outstanding new Eisenhower Fellows from a number of professional fields, they help to promote awareness and the exchange of ideas between Irish emerging leaders and their American counterparts. By sponsoring USA Eisenhower Fellows and bringing them to Ireland, they expand the horizons of emerging young U.S. leaders. In both these activities, they strengthen the bonds between our countries.

In the spirit of fellowship and unflagging curiosity about the world, they come together every nine months to confer on topical issues, to plan for future Eisenhower Fellowships, and to renew and strengthen their friendships, which cross national borders and historical differences. They serve, in effect, as a model alumni organization, which constantly renews its parent body through its energy and innovation.

I would like to commend their reunion weekend in Philadelphia, October 14–17, and wish them the best of luck in their continuing mission to establish friendships and improve understanding on a personal, local, national, and international level.●

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

On October 14, 1999, the Senate amended and passed H.R. 659, as follows:

Resolved, That the bill from the House of Representatives (H.R. 659) entitled ''An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pennsylvania Battlefields Protection Act of 1999''.

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the ''Paoli Battlefield'', located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled ''Paoli Battlefield'' numbered 80,000 and dated April 1999 (referred to in this title as the ''Paoli Battlefield''). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefield's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(a) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled ''Brandywine Battlefield—Meetinghouse Road Corridor'', numbered 80,000 and dated April 1999 (referred to in this title as the ''Brandywine Battlefield''). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the ''Society''), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley

Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of the Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 202 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Amend the title so as to read: ''An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.''.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

On October 14, 1999, the Senate amended and passed S. 938, as follows:

S. 938

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 ''Hawaii Volcanoes National Park Adjustment Act of 1999''.

SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.

The first section of the Act entitled ''An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes'', approved June 20, 1938 (16 U.S.C. 391b), is amended by striking ''park: *Provided*,'' and all that follows and inserting ''park. Land (including the land depicted on the map entitled 'NPS–PAC 1997HW') may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.''.

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI31'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai31'i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai31'i Volcanoes National Park''.

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakalā National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakalā National Park''.

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKOHAU'' and inserting ''KALOKO-HONOKŌHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokōhau''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokōhau National Historical Park''.

(d) PU31'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical Park'' each place it appears and inserting ''Pu31'uhonua o Hōnaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Pu31'uhonua o Hōnaunau National Historical Park''.

(e) PU31'UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National Historic Site'' each place it appears and inserting ''Pu31'ukoholā Heiau National Historic Site''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Pu31'ukoholā Heiau National Historic Site''.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai31'i Volcanoes''.

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakalā''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 267, 268, and 269.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statement relating to the nominations be printed 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 nominations were considered and confirmed, as follows:

THE JUDICIARY

Ellen Segal Huvelle, of the District of Columbia, to be United States District Judge for the District of Columbia.

Anna J. Brown, of Oregon, to be United States District Judge for the District of Oregon.

Charles A. Pannell, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia vice Frank M. Hull, elevated.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER TO VITIATE PASSAGE—S. 1344

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senate passage of S. 1344 be vitiated and, further, the bill be indefinitely postponed.

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

ORDERS FOR MONDAY, OCTOBER 18, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, October 18. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the

morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until the hour of 1 p.m., with the first 30 minutes under the control of the minority leader, or his designee, and the last 30 minutes under the control of the majority leader, or his designee.

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

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the Senate will convene at 12 noon on Monday and immediately begin a period for morning business until 1 p.m. Following morning business, the Senate will resume consideration of the campaign finance reform bill with a Reid second-degree amendment being the pending amendment. The majority leader has announced that the first vote on Monday will occur at 5:30 p.m. It is hoped that the vote or votes on Monday evening will be in relation to amendments to the pending legislation. Further, cloture motions on the two campaign finance reform amendments were filed today by the minority leader. Therefore, pursuant to rule XXII, those cloture votes will occur 1 hour after the Senate convenes on Tuesday.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 327, H.R. 3064, the DC appropriations bill, the substitute amendment No. 2302, now at the desk, be agreed to, the bill be advanced to third reading and passed, as amended, and the motion to reconsider be laid upon the table without any intervening action or debate.

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

The amendment (No. 2302) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The bill (H.R. 3064), as amended, was read the third time and passed.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. 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 following the remarks of Senator DASCHLE, the Democratic leader.

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

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

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

APPOINTMENT OF CONFEREES—H.R. 3064

Mr. DASCHLE. Mr. President, I ask unanimous consent that with respect to H.R. 3064, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER (Mr. BROWNBACK) appointed Mrs. HUTCHISON, Mr. STEVENS, Mr. KYL, Mr. DURBIN, and Mr. INOUYE conferees on the part of the Senate.

CTBT REJECTION: A SERIOUS MISTAKE THAT MUST BE UNDONE

Mr. DASCHLE. Mr. President, in the 2 days since this Senate rejected the Comprehensive Test Ban Treaty, I've heard some of our colleagues insist they are proud of that vote. Frankly, I cannot understand how anyone could say that.

I was deeply saddened and troubled when I opened my newspaper yesterday morning. The top headline in the Washington Post read: ''Senate Rejects Test Ban Treaty.'' The headline just below that read: ''For US, Fallout will be Fading Influence.''

How can anyone take pride in actions that increase the threat of nuclear weapons? How can anyone be proud of diminishing America's leadership in the world? How can anyone be proud that they have made the world a more dangerous place for ourselves and our children?

For the life of me, I cannot understand that.

We knew before we voted that, if we rejected the CTBT, we would almost certainly damage our national security and our standing in the world. We knew both of those things. Our senior military leaders warned us. Outside experts tried to warn us. Our allies tried to warn us. In fact, three world leaders—representing our three oldest and strongest allies—took the unprecedented step of writing an open letter to us.

In that letter, published this week in the New York times, Jacques Chirac, Tony Blair and Gerhard Schroder implored us: ''As we look to the next century, our greatest concern is proliferation of weapons of mass destruction . . . Failure to ratify the CTBT, will be a failure in our struggle against proliferation . . . For the security of the world we will leave to our children, we urge the United States Senate to ratify the treaty.''

Unfortunately, a majority of Senators chose to ignore these warnings. they chose to ignore the serious implications that rejecting the CTBT would have on U.S. security and international standing, and on the safety of the entire world. If there was any doubt, before the vote, that rejecting the CTBT would be a serious mistake, there can be no doubt now. Look at the headlines.

World dismayed by U.S. Treaty Vote—Associated Press

International community dismayed by U.S. Rejection of CTBT—Agence France Presse

Germany Says U.S. Nuke Reaction a Serious Setback—Reuters

A Reckless Rejection—the Washington Post

A Damaging Arms Control Defeat—the New York Times

Defeat of Test Ban Treaty a Blow to U.S. Prestige—Reuters

Nations Assail Senate Vote on Test Ban Treaty—Washington Post

Asia Dismayed by US Treaty Vote—AP

Arms-Control World Upended—the Christian Science Monitor

Dismay and Anger Abroad at US Action—The Guardian of London

Russia Press Digest: America Has Latent Desire to Explode Nuclear Bombs

Listen to the reactions of world leaders:

From a senior Chinese official: ''It leaves us with the impression that America has a double standard, you tell the rest of the world not to do something and then you go ahead and do it.''

From a spokesman for the Russian Foreign Ministry: ''This decision is a serious blow to the entire system of agreements in the field of nuclear disarmament and non-proliferation. There is a definite trend visible in recent times in US actions and it causes deep alarm.''

Some of our colleagues are quick to seize on China and Russia's displeasure. They point to that as proof they did the right thing in rejecting the treaty. Even if you accept the premise—and I do not—that what is bad for China and Russia is, by definition, good for the United States, this goes far beyond these two countries.

Condemnation of the Senate's action has been virtually universal. It's worldwide. It's from out friends to our foes, and every nation in between. From the first world to the third world. Listen to what other world leaders have said:

In France, President Chirac said the Senate vote would inflict ''serious damage'' to the cause of nuclear disarmament, particularly dismayed that the views of America's allies were ignored.

In Germany, Defense Minister Rudolf Scharping called the vote an ''absolute wrong'' decision. Foreign Minister Fischer said his country and other European nations were ''deeply disappointed'' and feared it would seriously harm the cause of nuclear disarmament. ''It is a wrong signal that we deeply regret.''

Lord Robertson, NATO's new Secretary General and former British Defense Secretary, called it ''a very worrying vote.''

A spokesman for the European Union called for the immediate ratification of the treaty by all signatories and said ''we have already stated our belief that the treaty is clearly in the interests of all states as an essential barrier to nuclear proliferation.''

In Japan, Foreign Minister Kono said the negative impact was ''immeasurable'' on the cause of disarmament and non proliferation. ''The adverse effects are inestimable and it is of extreme concern. We has been hoping for US leadership in preventing the spread of nuclear weapons, so the restful is very regrettable.''

In the Phillipines, Foreign Secretary Siazon said the vote dealt ''an enormous blow to all our efforts to make the world a safer place to live in.''

From the Mayor of Hiroshima: The United States is ''going against international efforts to reduce nuclear arms, as a nuclear power the United States should lead the way to end the proliferation of weapons.''

Mr. President, what makes our failure to pass the CTBT doubly tragic is that there was nothing forcing the Senate to act on this treaty at this time. This vote could have, and should have, been postponed until the Senate had conducted proper hearings on the treaty. In fact, 62 members signed a letter to the Majority Leader pleading with him to delay the vote. Among the signers were the Chairman and Ranking Member of the Armed Services Committee. Chairman and Ranking Member of the Appropriations Committee, and Ranking Member on the Foreign Relations Committee. Republicans and Democrats signed that letter.

Under the rules of the Senate, it was fully within the power of the Majority Leader to reschedule this vote for a more appropriate time. The fact that we did not do so is a mistake of historic proportion.

What we have done is nothing to be proud of. What we have done is deeply troubling. What we have done is dangerous. What we have done has—for now—made the world less safe.

It has, for now, damaged the relationship between the US and some of our most important allies. It has, for now, diminished our standing and our moral authority in the world.

It was a serious mistake. We need to un-do it.

Immediately after the vote, a spokesman for the British government said ''we hope that what happened in Washington is not the end of the road.'' I want our friends in England the rest of the world to know that the United States Senate has not uttered its last word on the CTBT.

The overwhelming majority of the American people support this treaty. Our senior military leaders support this treaty. My colleagues and I on this side of the aisle will do everything we can to secure the votes needed to pass this treaty in the United States Senate.

In the meantime, we will insist that the United States continues to refrain from conducting nuclear tests. The United States must not, and will not, give up its position as a leader in the international effort to rid the world of the threat of nuclear weapons.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, OCTOBER 18, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Monday, October 18, 1999, at 12 noon.

Thereupon, the Senate, at 2:38 p.m., adjourned until Monday, October 18, 1999, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 15, 1999:

THE JUDICIARY

ELLEN SEGAL HUVELLE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

ANNA J. BROWN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

CHARLES A. PANNELL, JR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.