In the Army nominations beginning Stephen E. Castlen, and ending John I. Winn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning John P. Barbee, and ending Paul L. Vicalvi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning Steven G. Bolton, and ending Timothy J. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nomination of Bruce F. Brown, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998. In the Army nominations beginning Donald E. Ballard, and ending Merrel W. Yocum, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nomination of Morris C. McKee, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning Edward S. Crosbie, and ending Martha A. Sanders, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning Gary A. Doll, and ending Gordon E. Wise, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning Benjamin J. Adamcik, and ending Joy L. Ziemann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Marine Corps nominations beginning Hugh J. Bettendorf, and ending William J. Cook, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Marine Corps nominations beginning Charles G. Hughes, II, and ending William S. Watkins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Marine Corps nomination of Kent J. Keith, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Navy nomination of Albert W. Schmidt, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Navy nomination of Jeffery W. Levi, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Navy nominations beginning David Avencio, and ending Daniel Way, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998.

In the Army nominations beginning Craig H. Anderson, and ending Bruce E. Zukauskas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 1998.

In the Air Force nominations beginning John R. Abel, and ending Helen R. Yosko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 12, 1998.

By Mr. HATCH, from the Committee on the Judiciary:

M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit, vice J. Jerome Farris, retired.

Thomas J. Umberg, of California, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, vice John P. Walters, resigned.

Robert A. Miller, of South Dakota, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2000, vice David Allen Brock, term expired.

Randall Dean Anderson, of Utah, to be United States Marshal for the District of Utah for the term of four years, vice Daniel C. Dotson, retired.

(The above nominations were reported with the recommendation that they be confirmed.)

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. CONRAD:

S. 1681. A bill to shorten the campaign period for congressional elections; to the Committee on Rules and Administration.

By Mr. D'AMATO (for himself, Mr. GRAHAM, Mr. ABRAHAM, Mr. MOYNIHAN, Mr. BIDEN, Mr. INHOFE and Mrs. FEINSTEIN):

S. 1682. A bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 1683. A bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 1684. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board; to the Committee on Labor and Human Resources.

S. 1685. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Labor and Human Resources.

By Mr. HUTCHINSON (for himself, Mr. DEWINE, and Mr. MACK):

S. 1686. A bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent; to the Committee on Labor and Human Resources.

By Mr. THOMPSON:

S. 1687. A bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN:

S. 1688. A bill to amend the Communications Act of 1934 to limit types of communications made by candidates that receive the lowest unit charge; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 1689. A bill to reform Federal election law; to the Committee on Rules and Administration.

By Mr. FAIRCLOTH:

S. 1690. A bill to provide for the transfer of certain employees of the Internal Revenue Service to the Department of Justice, Drug Enforcement Administration, to establish the Department of National Drug Control Policy, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself and Mr. TORRICELLI):

S. Res. 184. A resolution expressing the sense of the Senate that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. DORGAN, Mr. DASCHLE, Mrs. MURRAY, Mr. JOHNSON, Mr. FORD, Mr. CONRAD, Mr. LAUTENBERG, and Mr. REID):

S. Res. 185. A resolution to express the sense of the Senate that Congress should save Social Security first and should finance any tax cuts or new investments with other funds until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 1681. A bill to shorten the campaign period for congressional elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE LEGISLATION

Mr. CONRAD. Mr. President, I want to commend the Senator from Wisconsin, Senator FEINGOLD. Nobody has shown a greater commitment to try to change the system that is broken than the Senator from Wisconsin. He has worked diligently with Members on the other side of the aisle to fashion a plan that would command a majority of support.

I am certain there are people watching today who wonder how can it be that a majority is in favor but it does not get passed, because we all learn in our civics classes that majority rules in America. Well, majority rules at election time; unfortunately, it does not rule on the floor of the U.S. Senate because, if it did, McCain-Feingold would be passed with votes to spare and we would have our first serious reform of the campaign financing system in this country in years. Is there any question that it is needed? Is there any American who seriously believes that the system that we have is the right system? I can tell you, as one who has run three times for the U.S. Senate, this system is broken, this system is rotten, this system is corrupting and it ought to be changed.

Mr. President, last October we began this debate—last October. We resumed it on Monday. And once again we appear to be in gridlock on this important issue. During my 11 years in the Senate, there have been numerous attempts to address the problems that confront the financing of American elections. Unfortunately, all of these initiatives have failed. It is clear, I think, now more than ever that we

need to change the system. Simply put, campaigns are too long and they are too expensive. I tell you, anywhere I go in my constituency, people say to me, ''Gee, do we really have to be subjected to ads for a year?''

In my last campaign, the campaign ads started almost a year before the election. And we are not the exception. People are saying, ''Wait a minute. That is too much.'' I saw last night on television, Presidential candidates are already in New Hampshire, and the election is 3 years away. Campaigns are too long and they are too expensive.

That is why today I am introducing legislation that will reduce the length and the cost of campaigns. I think increasingly the electorate is saying to us, ''look, shorten these campaigns. That's the one sure way to reduce the money that is flowing into them.''

During the 1996 election cycle, we saw record amounts of money spent on campaigns. Total costs for congressional elections have increased sixfold since 1976. We can see back in 1976, all congressional campaigns, $99 million. Look at this, up, up, and away; every election, up, up, up—$765 million in the last election cycle.

Where does this stop? We have Senators who are supposed to be raising $10,000 a day. It is the average for a Senator to run a campaign. There is talk now in California that a typical Senate race will cost $30 million. We are turning Senators into full-time fundraisers. Is that what we want in this country? I do not think so. I do not think that is what the American people want us to be doing with our time.

Let me go to the next chart that shows the average cost of winning a Senate seat went from $600,000 in 1976—$600,000—to nearly $4 million today. Those increased costs are primarily due to the skyrocketing cost of campaign advertising.

Let me go to the next chart. The total amount of money spent on campaign advertising jumped nearly eightfold during this period, from $51 million in 1976 to over $400 million in 1996.

It has been estimated that television advertising accounts for nearly half of the funds spent on Senate campaigns.

Clearly, candidates are being forced to spend too much time raising campaign money and not enough time debating the issues adn listening to the concerns of the voters. Our current system threatens to push average Americans out of the electoral process.

I hear it all the time when we go out to recruit candidates—how can I possibly raise that amount of money to be competitive? Now, that should not be the determinant. The determinant on whether somebody is a candidate should be their qualifications, their skills and abilities to serve their constituents.

In 1960, the total amount of money spent on all political campaigns in the United States was $175 million. In 1996, that figure increased to $4 billion. Here it is, $175 million in 1960, $4 billion in 1996.

What has happened to participation? Participation was 63 percent of the American people who voted in 1960. In 1996, less than half of those eligible voted. People are turning off to this process. One of the big reasons is the money. They know money is dominating political campaigns in America and they are sick of it and they fell disenfranchised by it. Most people understand the corrosive effect of the current campaign system.

The people of my State, and I believe the people of the Nation, want the system changed. My legislation addresses in a fair and reasonable manner the problems associated with the length and costs of campaigns. Under my bill, if candidates agree to limit their campaign ads to 2 months before a general election and 1 month before a primary election, they will receive reduced broadcast advertising rates. I have been advised by the Congressional Research Service that my proposal would be upheld as fully constitutional. Under current law, broadcasters must sell time to candidates at the lowest unit rate in the 45 days before a primary and the last 60 days before a general election. My bill modifies this provision by requiring broadcasters to sell time to eligible candidates at 50 percent of the lowest unit rate in the last 30 days of a primary election and in the last 60 days of a general election. This time cannot be preempted.

In addition, for a candidate to qualify, the ads must be at least 1 minute in length. Broadcasters can't preempt this time. I want to emphasize that. Nonparticipating candidates will not be eligible for this lower rate. I would even support using broadcast spectrum revenues to offset the cost to broadcasters of these lower rates for candidates in order to provide an incentive for people to sign up for the shorter campaign period. I think that would be supported by not only both parties—I noted the majority leader indicated that he would strongly support reducing the length of campaigns, but I think it would also be welcomed by the American people who are tired of the deluge of political ads.

My legislation will achieve this end in a constitutional manner and reduce the amount of money spent on campaigns. It is high time to change this system.

I want to again commend the Senator from Wisconsin for his outstanding leadership on this subject and submit to my colleagues it is time for us to consider a radical restructuring of how we run our elections.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from North Dakota very much and look forward to looking carefully at his proposal.

By Mr. D'AMATO (for himself, Mr. GRAHAM, Mr. ABRAHAM, Mr. MOYNIHAN, Mr. BIDEN, and Mr. INHOFE):

S. 1682. A bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes; to the Committee on Finance.

INTERNAL REVENUE CODE LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to introduce legislation with my good friends and distinguished colleagues, the senior Senator from New York, Senator MOYNIHAN, Senator GRAHAM of Florida and Senator ABRAHAM. Our bill is rightfully entitled the ''Innocent Spouse Tax Relief Act of 1998.''

Mr. President, this bill will bring relief to innocent spouses, predominantly women, women who have been held responsible now for the tax liabilities incurred by their husbands. Merely because they happen to file a joint return, they then become held hostage and are liable in some cases. The Finance Committee, these past several weeks, has been holding hearings.

On February 11, we held hearings on how the IRS administers the tax law after a divorce or separation. We had a number of women who came forward, women who related the most shocking tales of how they have been harassed, how they have been pursued for overdue tax debts, not that they incurred but that were incurred by their husbands.

Under the current law, when a spouse signs a joint tax return, they become 100 percent responsible and liable for the other spouse's tax errors. This law exposes the innocent spouse to incredible financial obligations and emotional harm that follows thereafter.

Let me give you the case in point that one person brought to our attention—Elizabeth Cockrell. Elizabeth came to this country from Canada at the age of 28, married a commodities broker. The marriage lasted 3 years. Now, 9 years after her divorce—9 years after her divorce—the Internal Revenue Service came to her and said her husband owed initially $100,000 because he had taken deductions with tax shelters that they disallowed.

They came after her and they said, ''You owe $500,000.'' Now, here is this single person—no fault of her own—she was not involved in the business, had no knowledge that these tax shelters would be declared illegal, and 9 years after her marriage they come to her and say, ''You owe $500,000.'' Today, as a result of the interest and penalties that have accrued, she is now in debt to the tune, according to the IRS, of $650,000.

Her only mistake was signing a joint return with her husband. Because she signed that return, she became individually responsible for 100 percent of that tax. Thus far, the IRS has only pursued her and not her husband and refuses to let her lawyer know that, if anything, they are going to pursue her husband. They have not been able to collect from him, so they go after her. She has a child, a job; she has community

roots, so she is an easy target and they go after her.

She has done nothing wrong. She has attempted to settle with the IRS, but they refuse. This is just one case. But, Mr. President, let me say that the General Accounting Office has estimated that there are 50,000 cases a year—every year 50,000 new cases come up.

Every year we have innocent spouses who are being pursued, not because they have incurred a tax liability which they are responsible for but because of the arcane law they are held to, what we call joint and several liability. So they may have had no knowledge of the misdeeds or of the mistake, and they are held responsible.

So Elizabeth Cockrell represents what is taking place repeatedly. Now we have literally hundreds of thousands of women who are being pursued by the Internal Revenue Service whose husbands or spouses may have left owing the IRS moneys. And now they have multiplied, in the case of Elizabeth Cockrell where her husband, former husband, initially owed $100,000, and he is now being pursued, and it is up to $650,000. Next year it will rise.

So these are not nameless and faceless people; these are people, and 90 percent of them are women. Tremendous hardship. Our bill will say clearly that a person can only be held liable for the income that he or she has earned, and the failure to report properly, yes, they will be held liable, but not an innocent spouse.

Mr. President, the American Bar Association has recommended this legislation and, indeed, has worked with myself and Senator GRAHAM—I see my colleague from Florida who has cosponsored this along with Senator MOYNIHAN—and they have recommended this change. They do not recommend changes in the tax laws easily. They recognize that this is absolutely discriminatory.

In addition, the National Taxpayers Union—300,000 members—they have recommended this legislation. It is long overdue.

Last, but not least, we have hundreds of thousands of people today, mostly women—90 percent of them are women—who are being pursued improperly. The Internal Revenue Service has no choice, given the way the legislation now exists. Our bill would free these people from this unfair obligation which is now being thrust upon them. The hundreds of thousands of working women who are now being pursued unfairly, not because they have incurred any tax liability on their own, but simply because they were married and they were the innocent spouse of someone who filed incorrectly, improperly, or withheld information that they were not aware of.

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

Mr. D'AMATO. Yes.

Mr. BIDEN. Will you be kind enough to add me as a cosponsor?

Mr. D'AMATO. I will be glad to add Senator BIDEN, the senior Senator—he has been here a long time, but he is not the senior Senator—as an original cosponsor.

Mr. President, I ask unanimous consent to add Senator BIDEN as a cosponsor of my legislation.

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

Mr. D'AMATO. Mr. President, I urge my colleagues to support this important, bipartisan proposal to improve fairness.

We talk about fairness. I do not know when we are going to change the overall IRS Code, et cetera, but this certainly will restore confidence among taxpayers and give desperately needed relief to hundreds and hundreds of thousands of working moms out there who are now being pursued improperly.

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. 1682

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

SECTION 1. REPEAL OF JOINT AND SEVERAL LIABILITY ON JOINT RETURNS.

(a) IN GENERAL.—Paragraph (3) of section 6013(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended to read as follows:

''(3) if a joint return is made, the tax shall be computed on the aggregate income, and liability for tax shall be determined under subsection (e).''

(b) DETERMINATION OF PROPORTIONAL OR SEPARATE LIABILITY FOR PAYMENT OF TAX WITH RESPECT TO JOINT RETURNS.—Section 6013(e) of the Internal Revenue Code of 1986 (relating to spouse relieved of liability in certain cases) is amended to read as follows:

''(e) LIABILITY FOR PAYMENT OF TAX WITH RESPECT TO JOINT RETURNS.—When spouses elect to file a joint return for a taxable year, the liability for tax with respect to that year shall be determined as follows:

''(1) TAX REPORTED ON THE RETURN.—The liability for the tax computed with respect to income and deductions as reported on the return shall be in proportion to the tax liability which each spouse would have incurred if each had reported his or her apportionable items on a separate return of a married individual, provided that a payment by one spouse in excess of such spouse's proportionate share of liability for the tax reported on the return shall not be refunded unless there is an overpayment with respect to the return.

''(2) LIABILITY FOR DEFICIENCIES IMPOSED ON THE RESPONSIBLE SPOUSE.—Liability for a deficiency shall be imposed as follows:

''(A) With respect to an item of income, on the individual spouse to whom the item is apportionable.

''(B) With respect to an item of deduction, on the individual spouse to whom the item is apportionable to the extent that income apportioned to such spouse was offset by the deduction.

Liability for deficiency in excess of the amount allocated under subparagraph (B) shall be imposed on the other spouse.

''(3) APPORTIONABLE ITEMS.—A taxpayer's apportionable items shall be the taxpayer's share of the income and deductions reportable on the joint return of the taxpayer and his spouse, apportioned in the same manner as income and deductions are apportioned under section 861 (determination of income from sources within the United States). The Secretary may prescribe regulations under which simplified apportionment methods are authorized in making these determinations.''

SEC. 2. COMMUNITY PROPERTY LAWS DISREGARDED IN DETERMINING TAX LIABILITY.

(a) IN GENERAL.—Section 66 of the Internal Revenue Code of 1986 (relating to treatment of community income) is amended to read as follows:

''SEC. 66. COMMUNITY PROPERTY LAWS.

''(a) TAX LIABILITY.—For the purpose of determining the tax liability of an individual under this chapter, community property laws shall be disregarded.

''(b) ATTRIBUTION OF INCOME AND DEDUCTIONS UNDER COMMUNITY PROPERTY LAW.—

''(1) IN GENERAL.—For purposes of chapter 1, the income and deductions of a taxpayer and his spouse under community property law shall be allocated between the spouses under rules similar to the allocation rules of section 879(a) (relating to treatment of community income of nonresident alien individuals).

''(2) INCOME DERIVED FROM PROPERTY ALLOCATED ACCORDING TO TITLE.—Notwithstanding paragraph (1), community income which is derived from property shall be allocated in the same manner as the spouses hold title to such property and not as provided in paragraph (4) of section 879(a).''

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 66 and inserting:

''Sec. 66. Community property laws.''

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, I join with my colleague, Senator D'AMATO, Senator MOYNIHAN, Senator BIDEN and others in cosponsoring the innocent spouse legislation.

Under existing law, married taxpayers are liable for their spouse's Federal income taxes when they file a joint return. This is true regardless of which spouse earns what income, which spouse is responsible for expenses that qualify as deductions or credits. Each spouse is potentially liable for all of the couple's tax debts. You might ask why do couples agree to take on each other's debts. There are probably multiple reasons. For one, many couples want to intermingle all their finances as part of their marriage. Most couples filing jointly reduce the couple's overall tax liability. Most married couples do not contemplate a subsequent separation or divorce and unpaid taxes when they file a joint return.

Unfortunately, separations and divorces do occur. It is in dividing up the assets and liabilities of the marriage that many women discover that their ex-husband erred on the joint tax return and that the IRS is in pursuit of the unpaid taxes. The Finance Committee hearings and reports issued by the Treasury Department demonstrate that many times the IRS does not focus on collecting money from the ex-husband either because he cannot be found as easily or because he has few

assets or income-earning potential. Instead, it is the innocent spouse who becomes the target of the collection effort. This is true despite the fact that when the return was completed and filed the wife may have had little or no income and may have had little, if any, knowledge about the couple's financial affairs.

If I could use as a specific example that illustrates literally thousands of cases, one of the witnesses who testified before the Finance Committee at the February 11, 1998, meeting was Ms. Karen Andreasen of Tampa, FL. Here is her story. Unfortunately it is all too topical of many American women.

Ms. Andreasen testified that her husband, who ironically was a former IRS employee and financial consultant operating his own business, had handled most of the family's financial affairs including completing tax returns. When the couple decided to divorce, Ms. Andreasen learned that the couple had significant potential IRS debts. She testified that her ex-husband had forged her name on joint returns, yet the IRS was holding her responsible for the tax liability resulting from her ex-husband's business. Even though Ms. Andreasen had no individual income for the years in question, she had been saddled for several years with the obligation for her husband's taxes, and her home today remains subject to a tax lien.

Why doesn't our current tax law provide protection for innocent spouses such as Ms. Andreasen? Well, Congress did pass what is called the innocent spouse rule several years ago. Under this law, in certain narrow circumstances, a spouse can be relieved of liability for taxes assessed by an IRS audit after a joint return is filed. However, its provisions are so complicated and narrow that few can meet all of its tests. There is a growing acceptance of the principle that now Congress needs to change the rules.

In 1995, the American Bar Association recommended the legislation which is being introduced today. The House has taken a different approach. It has adopted as part of its IRS reform bill liberalizations in the innocent spouse rule for purposes of providing relief to more innocent spouses. Even the Treasury and the IRS have acknowledged the need for reform and have already taken steps to provide taxpayers with more information regarding the current innocent spouse rules. They have also suggested several statutory and regulatory changes which would expand the innocent spouse provisions to accommodate more cases. However, neither the House bill nor the Treasury's proposals will solve the underlying problem. We must grant individuals fair treatment where the individual spouse makes an error on the return. To do that, we must allow individuals to take responsibility for their individual share of the joint tax liability.

The legislation which has been introduced today provides that all married taxpayers be taxed only on their individual incomes. The bill would not eliminate joint filing. It would not change the tax tables to eliminate the reduced taxes that many times accompany joint filings. The bill does simply say that if the IRS asserts a tax deficiency on a joint return, each spouse will be individually liable for his or her portion of the liability.

In other words, income and deductions attributable to activities will be used to calculate the husband's portion of the tax liability and a similar calculation of the wife or ex-wife's portion of the tax liability.

The bill specifically provides that it will be applicable to all open tax cases, including ones originating in years prior to the date of enactment. Mr. President, this legislation provides that its application will be retroactive to current open tax cases. This approach will guarantee relief for Karen Andreasen and the many other spouses who have, through no fault of their own, been placed in extreme financial and emotional distress.

Repealing the joint liability of spouses will simply the tax system and it will give the IRS clear guidance as to where to go to collect tax debts.

I want to thank Senator ROTH for organizing a thorough examination of the IRS in preparation for markup of the Internal Revenue Service reform bill. The legislation Senator D'AMATO, others, and I introduce today was generated as a result of that thorough investigation.

Mr. President, there have been unknown thousands of innocent spouses who have been subjected to extreme emotional and financial distress solely because they filed joint returns with their spouses. This legislation establishes fundamental equity in providing that each individual is responsible for his or her own actions, but will not be held accountable for actions or conduct of another.

By applying this legislation retroactively to currently open cases, we will provide significant and immediate relief to those who have been unfairly charged with taxes they did not rightly owe. We will establish the principle that liability for an erroneous item tracks responsibility and will force the IRS to collect taxes from the person who rightfully owes those taxes.

By Mr. GORTON:

S. 1683. A bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; to the Committee on Energy and Natural Resources.

THE WENATCHEE NATIONAL FOREST INCLUSION ACT OF 1998

Mr. GORTON. Mr. President, today I am introducing S. 1683, legislation to transfer approximately 23 acres of land from the Lake Chelan National Recreation Area to the Wenatchee National Forest. This legislation is supported by both the National Park Service and the United States Forest Service, and would end a 10-year ordeal for my constituent, Mr. George C. Wall. Mr. Wall has been trying since 1987 to shift his 23 acres from the Recreation Area to the National Forest in order to more effectively manage his entire 168 plot of land. S. 1683 is non-controversial and I hope this body will approve it as expeditiously as possible.

By Mr. HUTCHINSON:

S. 1684. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board; to the Committee on Labor and Human Resources.

THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

By Mr. HUTCHINSON:

S. 1685. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Labor and Human Resources.

THE JUSTICE ON TIME ACT OF 1998

By Mr. HUTCHINSON (for himself, Mr. DEWINE, and Mr. MACK):

S. 1686. A bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent; to the Committee on Labor and Human Resources.

THE FAIR HEARING ACT

Mr. HUTCHINSON. Mr. President, our economy is doing well. Over 13 million new jobs have been created in the last 5 years and unemployment is at a 24-year low. The engine behind this growth is America's entrepreneurs. Last year, over 840,000 new small businesses were started in this country adding to the 22 million small businesses already in existence in the United States.

Not only are new jobs being created at an astounding rate, but job satisfaction levels are on the rise as well. While these statistics are good news for America, they are a bitter pill for America's labor unions. Because of the strong employment conditions, unions are finding it increasingly difficult to identify workplaces that feel they need labor representation. In short, union membership is in a free-fall.

Last month, the Bureau of Labor Statistics reported that unions lost 159,000 members in 1997 alone. Union membership has declined from 14.5 percent of the work force to 14.1 percent this year. This drop in membership is hitting the unions where it hurts most, their pocketbooks. Unfortunately, rather than fighting back with legitimate, honest organizing tactics, unions are lashing out against America's merit shop employers with tactics aimed at undermining their very existence.

Mr. President, I am always reluctant to propose legislation that interferes in

private matters, particularly matters that deal with contractual relationships between employers and employees. However, in this case, the Federal Government, through the National Labor Relations Board, is a coconspirator in this union attack on small businesses.

For example, Little Rock Electrical Contractors, which is a merit shop contractor in my home State that hires both union and nonunion labor, has found itself on the barrel end of several unfair labor cases filed by workers the company has no record of ever even having hired or even interviewed.

Last year, George Smith of Little Rock Electrical Contractors testified before the Senate Labor and Human Resources Committee, on which I serve, that they often settle these meritless cases simply because of the cost of litigating them through the NLRB and the courts, which is a very, very expensive process indeed.

Mr. Smith said that his business cannot compete against the flood of cases that are filed against them and which are being litigated by Government lawyers working for the NLRB. Rather than fight, they simply pay. In the end, this not only hurts the employer but it hurts employees and consumers who bear the brunt of this cost in lower wages and in higher prices.

Mr. President, unfortunately, this case is not unique. Both the House and Senate Labor Committees have been flooded with testimony showing similar efforts by unions across the country to harass and intimidate employers whose employees have chosen not to organize. Interestingly, this practice, which is known as ''salting,'' rarely, if ever, results in a formal petition to organize. In fact, the true nature and intent of salting was best explained by Mr. Gene Ellis, an IBEW organizer, who wrote in the Maine Labor RECORD the following words. And I quote:

> We've had members get monetary awards in the thousands of dollars just for applying for a job, just a couple hours of effort. At this writing, I'm pleased to announce that five of our members will be sharing in $32,000 of BE&K's profits. All for just filling out an application.

On February 13, 1997, I introduced legislation that addresses the issue of salting. This legislation—called the Truth In Employment Act of 1997—would allow employers to reject an applicant that has no intention of actually working for the company but is instead solely interested in disrupting the workplace and harassing their employer and fellow employees.

Today, I am introducing three new bills which seek to further protect small businesses from stern and intimidating union practices by forcing Government bureaucrats to seriously evaluate the actions they take against America's small businesses and requiring that the NLRB expeditiously resolve cases that are brought before it.

First, I am introducing the Fair Access to Indemnity and Reimbursement Act. The FAIR Act will provide small businesses the incentive they need to fight back against meritless claims brought against them with the assistance of the NLRB and its team of lawyers.

Simply put, the FAIR Act will allow small businesses to recoup the attorney's fees and expenses it spends defending itself should they prevail. So if a charge is brought against them, and they defend themselves and prevail, they will receive their attorney's fees. This will put some disincentive into the current practice of filing absolutely meritless cases in the hopes that they will tie up and disrupt the workplace and eventually destroy the employer. It ensures that those with modest means, the small company, the small business man or woman, will be able to fight frivolous actions brought before the NLRB—making the agency's bureaucrats closely consider each and every case before they initiate litigation.

Mr. President, passage of the FAIR Act would be welcome news to small businesses across America. In particular, John Gaylor of Gaylor Electric from Indiana, who budgets $200,000 each year to combat frivolous labor charges brought against him, would finally be able to recoup a large portion of these annual costs and would be able to reinvest this money into his business and into the welfare of his employees.

Mr. President, the second bill that I am introducing is the Justice on Time Act. This legislation eliminates another obstacle small business must cross before they can consider fighting meritless cases brought before the NLRB. It currently takes the National Labor Relations Board an average of 546 days—546 days—to process unfair labor claims. This delay compounds the back pay rewards that businesses must pay if they are found to be in violation of the National Labor Relations Act.

Furthermore, it delays the reinstatement of employees who are in limbo waiting to learn if they will get their jobs back. The Justice on Time Act is reasonable legislation that will force the NLRB to resolve unfair labor cases involving the dismissal of an employee within 1 year. And 1 year ought to be long enough.

Finally, Mr. President, I am introducing the Fair Hearing Act which will require the NLRB to conduct a hearing to determine the appropriate bargaining unit in cases where labor organizations attempt to organize employees at one or more facilities of a multifacility employer.

The NLRB, at the behest I believe of organized labor, has recently considered regulations that would end the NLRB's decade-long practice of resolving disputes over what constitutes an appropriate bargaining unit in an open hearing. While the NLRB recently pulled its proposed rule ending the use of hearings, and replacing it with a fairly broad set of ''union favoring'' criteria, the Fair Hearing Act would ensure that this practice is never again jeopardized by bureaucrats at the National Labor Relations Board.

Mr. President, these three bills simply seek to level the playing field on which organized labor and small employers compete. The strength of this country rests on the freedom of individuals to pursue their dreams, to pursue their ideas and risk their capital to open and operate a small business. With a level playing field, these dreams can continue to be met and can continue to be realized.

The three bills that I am introducing today will help ensure that the efforts of small business men and women across this country are not hindered by intrusive and misused Government regulations. I ask my colleagues for their consideration and support of this legislation.

Mr. President, I ask unanimous consent that the texts of the bills be printed in the RECORD.

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

S. 1684

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 ''Fair Access to Indemnity and Reimbursement Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain small businesses and labor organizations are at a great disadvantage in terms of expertise and resources when facing actions brought by the National Labor Relations Board.

(2) The attempt to ''level the playing field'' for small businesses and labor organizations by means of the Equal Access to Justice Act has proven ineffective and has been underutilized by these small entities in their actions before the National Labor Relations Board.

(3) The greater expertise and resources of the National Labor Relations Board as compared with those of small businesses and labor organizations necessitate a standard that awards fees and costs to certain small entities when they prevail against the National Labor Relations Board.

(b) PURPOSE.—It is the purpose of this Act—

(1) to ensure that certain small businesses and labor organizations will not be deterred from seeking review of, or defending against, actions brought against them by the National Labor Relations Board because of the expense involved in securing vindication of their rights;

(2) to reduce the disparity in resources and expertise between certain small businesses and labor organizations and the National Labor Relations Board; and

(3) to make the National Labor Relations Board more accountable for its enforcement actions against certain small businesses and labor organizations by awarding fees and costs to these entities when they prevail against the National Labor Relations Board.

SEC. 3. AMENDMENT TO NATIONAL LABOR RELATIONS ACT.

The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by adding at the end the following:

''AWARDS OF ATTORNEYS' FEES AND COSTS

''SEC. 20. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who, or a labor organization that—

''(1) is the prevailing party in an adversary adjudication conducted by the Board under this or any other Act, and

''(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Board was substantially justified or special circumstances make an award unjust. For purposes of this subsection, the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

''(b) COURT PROCEEDINGS.—An employer who, or a labor organization that—

''(1) is the prevailing party in a civil action, including proceedings for judicial review of agency action by the Board, brought by or against the Board, and

''(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the civil action was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) or this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.''.

SEC. 4. APPLICABILITY.

(a) AGENCY PROCEEDINGS.—Subsection (a) of section 20 of the National Labor Relations Act, as added by section 3 of this Act, applies to agency proceedings commenced on or after the date of the enactment of this Act.

(b) COURT PROCEEDINGS.—Subsection (b) of section 20 of the National Labor Relations Act, as added by section 3 of this Act, applies to civil actions commenced on or after the date of the enactment of this Act.

S. 1685

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 ''Justice on Time Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) An employee has a right under the National Labor Relations Act (29 U.S.C. 151 et seq.) to be free from discrimination with regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. The Congress, the National Labor Relations Board, and the courts have recognized that the discharge of an employee to encourage or discourage union membership has a particularly chilling effect on the exercise of rights provided under section 7 of such Act.

(2) Although an employee who has been discharged because of support or lack of support for a labor organization has a right to be reinstated to the previously held position with backpay, reinstatement is often ordered months and even years after the initial discharge due to the lengthy delays in the processing of unfair labor practice charges by the National Labor Relations Board and to the several layers of appeal under the National Labor Relations Act.

(3) In order to minimize the chilling effect on the exercise of rights provided under section 7 of the National Labor Relations Act (29 U.S.C. 157) caused by an unlawful discharge and to maximize the effectiveness of the remedies for unlawful discrimination under the National Labor Relations Act, the National Labor Relations Board should endeavor to resolve in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization.

(4) Expeditious resolution of such complaints would benefit all parties not only by ensuring swift justice, but also by reducing the costs of litigation and backpay awards.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that the National Labor Relations Board resolves in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization.

SEC. 4. TIMELY RESOLUTION.

Section 10(m) of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end the following: ''Whenever a complaint is issued as provided in subsection (b) upon a charge that any person has engaged in or is engaging in an unfair labor practice within the meaning of subsection (a)(3) or (b)(2) of section 8 involving an unlawful discharge, the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action, including reinstatement of an employee with or without backpay, as will effectuate the policies of this Act, or shall state its findings of fact and issue an order dismissing the said complaint, not later than 365 days after the filing of the unfair labor practice charge with the Board.''.

SEC. 5. REGULATIONS.

The National Labor Relation Board may issue such regulations as are necessary to carry out the purposes of this Act.

S. 1686

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 ''Fair Hearing Act''.

SEC. 2. REPRESENTATIVES AND ELECTIONS.

Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

''(6) If a petition for an election requests the Board to certify a unit which includes the employees employed at one or more facilities of a multi-facility employer, and in the absence of an agreement by the parties (stipulation for certification upon consent election or agreement for consent election) regarding the appropriateness of the bargaining unit at issue for purposes of subsection (b), the Board shall provide for a hearing upon due notice to determine the appropriateness of the bargaining unit. The Board shall consider factors, including functional integration, centralized control, common skills, functions and working conditions, permanent and temporary employee interchange, geographical separation, local autonomy, the number of employees, bargaining history, and such other factors as the Board considers appropriate.''.

By Mr. THOMPSON:

S. 1687. A bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes; to the Committee on Governmental Affairs.

THE NOTICE TO PROPERTY OWNERS ACT OF 1998

Mr. THOMPSON. Mr. President, I rise today to introduce a bill aimed at preventing private property owners from being caught by surprise when a private company asks the Federal Government for the power to take their land.

We had a situation in Marion County, TN, recently where the Federal Energy Regulatory Commission decided to grant the power of eminent domain to a private company for the purpose of building a natural gas pipeline through the county and then into Alabama.

This pipeline will exclusively serve a new wallboard plant that the company plans to build in the area. And that is fine. But in the process, about 50 private property owners—homeowners, businessmen, farmers—are being forced to allow their property to be used for the exclusive benefit—and profit—of this private company.

Now, that in and of itself raises a serious question in my mind. I wonder whether some greater public benefit needs to be demonstrated than simply the economic value of having this plant in the community. Again, we are talking about a situation where a private company is essentially being allowed to stand in the shoes of the Federal Government and seize an interest in the property of ordinary citizens but without committing that property to the direct use and benefit of the larger public. Now, that is the law as it stands today, as permitted, but it is a very serious matter and one which should not be taken lightly.

But what I find especially troubling is the fact that these private land owners—my constituents—were never given personal notice that their lands could be taken for this private pipeline. Current regulations require only that notice be published in the Federal Register.

If you do not happen to read the Federal Register on a daily basis you will never know that your property is about to be taken. Quite frankly, the Federal Register is not likely read in Marion County, TN, not by them and not by me, either, I might add. If you do not read it, the fact that your land is in jeopardy might be news to you until it is too late for you to participate meaningfully in the process in order to protect yourself and your interests. I think that is wrong.

This legislation is very simple and straightforward. It would simply guarantee that property owners get personal notice by certified mail whenever a private company is seeking to acquire an interest in their property through the power of eminent domain. This would at the very least allow the landowners to meaningfully participate in the Government's decision-making process.

That is something they did not get in this case. I do not think it is right. I

think it is pretty hard to argue that people should not have a right to know when the Federal Government is considering giving a private company the right to take their land. I do not think that anyone would argue that these folks should not be made aware of the rights they already have under the law. If you don't know about it, you can't protect it. That is what this bill would do.

Just let me quickly mention a couple of things that this bill would not do. It would not affect State law. It only addresses a situation involving the Federal power of eminent domain. It would not restrict the Federal Government's ability to exercise the power of eminent domain itself. It only deals with situations where the Federal Government is considering whether or not to delegate the power of eminent domain to a private company. No Federal agency will find its right to acquire Federal lands through eminent domain restricted by this legislation. It would not cost the Federal Government any money. Under my bill the private companies seeking the right to exercise eminent domain—not the Government—would be responsible for notifying the property owners whose lands might be affected.

What this bill does is state that property owners have the right to be notified when the Federal Government is considering giving a private company the right to take their land. It is basic fairness. They have a right to be notified at the outset of the proceedings in time for them to participate in the process. It gives them a chance to make sure that their voices are heard.

That did not happen in Marion County. The folks there were not personally notified that their land was in jeopardy and they did not find out until it was too late. I just don't think that that is right.

I hope the Senate will agree and will support this basic commonsense bill that I am introducing today.

By Mr. DORGAN:

S. 1688. A bill to amend the Communications Act of 1934 to limit types of communications made by candidates that receive the lowest unit charge; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS ACT OF 1934 AMENDMENT ACT OF 1998

Mr. DORGAN. Mr. President, I rise today to discuss legislation I am introducing to address a significant air pollution problem we have in this country.

No, I'm not talking about smog, or acid rain, or the ozone layer, I'm talking about broadcast air pollution. And by that I mean the 30-second, slash-and-burn, hit-and-run political ad that does nothing but cut down an opponent.

Can you think of any other business in this country that sells its wares only by tearing down the opposition? Do airlines ask you to consider their services because their competitors' mechanics are unreliable, and try to conjure up images of plane crashes to get you to switch carriers? Do car manufacturers sell their products by raising dark, misleading doubts about the safety of their competitors' autos? Does McDonald's run ads raising the threat of E-coli bacteria in Burger King's hamburgers?

Of course not, but that's precisely the way we compete in politics against each other.

It is a pretty sad state of affairs when the American people get a more informative and dignified discussion about the soda they drink or the fast food restaurant they prefer than they do in the debate about what choices to make for our country's future. It is time to do something about it.

We cannot and should not attempt to limit speech. But there is something we can do to provide the right incentives. Under current law, television stations are required to offer the lowest unit rate to political candidates for television advertising within 45 days of a primary election, and within 60 days of a general election.

The legislation I am proposing today would change that law to provide that the low rate must be made available only to candidates who run ads that are at least one minute in length, in which the candidate appears at least 75 percent of the time.

Now I want to be clear on one point. Candidates can still run any ad they desire. They can continue to scorch the earth with their ''hit-and-run'' ads to their heart's content. But they will not get the lowest rate unless the two conditions are met. If federal law can require broadcasters to offer the lowest unit rate for all political advertising, there's no reason we cannot place some content-neutral restrictions on the discount, in order to improve the quality of political discourse in this country.

How would my proposal improve the debate? It is my hope that by offering incentives for longer ads, candidates will discuss their positions on issues in greater detail. Certainly the 30-second political attack ad does little, if anything, to inform the public about the issues and advance the debate. And by appearing in the commercials, candidates will be more accountable to the voters for what their ads say, and will likely be more responsible about their content.

When selecting their leaders, the American people deserve better than a ''hit and run'' debate. Let us do something about it.

I would like to conclude by saying that it is still very much my hope that Congress will succeed in passing meaningful, comprehensive campaign finance reform this year. I am a co-sponsor of McCain-Feingold, and it is very much my hope that this legislation is passed by Congress and signed by the President. Although it is not perfect, it will address many of the abuses of the current system, most notably the problem of unregulated ''soft money'' pouring into our political process through ever-widening cracks in the law. Passing McCain-Feingold would help to restore the American people's eroding confidence in the way we run campaigns in this country.

But whether Congress succeeds in passing comprehensive reform or not, I believe this legislation would be a modest but worthwhile step towards making the political debate in this country more civil, more informative and more meaningful to the American people. I urge my colleagues to support me in this effort.

By Mr. DOMENICI:

S. 1689. A bill to reform Federal election law; to the Committee on Rules and Administration.

THE GRASSROOTS CAMPAIGN AND COMMON SENSE FEDERAL ELECTION REFORM ACT OF 1998

Mr. DOMENICI. Mr. President, I rise today to introduce my own version of campaign finance reform, the ''Grassroots Campaign and Common Sense Federal Election Reform Act of 1998.''

During the past several Congresses, I continuously have introduced straightforward reform legislation to deal with four specific campaign finance issues: (1) out-of-state contributions; (2) PACs; (3) soft money; and (4) super-wealthy candidates.

This legislation again addresses these age-old concerns, and also attempts to deal with some of the new problems we discovered during the investigation of campaign abuses in the 1996 election cycle by the Senate Committee on Governmental Affairs.

Before I get to those new issues, I'd like to talk a little about how this bill will address the major problem I have raised over and over again on the floor of the Senate whenever we have debated campaign finance reform. For many years, I have felt that the biggest problem with our elections is that they no longer belong to the voters, to those at the grassroots level, to the constituents we originally were sent here to serve.

Instead, our campaigns now belong to special-interest PACs, super-wealthy candidates who can essentially buy their congressional seats, and rich contributors who donate large sums of soft money to political parties and groups for use in so-called ''issue advocacy'' ads and contribute the maximum allowable under the law to candidates, even if those candidates do not come from their own home state.

My bill begins by making four straightforward changes to return campaigns to the voters. First, it requires that candidates raise at least sixty percent of their money from sources within their own state. In my mind, the best campaigns are those funded by a large number of contributions from among the candidate's own constituents. This bill would make that a reality in virtually every federal campaign.

Second, the bill bans all corporate, bank and labor union PACs and limits so-called ideological PAC contributions to $500 per candidate. I understand that there are concerns about a PAC ban, but I believe the best way to return elections to the electorate is to eliminate special interest PAC contributions to candidates.

Third, the bill deals with the wealthy candidate problem in a way that I believe is consistent with the First Amendment. Rather than place arbitrary and unconstitutional limits on the amount of personal wealth a candidate could spend on behalf of his or her own campaign, the bill simply requires the candidate to disclose the fact that they plan to spend their own money and raises the contribution limits for the opponents of Senate candidates who intend to spend more than $250,000 of their own money or House candidates who intend to spend more than $100,000. The bill in no way prohibits wealthy candidates from spending their own money- that is their constitutional right. But the bill does level the playing field by raising contribution limits for candidates who face opponents with massive personal wealth at their disposal.

Finally, the bill gets at the biggest problem we face today—soft money and its use for so-called issue advocacy. My bill limits soft money contributions to $100,000 per individual per party during each election cycle, while simultaneously increasing and indexing the limits on regulated federal contributions to candidates and national parties. I have long felt that Congress should limit soft money because soft money confuses the electorate and permits campaign contributions to come from clandestine, obscure sources.

After the hearings in the Governmental Affairs Committee this year, I am convinced now more than ever that we must do something to eliminate the pernicious effect of soft money on our political system. Who can forget Roger Tamraz? He's the oil pipeline financier, who told the Committee that he had given $300,000 in soft money to the DNC and gladly would have given $600,000 for a meeting with the decision-makers at the White House and in the Executive Branch. My bill would prohibit the unlimited giving of soft money by wealthy individuals like Mr. Tamraz who use soft money to buy access to government.

My bill also would deal with one of the most pernicious uses of soft money-so-called ''issue advocacy'' political advertisements- and it does so in a way that clearly is constitutional. My bill takes the middle ground on issue advocacy and requires anyone who spends more than $25,000 or more on radio or television advertising which mentions a federal candidate by name or likeness to make certain disclosures to the FEC. I have long felt that disclosure is the best way to pursue campaign reform. It has been said that ''sunlight is the best disinfectant.'' In the context of campaign reform, the sunlight of disclosure also is the best policy because it does no damage to the constitutional rights of individuals and groups to engage in political speech.

Mr. President, last year's Governmental Affairs Committee hearings exposed repeated and rampant violations of the existing campaign laws. We saw on numerous occasions blatant violations of the prohibitions against soliciting and receiving foreign money contributions, against money laundering-making contributions in the name of another, and the law against raising money on federal property. I thought that these laws were pretty clear.

Now, the Attorney General tells us that because soft money is not a ''contribution'' under the federal election laws, it was legal for the President and Vice President to solicit soft money contributions on federal property. While I do not necessarily agree with the Attorney General's interpretation of current law, I certainly believe we need to make it absolutely clear that government officials cannot use federal property to raise any campaign funds, including soft money. My bill does just that.

Finally, Mr. President, my bill deals with one other major issue- the use of union dues for political purposes. Mr. President, I can think of no other campaign activity which is more un-American than the mandatory, compulsory taking of union dues for political purposes. The essence of democracy is that political speech must be voluntary. For many union workers today, that is not the case. My bill would require unions to get the permission of all members before using their dues for political purposes. I know many colleagues on the other side of the aisle are opposed to this idea, but I think they know it is the right thing to do.

Mr. President, I introduce this bill today so my constituents in New Mexico will know where I stand on the issue of campaign finance reform. My record is clear- I have introduced at least three bills which have included the reforms I have discussed here today. But, I am unable to support McCain/Feingold for three key reasons.

First, McCain/Feingold goes too far in its attempts to address the express advocacy-issue advocacy problem. While I am sympathetic to any efforts to deal with the problems of the 1996 election, I believe that we must do so in a way which passes constitutional muster. McCain/Feingold's overly broad definition of ''express advocacy'' fails that test. McCain/Feingold defines express advocacy to include any radio or television ads referring to a federal candidate which are broadcast within 60 days of any election, regardless of whether those ads truly are ''issue advocacy'' ads. I believe that such a ban on the exercise of political speech would eventually be found unconstitutional.

Second, McCain/Feingold fails to ban soft money in a way which will pass Supreme Court scrutiny. Under McCain/Feingold, state parties are prohibited from disbursing soft money for use in ''federal election activity.'' The bill goes on to define ''federal election activity'' to include any ''generic campaign activity'' conducted in connection with an election in which a candidate for Federal office appears on the ballot. To me, this means that a state party could not use non-federal soft money for activity which strictly supports a state candidate just because that candidate appears on the ballot with a federal candidate. While some may believe otherwise, I do not believe that Congress possesses the authority to so regulate state campaigns.

Finally, Mr. President, I cannot support McCain/Feingold because it does very little to address the problem of the compulsory use of union dues for political purposes. McCain/Feingold codifies the Beck decision, which only applies to non-union workers and only requires unions to provide notice of the workers' right to request a refund of the portion of their dues used for political purposes. I believe unions should be prohibited from using any employee dues for political purposes, whether they are taken from members or non-members, unless the union receives permission up front and in advance from the employee.

Mr. President, campaign finance reform is an issue which must be resolved thoughtfully and with respect for the First Amendment. I believe that my bill offers just such an approach. I also believe that, despite the earnest efforts of its proponents, many provisions of McCain/Feingold simply would not pass the constitutional scrutiny of the Supreme Court.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

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

S. 1689

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Grassroots Campaign and Common Sense Federal Election Reform Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. RESTRICTION ON OUT-OF-STATE CONTRIBUTIONS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end the following:

''SEC. 324. LIMIT ON OUT-OF-STATE CONTRIBUTIONS.

''A candidate for nomination to, or election to, the Senate or House of Representatives or the candidate's authorized committees shall not accept an aggregate amount of funds during an election cycle from individuals, separate segregated funds, and multicandidate political committees that do not reside or have their headquarters within the candidate's State in excess of an amount equal to 40 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.''.

(b) DEFINITION OF ELECTION CYCLE.—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) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.''.

SEC. 3. LIMITATION ON POLITICAL ACTION COMMITTEES.

(a) PROHIBITION OF SEPARATE SEGREGATED FUNDS.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(1) in subparagraph (A), by inserting ''and'' after the semicolon;

(2) in subparagraph (B), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (C).

(b) PROHIBITION OF CERTAIN DISBURSEMENTS BY BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

''(c) PROHIBITED DISBURSEMENTS.—A bank, labor organization, or corporation referred to in subsection (a) shall not make a disbursement for the establishment or administration of a political committee or the solicitation of contributions to such committee.''

(c) LIMITATION ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES.—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 ''$500''; and

(2) in subparagraph (C), by striking ''in any'' and all that follows through ''$5,000''.

SEC. 4. USE OF PERSONAL WEALTH FOR CAMPAIGN PURPOSES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

''(i)(1)(A) Not later than 15 days after the date a candidate qualifies for a ballot, under State law, the candidate shall file with the Commission a declaration stating whether or not the candidate intends to expend personal funds in connection with the candidate's election for office, in an aggregate amount equal to or greater than—

''(i) in the case of a candidate for the Senate, $250,000, ; and

''(ii) in the case of a candidate for the House of Representatives, $100,000.

''(B) In this subsection, the term 'personal funds' means—

(i) funds of the candidate or funds from obligations incurred by the candidate in connection with the candidate's campaign; and

(ii) funds of the candidate's spouse, a child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate and the spouse of any such person, and a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of such person.

''(C) The statement required by this subsection shall be in such form, and shall contain such information, as the Commission may, by regulation, require.

''(2) Notwithstanding any other provision of law, in any election in which a candidate declares an intention to expend more personal funds than the limits described in paragraph (1)(A), expends personal funds in excess of such limits, or fails to file the declaration required by this subsection—

''(A) subsection (h) shall apply to other eligible candidates in the same election without regard to the $17,500 limit; and

''(B) the limitations on contributions in subsection (a) for other eligible candidates in the same election shall be increased for such election as follows:

''(i) The limitations under subsection (a)(1)(A) shall be increased to an amount equal to 1,000 percent of such limitation; and

''(ii) The limitations under subsection (a)(3) shall be increased to an amount equal to 150 percent of such limitation, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in clause (i).

''(3) For purposes of this paragraph, an eligible candidate is a candidate who is not required to file a declaration under paragraph (1) or notice under paragraph (5).

''(4) If the limitations described in paragraph (2) are increased under paragraph (2) for a convention or a primary election, as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of paragraph (2) shall no longer apply.

''(5) Any candidate who—

''(A) declares under paragraph (1) that the candidate does not intend to expend personal funds in an aggregate amount in excess of the limit described in paragraph (1)(A); and

''(B) subsequently does expend personal funds in excess of such limit or intends to expend personal funds in excess of such limits, such candidate shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested. A candidate that violates this paragraph shall be subject to a civil penalty in an amount equal to 2 times the amount of funds expended in excess of the limits.

''(6) Any candidate who incurs personal loans in connection with his campaign under this Act shall not repay, either directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

''(7) Notwithstanding any other provision of law, no candidate shall make expenditures from personal funds in connection with a general, special, or runoff election for office after the later of—

''(A) the date that is 90 days before the date of the election; or

''(B) the day after the primary election for such office, whichever date occurs later.

The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in paragraph (1) of this subsection. A candidate that violates this paragraph shall be subject to a civil penalty in an amount equal to 3 times the amount of funds expended.

''(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.''.

SEC. 5. INCREASE IN CONTRIBUTION LIMITS.

(a) INCREASE IN 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 ''$5,000''; and

(B) in subparagraph (B), by striking ''$20,000'' and inserting ''$50,000''; and

(2) in paragraph (3), by striking ''$25,000'' and inserting ''$50,000''.

(b) 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 before ''At the beginning'' the following: ''(A)''; and

(C) by adding at the end the following:

''(B) Each limitation established by subparagraphs (A) and (B) of paragraph (1) and paragraph (3) of subsection (a) or subsection (b) or (d) shall be increased by the percent difference determined under subparagraph (A).

''(C) Each amount increased under subparagraph (B) shall remain in effect for the calendar year in which the amount is increased.''; 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 1998.''.

SEC. 6. LIMIT ON SOFT MONEY DONATIONS TO POLITICAL PARTIES.

(a) SOFT MONEY OF NATIONAL POLITICAL PARTY COMMITTEES.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 2) is amended by adding at the end the following:

''SEC. 325. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

''A national committee of a political party, any subordinate committee of a national committee, a Senatorial or Congressional Campaign Committee of a national political party, or an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or a Senatorial or Congressional Campaign Committee of a national political party or that is an entity acting on behalf of a national committee or a Senatorial or Congressional Campaign Committee of a national political party shall not accept donations from any person during a calendar year in an aggregate amount that exceeds $100,000.''.

SEC. 7. INCREASED DISCLOSURE FOR CERTAIN COMMUNICATIONS.

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) DISCLOSURE OF CERTAIN COMMUNICATIONS.—

''(1) IN GENERAL.—A person shall file a report under paragraph (2) if the person expends an aggregate amount of funds during a calendar year for communications described in paragraph (3) in excess of—

''(A) $25,000 with respect to a candidate; or

''(B) $100,000 with respect to all candidates.

''(2) REPORT.—

''(A) TIME TO FILE.—A report under this paragraph shall be filed in accordance with subsection (a)(2).

''(B) CONTENTS OF REPORT.—A report filed under this paragraph shall contain the same

information required for an independent expenditure under subsection (c).

''(3) COMMUNICATION DESCRIBED.—A communication described in this paragraph is any communication that—

''(A) is broadcast to the general public through radio or television;

''(B) mentions or refers to by name, representation, or likeness any candidate for election to Federal office;

''(C) the payment for which is not a disbursement described in clause (i) or (iii) of section 301(9)(B); and

''(D) the payment for which is not an independent expenditure.''.

SEC. 8. USE OF UNION DUES FOR POLITICAL PURPOSES.

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) (as amended by section 3) is amended by adding at the end the following:

''(d)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment, if any part of such dues, fee, or payment will be used for political activities.

''(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

''(3) In this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.''.

SEC. 9. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY AND OTHER CRIMINAL PROHIBITIONS.

(a) DEFINITION OF DONATION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 2) is amended by adding at the end the following:

''(21) DONATION.—The term 'donation' means a gift, subscription, loan, advance, or deposit of money or anything else of value made by any person to a national committee of a political party or a Senatorial or Congressional Campaign Committee of a national political party for any purpose, but does not include a contribution (as defined in paragraph (8)).''.

(b) PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.—Section 607 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or donation within the meaning of section 301(20)'' after ''section 301(8)''; and

(2) in subsection (b)—

(A) by inserting ''or donations'' after ''contributions'' each place it appears;

(B) by inserting ''or donation'' after ''contribution''; and

(C) by inserting ''donator'' after ''contributor''.

(c) AMENDMENT OF TITLE 18 TO INCLUDE PROHIBITION OF DONATIONS.—Chapter 29 of title 18, United States Code, is amended—

(1) in section 602(a)(4), by inserting ''or donation within the meaning of section 301(20)'' after ''section 301(8)''; and

(2) in section 603(a)—

(A) by inserting ''or donation within the meaning of section 301(20)'' after ''section 301(8)''; and

(B) by inserting ''or donation'' after ''contribution'' the second and third time it appears.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. 10. CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES OF CERTAIN OFFICIALS.

(a) CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES.—

(1) PROHIBITION ON MAKING OF CONTRIBUTIONS.—It shall be unlawful for any person to make a contribution to a candidate for nomination to, or election to, a Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3))), an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of any such individual, to defray legal expenses of such individual—

(A) to the extent it would result in the aggregate amount of such contributions from such person to or on behalf of such individual to exceed $10,000 for any calendar year; or

(B) if the person is—

(i) a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))); or

(ii) a person prohibited from contributing to the campaign of a candidate under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b).

(2) PROHIBITION ON ACCEPTANCE OF CONTRIBUTIONS.—No person shall accept a contribution if the contribution would violate paragraph (1).

(3) PENALTY.—A person that knowingly and willfully commits a violation of paragraph (1) or (2) shall be fined an amount not to exceed the greater of $25,000 or 300 percent of the contribution involved in such violation, imprisoned for not more than 1 year, or both.

(4) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to permit the making of a contribution that is otherwise prohibited by law.

(b) REPORTING REQUIREMENTS.—A candidate for nomination to, or election to, a Federal office, an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of any such individual, that accepts contributions to defray legal expenses of such individual shall file a quarterly report with the Federal Election Commission including the following information:

(1) The name and address of each contributor who makes a contribution in excess of $25.

(2) The amount of each contribution.

(3) The name and address of each individual or entity receiving disbursements from the fund.

(4) A brief description of the nature and amount of each disbursement.

(5) The name and address of any provider of pro bono services to the fund.

(6) The fair market value of any pro bono services provided to the fund.

SEC. 11. INCREASED CRIMINAL PENALTIES FOR VIOLATIONS OF FOREIGN NATIONAL PROVISIONS AND CONTRIBUTIONS IN THE NAME OF ANOTHER.

Section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following:

''(D) In the case of a person who knowingly and willfully violates section 319 or 320, the person shall be fined an amount not to exceed $10,000, imprisoned for not more than 10 years, or both.''.

SEC. 12. 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) FILING REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

''(A) SOFTWARE.—The Commission shall—

''(i) develop software for use to file a designation, statement, or report under this Act; and

''(ii) provide a copy of the software at no cost to a person required to file a designation, statement, or report under this Act.

''(B) COMPUTERS.—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 the 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 that manner if not required to do so under a regulation promulgated under clause (i).

''(C) FACSIMILE MACHINE.—The Commission shall promulgate a regulation which allows a person to file a designation, statement, or report required by this Act through the use of a facsimile machine.

''(D) VERIFICATION OF SIGNATURE.—In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report covered by the regulation. A 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. 13. TERM LIMITS FOR FEDERAL ELECTION COMMISSION.

(a) IN GENERAL.—Section 306(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)(A)) is amended in the matter preceding clause (i) by striking ''terms of 6 years'' and inserting ''no more than 1 term of 8 years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to appointments made after the date of enactment of this Act and to Commissioners serving a term on the date of enactment of this section except that such Commissioner shall continue to serve until the expiration of such term.

By Mr. FAIRCLOTH:

S. 1690. A bill to provide for the transfer of certain employees of the Internal Revenue Service to the Department of Justice, Drug Enforcement Administration, to establish the Department of National Drug Control Policy, and for other purposes; to the Committee on Governmental Affairs.

THE AMERICAN PRIORITIES ACT

Mr. FAIRCLOTH. Mr. President, I am pleased to today introduce the ''American Priorities Act.''

First, and most importantly, this bill corrects a serious imbalance in our national priorities by transferring one-third of the enforcement agents at the Internal Revenue Service to the Drug Enforcement Agency, by January 1, 1999.

Second, and by the same time, the bill establishes a cabinet level department to marshall the resources necessary to adequately fight a real war on drugs. By so doing we would affirm our resolve to the American people and those abroad that this is a war we intend to win.

Over the last 5 years, drug use, which slowed in the later 1980's and early 1990's, has increased with a vengeance. Particularly hard-hit have been our children. Schools are not safe; children are born addicted to crack and other hard drugs which are now cheap and

plentiful in most of our nation; and drug-related violent crime is soaring.

Most troubling of all has been the creation of a class of violent, drug-addicted youth predators who terrorize our citizens with almost irrational and depraved violent crimes, from carjackings in shopping malls, to drive-by shooting on city streets, to gang-related violence in schools.

Yet what is the Administration's reaction? It claims that the so-called ''war on drugs'' cannot be easily won, that it will take 10 or more years to even begin to control the drug trade.

Such a piecemeal application of resources is not a recipe for victory. We need a bold and dramatic shift in federal resources to end the drug scourge once and for all. If this is to be a true war on drugs, then we need a Desert Storm, not a Vietnam.

The IRS has over 100,000 employees, 46,000 of whom are enforcement officials. Recent Congressional oversight has revealed that the agency has excess enforcement resources, which are not serving the public interest.

Instead, these excess resources are often engaged in the bullying of law-abiding Americans. And it's no wonder. With over 100,000 employees, 46,000 of which are enforcement agents, the IRS is running out of legitimate things to do.

By contrast, the DEA, which is at the forefront of stemming the drug trade, has only 8,500 personnel, half of whom are special agents. If the war on drugs is to be won, we need to radically reallocate our national resources, and I would suggest that moving 1/3 of the IRS enforcement agents to the DEA is a good first step.

Further, as a member of the Treasury and General Government Appropriations Subcommittee, I plan to offer a version of this bill as a rider to this year's budget.

Mr. President, it is high time that the federal government started investing drug dealers as intensely as the IRS investigates American taxpayers.

SENATE RESOLUTION 185—RELATIVE TO SOCIAL SECURITY

Mr. HOLLINGS (for himself, Mr. DORGAN, Mr. DASCHLE, Mrs. MURRAY, Mr. JOHNSON, Mr. FORD, Mr. CONRAD, Mr. LAUTENBERG, and Mr. REID) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 185

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE BUDGET AND SOCIAL SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled;

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the ''total income'' of the Social Security system ''is estimated to fall short of expenditures beginning in 2019 and in each year thereafter...until [trust fund] assets are exhausted in 2029'';

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to ''save Social Security first'' and to ''reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century''; and

(6) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENSE.—It is the sense of the Senate that Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled.

Mr. HOLLINGS. Mr. President, today I address President Clinton's admonition: ''save Social Security first.'' I consider the President's plea essential; in fact, it is the most important business confronting this body. Saving Social Security is not a new crusade for me; for over two decades, I have dedicated myself to this cause. As a former Chairman and the senior member of the Budget Committee, I have worked to ensure that we are honest and responsible in our treatment of the trust funds and that Social Security will be viable for decades to come.

The debate over Social Security is not a new one. I recall when we formed the Greenspan Commission in 1983 for just this purpose: to save Social Security. That commission recommended the higher Social Security payroll tax that took effect in the mid-1980s. This tax was intended to produce a large surplus in the Social Security trust fund, to be used to support the retirement of the Baby Boom generation in the next century. But because the surplus has been used to pay for general operations of the federal government, there is in fact an enormous deficit in Social Security. This government owes a great deal of money to current workers; under the current system, we will be unable to pay them their benefits when they retire. That is why it is crucial we reform Social Security.

Consider President Clinton's Social Security proposal—as elaborated in his State of the Union address—in its entirety: ''Tonight I propose we reserve 100 percent of the surplus. That's every penny of any surplus.''

The President is right. Reserving any surplus is essential to ensuring that Social Security remains not only solvent, but fully capable of paying benefits to future retirees. If we are serious about saving Social Security—the most effective federal program since its enactment in 1935—we must protect the Social Security trust fund.

To help achieve this, I am dropping in a resolution that would express the sense of the Senate that Congress must not use any Social Security surplus to increase spending or cut taxes. I will offer this as an amendment to the first appropriate piece of legislation.

The first way to save Social Security is to stop spending the trust funds. One way to do this is to force an up-or-down vote on my resolution. Force Congress to promise not to use surpluses for irresponsible spending or tax cuts. If we can do this, we will have eliminated the immediate obstacle to saving Social Security.

This sense of the Senate is the first step towards saving Social Security. The next step is to address the program's long-term solvency. But before we can remedy Social Security's fundamental problems and save it for future retirees, we must restore truth in budgeting and put the ''trust'' back in trust funds. That is why I have introduced this resolution, and that is why I strongly urge my colleagues to support it.

SENATE RESOLUTION 184—EXPRESSING THE SENSE OF THE SENATE SUPPORTING ITALY'S INCLUSION AS A PERMANENT MEMBER OF THE UNITED NATIONS SECURITY COUNCIL

Mr. D'AMATO (for himself and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 184

Whereas Italy organized and led a multinational peace enforcement operation in Albania last spring under United Nations authority to restore order and organize democratic elections;

Whereas Italy provided the second largest United Nations troop contingent in Somalia;

Whereas in 1983 Italy joined the United States in a multilateral force to bring peace and stability to Lebanon and Italy still participates in the ongoing United Nations peacekeeping force in Lebanon;

Whereas Italy brokered the peace settlement in Mozambique and led the peacekeeping force that implemented it;

Whereas Italy hosts at Brindisi the sole United Nations logistical base supporting peacekeeping operations worldwide;

Whereas Italy's strategic location in the Mediterranean makes it an indispensable partner in security operations in multiple zones of instability;

Whereas Italy hosts air bases from which the United States and its NATO partners have conducted air operations over the former Yugoslavia;

Whereas Italy is the world's fifth largest economy and next year becomes the U.N.'s fifth largest assessed contributor;

Whereas Italy's contribution to the United Nations is greater than that of Britain, Russia and China, three permanent members of the Security Council;