work until spring, 1999. How many companies will survive the loss of income for that lengthy period of time, Mr. President? What effect will it have on the families of construction workers left unemployed because of our inaction, our delay on the highway bill?

Remember, construction does not operate like an assembly line that can be stopped and started again on short notice. The design and construction of highway projects are carefully planned months in advance. Projects to be constructed in September generally must be planned early on and funded by May.

And if our inaction on the highway bill cripples the construction industry, what effect will it have on the national economy?

Mr. President, the last Census of the Construction Industry tallied 572,851 construction companies with a total employment of 4.6 million persons. The industry's annual estimated payroll is $118 billion, and construction companies work on projects valued at approximately $528 billion a year in the United States. Clearly, crippling the construction industry will have a ripple effect on our overall economy.

The U.S. Department of Transportation has estimated that every one billion dollars invested in highway construction creates 42,100 jobs. Passing the highway legislation by May 1 will release to the states billions of federal highway dollars, creating and preserving hundreds of thousands of jobs across the country. But the clock, Mr. President, is ticking, and those jobs are put at greater risk with each passing day.

Already, uncertainty about future highway funding is affecting the economy. I am told by people in the construction industry that contractors are putting off hiring and purchasing decisions until they have a clearer idea of how much federal highway funding there will be and when it will become available. And if highway contractors aren't hiring or buying, other firms aren't selling. Therefore, jobs are threatened in construction-related industries, too.

With so much at stake, the Senate should delay no longer. I implore the leadership to call up the highway bill now. The deadline is looming and a lot of work lies ahead before we can send a bill to the President's desk for his consideration and signature. We should be debating the bill today while the Senate is not preoccupied with other matters. With only 40 session-days remaining, every day counts for those thousands of Americans whose livelihood depends on the uninterrupted flow of federal highway funds.

Let us fulfill our responsibilities, and our obligation to those working Americans, without further delay. We should begin debating ISTEA now.

Mr. President, I thank the Chair.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the Senator from West Virginia for his comments on ISTEA. I note—he may have noted this before I came on the floor—that the Washington Post today had an article by Eric Pianin speaking of the problems specifically, in the State of Vermont in getting this ISTEA money through. In our State—this also occurs in Maine and, obviously, in parts of the beautiful State of West Virginia—we have a very early fall and extremely late spring and heavy snows in between. We have a fairly short construction season.

I hope that the majority leadership of both bodies will get this bill up, get it voted on, take the amendments up, vote them up, and vote them down to get it over with so that States—whether it is West Virginia, or North Dakota, or Vermont, or Arizona, or any other State represented by Senators now on the floor—could get on with this.

I hate to think of the amount of money that would be wasted if this is delayed much longer, and then we have to scramble to get the contracts out. It is taxpayer dollars that get wasted where interests are not taken care of.

The Senator from West Virginia has been on the floor several times already on this. He has certainly been diligent in meetings with other Senators off the floor. And I commend him for doing this. He is doing a service to the country.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. LEAHY. Certainly.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Vermont for his remarks. They are both timely and appropriate. I deeply appreciate his contribution to this colloquy.

Vermont, like West Virginia—and like many other States, as he has pointed out—has a short construction seasons, especially when we think of winter, and spring, fall, and winter again.

So the time is now. And I feel greatly emboldened and encouraged by the comments of the distinguished Senator from Vermont. He is a stalwart supporter of all things that benefit his State, and the other States of the country.

I thank him very much.

Mr. LEAHY. Mr. President, I thank my good friend from West Virginia. I have had the privilege of serving with him for nearly a quarter of a century. He, of course, has served much longer than I. I appreciate it.

Mr. President, I ask unanimous consent that I be allowed to use my full morning business time normally allotted.

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

IRAQ AND THE INDEPENDENT COUNSEL LAW

Mr. LEAHY. Mr. President, dueling for the lead on the front page of every newspaper in this country over the past month have been two stories: Whether the United States will send American soldiers into battle with Iraq, whether people will die in Iraq on both sides, or whether the President of the United States had an affair months ago with a former White House intern. Fueled by what have been titillating leaks and innuendo, the story of the alleged affair and Special Prosecutor Kenneth Starr's investigation has, more often than not, stolen the lead.

I have spoken before about the high volume of information that apparently originates from prosecutor Starr's office. The press has cited as sources ''several Federal investigators,'' ''one official involved in the discussions,'' or ''sources close to independent counsel Kenneth Starr,'' and ''government officials.'' Whether or not the material concerns matters before the grand jury may be relevant to whether a criminal violation occurred, but the distinction is of no relevance as a matter of prosecutorial ethics. It is prosecutorial ethics that I am concerned about.

The distinguished senior Senator from Pennsylvania, Senator SPECTER, who shares with me a former career as a prosecutor—a career both of us are proud of—knows that a prosecutor's case should be tried in court and not the press. When I spoke about Mr. Starr earlier, Senator SPECTER came to the floor on January 27 to repeat Mr. Starr's ''emphatic denial'' that his office was in any way responsible for these stories, as Senator SPECTER had a perfect right to do. But less than 2 weeks after that denial—the denial made by Mr. Starr—Mr. Starr acknowledged, on February 5, his ''regret that there have been instances, so it would appear, when that [grand jury secrecy] rule has not been abided by,'' and announced that he was initiating an internal investigation to determine whether his office was responsible for the leaks. Perhaps his ''emphatic denial'' was too hastily put.

We will see if Mr. Starr pursues that internal investigation of his own office with anything even approaching his zealous pursuit of the President and the First Lady.

One of the most disturbing spectacles we have seen from Mr. Starr's inquest is that of a mother being hauled before a grand jury to reveal her intimate conversations with her own daughter. And she is, of course, not the only one. According to press accounts, Monica Lewinsky's close friends have had to fly in from California to testify, at whatever expense that might be, to hiring lawyers, and so forth. Bystanders—people who just happened to be standing there—at White House events where both the President and the former intern were both present have also been given grand jury subpoenas, as have those who used to supervise her work or work alongside the former intern. In this investigation, even the possibility of gossip based upon gossip, hearsay based upon hearsay, is enough

to bring you into the chambers of Kenneth Starr. For witnesses, this may be a matter of having to spend all the money you have saved for a college education, your children's education, or anything else, to pay for lawyers, if there is even a possibility that you might have been somewhere in the area and might have known something—even though you are not alleged to have done anything wrong, even though nothing wrong was alleged to have happened while you were standing there.

But, as a father, no tactic was more shocking than the treatment that Mr. Starr gave the mother of the former White House intern at the center of this controversy. Every single parent wants to be able to provide comfort and advice to a son or a daughter who is in trouble or in need of solace. No attorney, no doctor, no clergymen, no psychotherapist, no spouse would, in most States, be faced with the awful choice of the mother caught in the machinations of Mr. Starr's expanding investigation. Her choice, as I understand it, was refuse to testify—refuse to say what confidence she had shared with her own daughter—and, if she did refuse, be faced with contempt proceedings, including possible jail time. She would either go to jail or betray her child's confidences.

This is the United States of America. This is not the Star Chamber of hundreds of years ago. This is not the Spanish Inquisition. No child, no matter what their age, expects his or her conversations with a parent to be disclosed to prosecuting attorneys, compelling a parent to betray his or her child's confidence is repugnant to fundamental notions of family, fidelity, and privacy. Indeed, I can think of nothing more destructive of the family and family values, nor more undermining of frank communications between parent and child, than the example of a zealous prosecutor who decides to take advantage of close-knit ties between mother and daughter, of a prosecutor who said, if a mother loves a daughter and a daughter will go to a mother to talk to that mother, then we are going to grab the mother. Great family values, Mr. President. Great family values, Mr. Starr.

As one law professor said, ''I want my child to be able to come to me and share anything in the world. Neither of us should be fearful in the back of our minds, that if I'm hauled in front of a grand jury, I'll either have to hurt my child or put myself in legal jeopardy.'' If my child were in trouble and chose, as I hope that child would, to come to me, I would be loathe to have to refer my child to an attorney or priest or psychiatrist, because they have a privilege, and say, ''You can't talk to your own father or your own mother.'' Family bonds of blood, affection, loyalty and tradition deserve as much protection as the professional relationships of trust that are already protected by legal privileges.

Frankly, I can tell you right now if a child of mine confided in me, no grand jury, no prosecutor, no runaway special counsel would get me to talk about my child. I would tell that special prosecutor, ''Have you no shame? Have you no shame?'' I would go to jail before I would ever disclose one word that a child of mine said to me. That is the feeling this Vermonter has. And that is the feeling of the shame of a prosecutor who would force a mother—a mother—to talk about what her daughter may have told her. It is awful.

Four States already have adopted or recognized some variant of the parent-child privilege. One Federal circuit to consider whether a parent-child privilege should be recognized in Federal proceedings, refused to recognize this privilege stating:

> The legislature, not the judiciary, is institutionally better equipped to perform the balancing of the competing policy issues required in deciding whether the recognition of a parent-child privilege is in the best interests of society. Congress, through its legislative mechanisms, is also better suited for the task of defining the scope of any prospective privilege. . . . In short, if a new privilege is deemed worthy of recognition, the wiser course in our opinion is to leave the adoption of such a privilege to Congress. *In re Grand Jury Proceedings*, 103 F.3d 1140 (3d Cir. 1996).

The third circuit is right to let Congress consider this important issue. We in Congress should take up this challenge since we apparently cannot trust the sound judgment of certain prosecutors. I am going to have a bill which will be a start.

We have to assume the reason we have not had legislation on this before is that prosecutors showed some discretion. A prosecutor is the most powerful position, usually, in government. He or she can decide not only when to bring a prosecution but when to withhold, whether to initiate an investigation or whether to withhold. Prosecutors generally do not think of bringing parents in and browbeating them. But I am going to ask for a study to see what legislation we might have to prevent abuses in this area.

Perhaps we should also confirm in legislation that there is a Secret Service privilege. On this issue I am glad the Justice Department has apparently concluded there is such a privilege. Presidential security and privacy demand such a privilege. Imagine if there were no such privilege. The challenge to this privilege could result in changing the way our President and other officials, including foreign dignitaries, are able to be protected. To avoid being witness to private conduct, will security details be forced to change where they stand, where officers are placed, how many officers are assigned, and so on? Without a privilege, will officers on security detail be forced to carry litigation insurance to pay for attorneys when they are called upon to testify as to what they observed? We should not be forcing officers to change the way they carry out their duties simply to avoid being called upon to testify by investigators of unprecedented zealotry.

Mr. President, I ask unanimous consent I might have 5 more minutes.

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

Mr. LEAHY. Mr. President, what is troubling to me, I have been approached by law enforcement officers within our FBI who speak about being concerned that they may be assigned to the special prosecutor's office because they are going to be asked to look into things they normally never would have looked into as law enforcement officers; that there is a reputation that this special prosecutor's office has of an overconcentration on private sexual conduct of people—and not just the President but others as well—that they are going to be asked to look at things that as trained professional law enforcement people they usually do not look at.

I have also been approached by Secret Service agents who talked to me about the fact that they have been called upon to protect foreign dignitaries and others and now ask, are they going to be in a situation where they don't dare come close because they may overhear something of personal conduct and may then be called upon to testify to it? Do they have to worry that in carrying out their own duties they may find themselves bankrupted paying lawyer fees later on? This is a matter of some concern. I hope the feelings of these people are not widespread, but they may well be.

I have supported the independent counsel statute in the past, but never before have I been so disturbed by the tactics, judgment, and, at minimum, the appearance of partisanship by an independent counsel as I have by those of Mr. Starr and his staff. At a time when we need an independent counsel with the confidence of the American people, we do not have one.

For example, although a highly respected independent counsel, Robert Fiske, had concluded that Vincent Foster's death was a result of suicide, Mr. Starr, prodded by Richard Mellon Scaife and other right-wing activists, reopened that investigation. He spent years doing it. He spent millions of dollars of taxpayers' money doing it. He dragged the Foster family and friends through that experience again. He made people again have to hire lawyers. Then what happens? He reaches exactly the same conclusion that Mr. Fiske did before, but doing the bidding of someone else.

Mr. Starr publicly justifies his rush to secretly tape Monica Lewinsky to expand his Whitewater land deal investigation because a close friend of the President helped her find a job. If the source of job offers can prove influence, then Kenneth Starr is in deep trouble and probably he should consider resigning. Just 1 year ago, Mr. Starr accepted a job offer for a teaching position funded largely by Mr. Scaife, the same well-

known conservative publisher and financier who thought that the Foster case should be reopened, who has helped publicize allegations of wrongdoing by the President. Who knows what the status of that job offer is now?

In order for people to have confidence in the results of an investigation, that investigation must be nonpartisan and perceived to be nonpartisan. That is not the case when it comes to Mr. Starr. My friend from Pennsylvania, Senator SPECTER, as a former prosecutor, fully appreciates that principle as well. I understand he, too, has questioned the wisdom of having Mr. Starr head an investigation into the alleged affair since his activities have raised such an appearance of partisanship. I again urge Mr. Starr to do what is in the interests of the country and to consider whether his judgment has been so affected, whether he is now so driven to achieve a result, that he should reconsider his own role in the process.

The Senator from Vermont must conclude that Prosecutor Starr has not used his power responsibly and has failed his duty. Kenneth Starr is not the impartial, neutral and independent prosecutor the American people need now and the President, as would any American, deserves.

I predicted that his investigation may mark the death knell of the independent counsel statute. Before it is reauthorized, we ought to take a hard look at safeguards and accountability here. To have a nation on the brink of war preoccupied with affairs of the bedroom rather than of state is an abomination. More time has been spent on weekend talk shows talking about a White House intern than on the President's decision whether to use force against Iraq.

The good news is that while the rest of the country may be distracted by whom Mr. Starr will next drag before his grand jury, the President and his administration are properly focused on speaking to the American people about the circumstances that brought us to the brink of battle. The administration's preparations for battle surely helped bring about the proposed agreement the United Nation's Secretary General Kofi Annan has reached with Iraqi officials, and I remain hopeful that diplomacy, backed by the commitment to use force, will result in a peaceful resolution of this standoff. I look forward to reviewing the details of that agreement.

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

The PRESIDING OFFICER. The Senator from North Dakota.

THE HIGHWAY BILL

Mr. DORGAN. Mr. President, I listened with interest to the presentation by Senator BYRD, the distinguished Senator from West Virginia, on the subject of the highway bill and his desire, and the desire of so many others in this Chamber, to see that the piece of legislation that authorizes spending on highways and roads, the building and repairing of our country's infrastructure, be brought to the floor of the Senate, be debated and go to conference so that we can get this bill done and tell the Governors and the other people in this country who are waiting for this Congress to do its work that we have finally finished the job. This is not some idle piece of legislation that either may or may not be enacted into law. The Congress has a responsibility to deal with the issues of this country's infrastructure, especially bridges and roads and safety on our highways, and all of those issues are in the body of this legislation.

This legislation was supposed to have been enacted by this Congress last year. Now we are told by some that last year's business must wait until we have considered next year's budget. That is preposterous. We should bring that bill to the floor now. We were told it would be the first item of business on the Senate calendar when we reconvened in January. It was not. Today we will take up campaign finance reform. I am pleased that we are going to do that. But we should take up, expeditiously, the highway bill, debate it and pass it and get it to conference.

The highway bill, investing in our country's infrastructure, is about jobs, economic expansion, retaining and creating a first-class transportation system. For a first-class economy to exist, it must have a first-class transportation system, and that is what this issue is about. Every day, people pull up to the gas pumps and put some gasoline in their automobiles. When they do so, they pay money, through a tax on every gallon of that gasoline, that goes into a trust fund that is to be used in the highway bill that we are required to authorize. The taxes are already paid. The question is, will we use that money to invest in this country's bridges and roads? Those who are driving around this country know there is plenty yet to do. There is a big job ahead of us, and the quicker we get this legislation out of the Congress the better for this country.

So, I appreciate the Senator from West Virginia, the Senator from Montana, the Senator from Texas, Senator GRAMM, and others who have repeatedly come to the floor of the Senate saying this is not a partisan issue, this is not about parties; this is about investment in our country and that we finish the work we didn't get done last year and bring this important piece of legislation to the floor and pass it as soon as possible.

CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, I would like to turn just for a moment to the issue of campaign finance reform which we will take up this afternoon at 3 p.m. This is an issue, also, that was discussed some last year and, by agreement, is to be brought to the floor of the Senate this afternoon. Since our last discussion on this issue, I want to call my colleagues' attention to two pieces of information in the newspaper dealing with the two special elections to the Congress that have been held in the interim period. One was in New York, a special election to fill a vacancy in New York. It says:

> RNC [Republicans National Committee] Invests Heavily in ''Issue'' Attack Ads; $800,000 spent in New York House race.

It's not hard to figure out who won this race. Mr. President, $800,000 of outside money called ''issue ads,'' unregulated by the current rules on campaign finance—corporate money, unlimited quantities of money from any given source stuck into a big pot and then sent into a district by a political party. And it is declared, under current circumstances and with current court decisions, that this is not a part of the investment in those races. This nearly $1 million, with other funds included, was brought into the system in the form of issue ads—sham ads that were clearly direct 30-second advertisements expressly waged for one purpose, and that was to attack and destroy a candidate of the other party. This was done, by the way, with a legal form of cheating made possible by today's campaign finance law and current court decisions permitting issue ads, not so thinly disguised, to be waged in unlimited quantity using unlimited corporate money, unlimited individual money and undisclosed so that no one, no one in this country, will discover where the money came from. That is what is wrong with this current system.

We just had more recently a race in California. Same result; different amounts. Two different groups, large amounts of money coming into so-called issue advertising. Do they have a right to do this? Yes, they do. But do they have a right to wage advertisements in political campaigns with money that can come in huge blocks donated by corporations or very wealthy people to the tune of $50,000, $100,000 or $500,000 and then go into a State and use it in a political race in a Federal election and never have to disclose where the money came from? I don't think that's fair.

If anybody on the floor of the Senate, given what we have seen in the recent races in this country, can stand and say, ''Gee, campaign finance reform, there's nothing wrong here, things are just fine,'' if anybody can honestly stand on the floor of the U.S. Senate and say things are just fine, we have no problems with campaign finance reform, I submit that they have not watched what is happening around the country.

We passed a piece of campaign finance reform legislation in 1974, and the rules since 1974 have been bent and twisted and people have gone under them and over them, and the result now, not only because of what has happened with those rules but also because