

what we would probably do on our side, if there is one that is developed as an alternative. Alternatives would have an opportunity under that proposal.

Since we couldn't get any kind of guarantee that we will get it to a conclusion, I have to object to the addition that Senator DASCHLE proposed.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. In that case, I will have to object to the offer made by the majority leader.

The PRESIDING OFFICER. Objection is heard.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it will be the intent of the leadership after we finish the Treasury-Postal appropriations bill that we will go to the Department of Defense appropriations bill. We would like to lay it down tonight and be prepared to stay on it.

I say to all Senators, that will be the final bill that we will take up this week. When we finish that bill, we will be prepared to recess for the August recess. That can be tomorrow night, that can be Friday morning, that can be Friday afternoon or Friday night. It will be our intent to stay on it, with cooperation from both sides of the aisle, to complete that very important Department of Defense appropriations bill.

Mr. DASCHLE. Mr. President, to clarify a comment just made by the majority leader, I know that he has indicated to me we will move to the Executive Calendar before the end of the week.

Mr. LOTT. Yes, we have a number of nominations that I believe we can clear, that we need to clear. We will be working on that beginning tomorrow night. I thought maybe we could do some tomorrow night and then some more on Friday, after we complete the Department of Defense appropriations bill. I yield the floor, Mr. President.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, Senator DASCHLE and I have been working to identify the remaining amendments and the time that will be necessary to debate those amendments. I thank Senator DASCHLE, again, for the time he spent on that.

I ask unanimous consent that the following amendments, as previously identified on the consent agreement, be limited to the following times, to be equally divided:

Senator BINGAMAN with regard to the Strategic Petroleum Reserve, 20 minutes;

Senator BAUCUS regarding post office closings, 10 minutes;

Senator MCCONNELL regarding the Federal Elections Commission, 10 minutes;

Senator GLENN regarding FEC, 10 minutes;

Senator HARKIN regarding drug control, 30 minutes;

And Senator WELLSTONE regarding naming of a post office, 10 minutes.

We will continue to work with the Senators on this list to see if we can work them out and get them accepted, but we need to get this order lined up and identify what those amendments are to be.

Mr. GLENN. Reserving the right to object, I wonder if we can have 15 minutes on my side. We have a couple of people who want to make short remarks.

Mr. LOTT. I would modify that request, then, so we will have 15 minutes on each side?

Mr. GLENN. Yes.

Mr. LOTT. Now we are talking 30 minutes.

Mr. GLENN. That is right, instead of 20.

Mr. LOTT. Then Senator MCCONNELL will need 30 minutes. So you are talking about 30 minutes on each side—30 minutes equally divided or 30 minutes total?

Mr. GLENN. Thirty total.

Mr. LOTT. It would be 30 minutes equally divided on the McConnell amendment and 30 minutes on the Glenn amendment.

I remind our colleagues, it is a quarter till 7. I can't think of any profound statement that can be made that will take 30 minutes that will affect one iota the vote or its outcome. If the Senators will be willing to yield some of that time, that will be very helpful.

Mr. BAUCUS. Mr. President, I appreciate my amendment being on the list. I would like 20 minutes equally divided.

Mr. LOTT. Baucus amendment, 20 minutes equally divided.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. WELLSTONE. Yes, there is.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Objection on two parts. First of all, with regard to the Gene McCarthy Post Office, if we are going to debate this, I would like to have that 20 minutes equally divided. And second of all, I did not agree—I thought we might reach an agreement—I did not agree to withdraw my other amendment. There is another amendment that should be added to the list that will deal with mental health or substance abuse as it affects Federal employees. I would like to have 20 minutes equally divided on that.

Mr. President, let me just add, I have been here in the afternoon ready to go with amendments, so I am not trying to delay anything.

Mr. DASCHLE. How much time did the Senator want on the second amendment?

Mr. WELLSTONE. Twenty minutes equally, if it is not accepted—maybe it

will be acceptable—20 minutes equally divided.

Mr. LOTT. Mr. President, I believe this is sprouting wings here. I think I am going to at this point withdraw this agreement and notify Members I will move to table all amendments when offered. Unless we can get reasonable time agreements—we are now talking 1 hour, 2 hours, 3½ hours. What the heck, I will just move to table, and we will have a vote on each one of them.

Mr. BAUCUS. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mr. BAUCUS. I say to the leader, I am willing to reduce mine down to 2 minutes if the Senator will agree to my amendment. (Laughter.)

Mr. LOTT. That would take unanimous consent. You might get my agreement, but I am not sure you will get the rest of them.

Mr. BAUCUS. If I get your agreement, I will reduce mine to 2 minutes.

Mr. MCCONNELL. Will the leader yield for and observation?

Mr. LOTT. I yield to the Senator from Kentucky.

Mr. MCCONNELL. I say to the majority leader, Senator GLENN suggested that my amendment will require 30 minutes, 15 minutes on a side, and then he wanted 30 minutes for his amendment. I had offered him earlier in the day that we could adopt them both on voice vote which will require no time at all for the Senate. If I understand the GLENN amendment, it is adding \$2.8 million for the FEC; is that the GLENN amendment?

Mr. GLENN. Correct.

Mr. LOTT. Let me renew the request because Senator DASCHLE and I have other things we would like to do. If you want to talk and have votes, we will just be having votes every 20 minutes the rest of the night. We are not going to stack them. You need to be reasonable. The request as it now stands—does Senator GRAHAM have an addition?

Mr. GRAHAM. The central Florida drug trafficking area amendment.

Mr. LOTT. I understand you have an amendment in there which they are attempting to work out.

Mr. GRAHAM. I hope we can work it out. I want to be certain I am protected in the event.

Mr. LOTT. I renew my request with the present conditions:

Bingaman amendment for 20 minutes;

Baucus amendment for 20 minutes;

McConnell amendment for 30 minutes;

Glenn amendment for 30 minutes;

Harkin amendment for 30 minutes;

And Senator WELLSTONE, two amendments, 20 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, reserving the right to object, if you are not on this list, does this mean you are precluded from offering your amendment?

Mr. LOTT. No, you would be in the order about 10 or 11 o'clock.

Mr. GRAHAM. I want to make sure I am protected to offer my amendment.

Mr. LOTT. The Senator's reservation is recognized, and if the issue is not worked out, he will have an opportunity to offer it and vote on it. Senator DASCHLE has a suggestion to make.

Mr. DASCHLE. I think we ought to add the Graham amendment and then limit it to the ones on this list. I don't want to see this list grow.

Mr. LOTT. Mr. President, let's add Senator GRAHAM to the list for 10 minutes. I don't think we can lock it in at this point because we have the managers' amendment and other problems could be caused doing that.

Mr. DASCHLE. Mr. President, at the very least, why don't we proceed that no second-degree amendments be in order prior to a vote on a tabling motion.

Mr. LOTT. I agree. I further ask that no second-degree amendments be in order prior to a vote on a tabling motion.

The PRESIDING OFFICER. Is there objection to the majority leader's request as amended by the minority leader? Without objection, it is so ordered.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 3376

Mr. TORRICELLI. Mr. President, I rise in support of the amendment of the Senator from New Mexico, Mr. BINGAMAN, with regard to the Strategic Petroleum Reserve.

Among the great attributes of our country, historic memory may not be our greatest strength. It was only 25 years ago that America found her economy crippled by attempts made to compromise her national security by an oil embargo placed upon states that disagreed with fundamental aspects of our national foreign policy.

The 1970s may be a memory, but we have been revisited by the low oil prices that preceded the oil embargo of that decade.

Mr. President, because of the foresight of this Congress in creating a Strategic Petroleum Reserve, there is now space for 120 million barrels of oil. This Congress had the foresight, during and after the oil embargo, to plan to preserve our foreign policy independence, to preserve a large capacity to store oil so we could not be intimidated.

What is missing now is the foresight to fill that reserve. The Senator from New Mexico has noted there is no better time, with oil being sold at historically low prices. But it is important for Members of the Senate to understand that this is a propitious moment not only because the reserve has capacity and prices are low, but because in many ways the principal factors that led to the embargo of the 1970s, in an attempt to exercise leverage over American foreign policy, many of those factors are being revisited.

In 1973, the United States imported less than 27 percent of its crude oil requirements. In 1979, we imported less than 43 percent of our requirements. Yet, an embargo, given those numbers, was enough to create a national recession, hyperinflation, and caused a serious debate about foreign policy objectives.

The United States has now passed the 50 percent limit on importing foreign crude oil—9.2 million barrels per day—and by the year 2015 could import fully 70 percent of America's oil. Indeed, in the last 10 years, the rate of increase in the American importation of oil is more than all the imported oil of all nations in the world, other than Japan and Russia. Not only are we dependent, not only is it at historic highs, it is increasing.

Secretary of Energy Pena said:

The United States is highly dependent on Persian Gulf oil for a large and growing percent of our imports.

Mr. President, it is not only a question of the level of our imports, it is also the fact that many of those importations of oil continue to come from volatile areas of the world, including the Persian Gulf where we have serious foreign policy disputes with nations in the region.

It is estimated by the year 2010, the Persian Gulf's share of world export markets could surpass 67 percent, a level not seen since the oil embargoes of 1973 and 1974. Simultaneously, while American dependence on foreign oil is increasing, and world dependence on Persian Gulf oil is increasing, the United States continues to abandon domestic wells at an extraordinary rate. In the last 10 years alone, 173,000 U.S. oil wells have been abandoned. And oil production from smaller stripper wells is at its lowest level in 50 years.

Mr. President, at a time when Americans are enjoying a low price for oil and foreign policy threats have retreated for the moment, it is difficult for the Senator from New Mexico to rise and gain support of the Congress for this important initiative. But almost certainly this country will be revisited at another time when there will be an attempt to compromise our foreign policy and use the economic leverage of oil against this country.

We cannot be so foolish to forget what the oil lines were like or the recessions or the high inflation. In only a year after the Shah fell in Iran, in 1979, oil prices rose 250 percent. There are few easy ways to guard against this attempted intimidation or the economic shocks that would follow. Indeed, I know of only one. It is not perfect, it is not complete, but it is a contribution—it is the Strategic Petroleum Reserve.

It is time again to take advantage of these low prices to begin filling the reserve. For that reason, Mr. President, I rise in favor of the amendment offered by the Senator from New Mexico, Senator BINGAMAN, and I urge its adoption.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I do not know how much time is left on the amendment, but I would like to speak briefly on it.

The PRESIDING OFFICER. The Senator from New Mexico controls the time, and there are 6½ minutes remaining.

Mr. BINGAMAN. I am glad to yield the remaining time to the Senator from Alaska.

Mr. MURKOWSKI. I thank my colleague from New Mexico.

I rise in support of the amendment authorizing the purchase of 420 million dollars worth of oil for the Strategic Petroleum Reserve. First of all, as chairman of the Energy and Natural Resources Committee, it is my responsibility to protect the energy security interests of this country. The Strategic Petroleum Reserve was created for emergency purposes.

This amendment today would accomplish several goals: one, replace the oil that has been sold over the past several years for budgetary purposes. Now is a most opportune time to buy oil, when prices are at a 30-year low.

In this context, it is interesting to reflect on the fact that the average price of the oil in the SPR is about \$33 a barrel. Over the past several years, the average price we have gotten in selling it is about \$19 a barrel. So far, the Government has not done very well. I do not know whether they figured they would make it up in volume, but it is certainly poor business to buy high and sell low.

By taking action earlier this year, we stopped a proposed sale of oil from the Strategic Petroleum Reserve that was ordered in the 1998 Interior appropriations bill. We saved the American taxpayers over \$½ billion by that action, and our energy security insurance policy remained intact. We did this, Mr. President, on an emergency appropriations bill.

Over the past 3 years, we have steadily drained our Nation's energy security insurance policy. The drain started in 1996 when the Department of Energy proposed the sale of \$96 million worth of oil to pay for the decommissioning of the Weeks Island facility. In other words, we had a piggy bank. We broke into it. We did it in order to meet some budgetary requirements. We have had a hard time staying out of that piggy bank ever since.

In addition to the sale we canceled last year, there have been three additional sales. In January of 1996, the Balanced Budget Downpayment Act authorized the sale of \$5.1 million barrels from Weeks Island. The oil cost a total of \$40.33 a barrel. We sold it for \$18.82. We lost \$110 million.

In the 1996 budget agreement, we required the sale of 12.8 million barrels for \$227 million. Based upon the average cost of oil in the SPR, the American taxpayer lost approximately \$200 million.

The fiscal year 1997 appropriations required the sale of 10 million barrels for \$220 million. Oil prices were up that winter, so the American taxpayer lost only \$110 million.

So far we have lost the American taxpayer $\frac{1}{2}$ billion by selling oil that we put in the SPR by buying it high and selling it low. And, of course, two years ago the President proposed to balance the budget in the year 2002 by selling \$1.5 billion worth of SPR oil at \$10 a barrel, which would be 150,000 barrels of oil. I am grateful that wiser heads have prevailed.

However, we did not stop the drip, drip, drip of small sales, the appropriations process. As I indicated, we paid an average of \$33 per barrel. With three sales so far, it has cost the taxpayers a great deal of money— $\frac{1}{2}$ billion. But now we have an opportunity to stop that by pursuing the amendment offered by my friend and colleague from New Mexico, who is also a member of the Energy Committee, because we are able to at an all-time low.

It is a great investment for our national energy security interests. I am told that what we are doing now is replacing, in this 28 million barrels, the amount that we have sold over the past several years for budgetary purposes. So while we are still short of our objective of a 90-day supply of net imports, we will be somewhere in the area of a 64-day supply.

I urge my colleagues to adopt this amendment. Let me congratulate my friend from New Mexico for offering it. I yield the floor and yield back whatever time I have.

Mr. BINGAMAN. Mr. President, let me first thank the Senator from Alaska for his strong support of this amendment and his leadership on this issue over many years.

Let me also indicate the strong support that we have had from the Independent Petroleum Association of America and the National Stripper Well Association. I thank them for the good work they have done in developing the facts that support what we are doing here.

I ask unanimous consent a letter from the President and chairman of those two organizations be printed in the RECORD.

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

IPAA,

Washington, DC, July 29, 1998.

Hon. JEFF BINGAMAN,
Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATORS BINGAMAN AND MURKOWSKI: The Independent Petroleum Association of America (IPAA) and the National Stripper Well Association (NSWA) write in support of your amendment to the FY 1999 Treasury/Postal Appropriations. IPAA and NSWA, national associations representing America's 8,000 crude oil and natural gas producers, applaud your effort to seek an emergency appropriation of \$420 million to purchase 28 million barrels of crude oil for the Strategic Petroleum Reserve (SPR).

Throughout 1998, America's independent oil producers have been experiencing a price crisis of historic magnitude. From October 1997 through July 1998, crude oil prices have dropped more than \$7.00 per barrel. In many producing regions, oil producers are facing price declines of up to \$10.00 per barrel.

A combination of events—increased foreign oil production, the collapse of Asian economies, and a mild winter—helped to create a temporary oversupply of crude oil on the world market. The result of the price collapse is that many of the 500,000 marginal oil wells, representing 20 percent of U.S. production or the same volume of oil imported from Saudi Arabia, are at risk of being permanently shut-in.

The amendment, which is similar to the recent \$500 million emergency appropriation to remove excess agriculture commodities from the world market, would benefit (1) domestic oil producers, (2) the economies of the U.S. and other countries, and (3) U.S. national security.

1. Removing 28 million barrels of oil from a saturated market would help stabilize oil prices. In effect, policy makers would be signaling oil markets that the U.S. government is committed to preserving America's true strategic petroleum reserve—domestic crude oil producers.

This action could potentially increase prices to levels that would keep marginal oil wells economic. The average marginal oil well produces 2.2 barrels per day and costs \$41.11 a day to operate. When oil sells for \$14 a barrel, the marginal well generates only \$30.80, resulting in a loss of \$10.31 per day. Annually, the well loses \$3,752. For a typical operator of 100 marginal wells, annual losses exceed \$375,000.

2. This one-time purchase of oil for the SPR will stimulate U.S. and world economies. According to the National Petroleum Councils' 1994 Marginal Wells report, marginal wells generate 80,000 jobs and contribute an annual \$14.4 billion to the U.S. economy. When oil prices fall, so do state and federal revenues. IPAA estimates that from November 1997 through July 1998 state severance taxes and federal oil royalties have dropped by more than \$819 million.

The consequence of these revenue losses falls not on the producer but on the nation's citizens. The pinch is already being felt in state school spending where a great deal of this revenue is used. Construction spending, book purchases, and other key costs for state schools are being constrained because of lost revenues.

Additionally, the oversupply of oil on the world market is having a serious impact on the economies of Russia, Indonesia, Malaysia, and other countries. Last week, the International Monetary Fund announced the approval of an additional \$11.2 billion in aid to Russia. Of that amount, \$2.9 billion was directed to make up for shortfalls in Russia's oil export earnings.

3. The purchase of crude oil for the SPR would enhance America's energy and economic security. U.S. dependence on oil imports has grown to 54 percent, and is projected to climb to 61 percent by 2015. The SPR is America's best tool to combat the impact of growing import dependence and possible disruptions in crude oil supply. However, the federal government has sold 28 million barrels of oil from the Strategic Petroleum Reserve. Revenues raised from all three non-emergency sales were used to pay for government programs and to balance the federal budget.

Given the low price of crude oil, the purchase of additional stockpiles for the SPR would be a bargain for the U.S. Treasury. This purchase should be viewed as an asset transfer rather than spending. Purchasing

cheap oil for the SPR makes good business sense for the U.S. government and more importantly, for the tax paying citizens of this country. It's that simple.

IPAA and NSWA strongly support this important amendment. If you have any questions, please contact Craig Ward of the IPAA staff at 202-857-4722.

Sincerely,

GEORGE YATES,
Chairman, Independent Petroleum
Association of America.

STEPHEN D. LAYTON,
President, National
Stripper Well Association.

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

Mr. CAMPBELL. I add my support to the Bingaman amendment. To my knowledge, there is no opposition on the majority side. I urge its support.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3376) was agreed to.

Mr. CAMPBELL. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, if I am going to stay around here and we are going to have these 30-minute discussions and then the amendments are going to be taken, I am going to move to table them and we are going to have votes and I am going to fight every one of them.

Senators, get serious. You have an amendment. Give a very brief explanation and let's dispose of it. This is ridiculous. I am going to start insisting on recorded votes. If we have an agreement to take an amendment, take it. Don't take the time and then not have a vote.

I yield the floor.

AMENDMENT NO. 3377

(Purpose: To express the sense of the Congress that a postage stamp should be issued honoring the 150th anniversary of Irish immigration to the United States that resulted from the Irish Famine of 1845-1850)

Mr. CAMPBELL. I have a couple of housekeeping things that have been accepted. I send an amendment to the desk and ask for its immediate consideration on behalf of Senators DURBIN, KENNEDY, DODD and MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] for Mr. DURBIN, for himself, and Mr. KENNEDY, Mr. DODD and Mr. MCCAIN proposes an amendment numbered 3377.

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

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

The amendment is as follows:

At the appropriate place, insert:

The Senate finds more than 44 million Americans trace their ancestry to Ireland;

Finds these 44 million, many are descended from the nearly two million Irish immigrants who were forced to flee Ireland during the "Great Hunger" of 1845-1850;

Finds those immigrants dedicated themselves to the development of our nation and contributed immensely to it by helping to build our railroads, our canals, our cities and our schools;

Finds 1998 marks the 50th anniversary of the mass immigration of Irish immigrants to America during the Irish Potato Famine;

Finds commemorating this tragic but defining episode in the history of American immigration would be deserving of honor by the United States Government;

It is the sense of Congress that the United States Postal Service should issue a stamp honoring the 150th anniversary of Irish immigration to the United States during the Irish Famine of 1845-1850.

Mr. CAMPBELL. This is a sense of Congress regarding a commemorative stamp for the 150th anniversary of the Irish immigration to the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3377) was agreed to.

Mr. CAMPBELL. I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid upon the table.

AMENDMENT NO. 3378

(Purpose: To amend title 39, United States Code, to establish guidelines for the relocation, closing, or consolidation of post offices, and for other purposes.)

Mr. BAUCUS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for himself, Mr. JEFFORDS, Mr. ALLARD, Mr. CONRAD, Mr. LEAHY, Mr. DORGAN, Mr. ENZI, Mr. REID and Mr. BRYAN proposes an amendment numbered 3378.

Mr. BAUCUS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. ____ . POST OFFICE RELOCATIONS, CLOSINGS, AND CONSOLIDATIONS.

(a) SHORT TITLE.—This section may be cited as the "Community and Postal Participation Act of 1998".

(b) GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.—Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

"(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more news-

papers of general circulation within the zip codes served by that post office.

"(B) The notification under paragraph (1) shall include—

"(i) an identification of the relocation, closing, or consolidation of the post office involved;

"(ii) a summary of the reasons for the relocation, closing, or consolidation; and

"(iii) the proposed date for the relocation, closing, or consolidation.

"(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

"(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, and persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

"(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

"(i) the extent to which the post office is part of a core downtown business area;

"(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

"(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

"(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

"(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

"(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

"(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

"(viii) whether management of the post office contributed to a desire to relocate;

"(ix)(I) the adequacy of the existing post office; and

"(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

"(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

"(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

"(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

"(i) the determination and findings under subparagraph (A); and

"(ii) each alternative proposal and a response by the Postal Service.

"(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

"(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a

post office until the applicable date described in subparagraph (B).

"(B) The applicable date specified in this subparagraph is—

"(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

"(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph (7)(A), but not later than 120 days after the date on which the appeal is made.

"(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

"(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(ii) without observance of procedure required by law; or

"(iii) unsupported by substantial evidence on the record.

"(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

"(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

"(E) A determination made by the Commission shall not be subject to judicial review.

"(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

"(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

"(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2)."

(c) POLICY STATEMENT.—Section 101(g) of title 39, United States Code, is amended by adding at the end the following: "In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the

service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.”.

Mr. BAUCUS. In the spirit of cooperation, although I have been allotted 20 minutes, I will be very brief, hoping I can pick up a vote or two. It is a good amendment, anyway.

Very simply, the matter is this: In my State, and I know various other Senators in various other States, ran into a problem with the Postal Service. Namely, when the Postal Service wants to properly close, relocate or build a new post office, it has been, frankly, not the most sensitive operation in the world. That is, just close a post office, announce a closure, and that is it—giving the public and communities no say and no opportunity to comment on the closing, no opportunity to work out some accommodation with the Postal Service.

There are many examples of this. Let me give one in Livingston, MT. The Postal Service decided they were going to close the post office in downtown Livingston, just announced that they will build a new building on the edge of town. The community was up in arms because they had no notice of this, they had no opportunity to try to work something out with the Postal Service. This is a very, very, very, popular part of town. It is the center of a small town. People go to the post office, linger, talk to their friends. It is basically kind of a commons. To have this willy-nilly moved out of town is quite disruptive to the community.

So one day when I was in Livingston, I decided to walk over to the post office to see what was going on there. The Postal Service might have a good argument, but the folks also had a pretty good argument. So I walked over to the post office. They said I couldn't come in. They said, "Sorry, Senator, you can't come in. We have to check in with headquarters to see if you can come in or not. So I say, "OK." I cooled my heels for 5 minutes, 10 minutes, 15 minutes, 20 minutes; 45 minutes later they got OK and approval from the headquarters someplace—maybe the Denver office, I don't know—that I could come to the post office, walk around and see why they needed to move the post office.

I wasn't being arrogant. I wasn't being unreasonable at all. I was just being a person. This is one example of the arrogance that we run up against. As it turns out, as a consequence of this, they are very embarrassed and sat down and worked out a solution with the community.

My amendment is very simple. Basically, it says whenever the Postal Service wants to close a post office, and I am sure there are needs to close post offices, and there are needs to relocate. Whenever they close or decide to relocate, they have to do several things.

No. 1, give notice. Give notice to the public, 60 days' notice to the communities being served. No. 2, have a hear-

ing. No. 3, that they abide by the local zoning requirements of the community.

It is quite simple. I know the Postal Service will object, saying, gee, Congress shouldn't get into managing the Postal Service, and we are not getting into the managing of the Postal Service. We are saying give the communities an opportunity to be heard. If the Postal Service and the Commission reject the community's demand, that is it. There is no right of appeal or judicial jurisdiction over any decision made by the Postal Commission after the public has an opportunity to comment.

It is my experience that sometimes when a Government agency sits down with a community, in advance, and talks it over with the community and asks their opinions about things before making a decision of what they will do, that usually things work out pretty well.

On the other hand, if an agency doesn't in advance go talk to the community, but just announces a decision arbitrarily, the community feels like it has not been consulted and it hasn't been consulted. The committee feels like they are taken for granted. The fact is that we are talking about the public. They are the employers. The employees are the Postal Service. I just ask Senators to support this amendment because it does give communities a little bit of a say in where the facilities are located. It is as simple as that.

Mr. JEFFORDS. Will the Senator yield?

Mr. BAUCUS. I yield to my good friend from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to argue in support of an amendment sponsored by myself and Senator BAUCUS that would require the U.S. Postal Service to let communities know when they are planning to shut down, relocate, or consolidate a community's post office. This amendment aims to preserve the fabric of downtowns and prevent sprawl by giving citizens a say in Postal Service decisions to close, relocate, or consolidate their local post office.

This amendment is supported by the National Governors Association, the National League of Cities, the National Trust for Historic Preservation, the National Association of Postmasters of the United States, the National Conference of State Historic Preservation Officers, the American Planning Association, the Association of United States Postal Lessors, and the International Downtown Association.

Coming from a small town in Vermont, I understand the importance downtowns or village centers play in the identity and longevity of a community. Downtowns are where people go to socialize, shop, learn what their elected representatives are doing, and gather to celebrate holidays with their neighbors.

One of the focal points of any downtown area is the community's post of-

fice. Post offices have been part of downtowns and village centers as long as most cities and towns have existed. These post offices are often located in historic buildings and have provided towns with a sense of continuity as their communities have changed over time. The removal of this focal point can quickly lead to the disappearance of continuity and spirit of a community and then the community itself.

Mr. President, this amendment will enable the inhabitants of small villages and large towns to have a say when the Postal Service decides that their local post office will be closed, relocated, or consolidated. Some of my colleagues may ask why this legislation is necessary. A few stories from my home state of Vermont will answer this question.

A few years ago the general store on the green in Perkinsville, Vermont went bankrupt and the adjacent post office wanted to leave the small village center for a new building outside of town. By the time the community was aware of the project, plans were so far along—the new building had actually been constructed based on the promise of the post office as the anchor tenant—that there was no time to fully investigate in-town alternatives. One elderly resident wrote that in contrast to families now being able to walk to the post office, “we certainly won't be walking along the busy Route 106 two miles or more to get our mail.” The State Historic Preservation Officer commented that as people meet neighbors at the post office, the threads of community are woven and reinforced. “It may be intangible, but its real, and such interaction is critically important to the preservation of the spirit and physical fabric of small village centers like Perkinsville.”

In 1988, the post office in the Stockbridge, Vermont, General Store needed to expand. The store owner tried to find money to rehabilitate an 1811 barn next to the store to provide the needed space, but was not successful. In 1990, the post office moved into a new facility located on the outskirts of Stockbridge on a previously undeveloped section of land at the intersection of two highways. People can no longer walk to the post office as they once were able to do when it was located in the village center. The relocation of the Stockbridge post office unfortunately removed one of the anchors of the community.

These are not isolated examples.

Mr. President, post office relocations are not only occurring in Vermont, but all across the country. My colleagues will quickly discover similar examples in their own states where the removal of the post office has harmed the economic vitality of the downtown area, deprived access to citizens without cars, and contributed to urban sprawl.

The basic premise for this legislation is to give the individuals in a community a voice in the process of a proposed relocation, closing or consolidation of a post office. This community

voice has been lacking in the current process. This bill does not give the citizenry the ultimate veto power over a relocation, closing or consolidation. Instead, the bill sets up a process that makes sure community voices and concerns are heard and taken into account by the Postal Service.

Additionally, this act will require the Postal Service to abide by local zoning laws and the historic preservation rules regarding federal buildings. Because it is a federal entity, the Postal Service has the ability to override local zoning requirements. In some cases this has led to disruption of traffic patterns, a rejection of local safety standards, and concerns about environmental damage from problems such as storm water management.

Mr. President, post offices in Vermont and across the nation are centers of social and business interaction. In communities where post offices are located on village greens or in downtowns, they become integral to these communities' identities. I believe that this legislation will strengthen the federal-local ties of the Postal Service, help preserve our downtowns, and combat the problem of sprawl. I urge my colleagues to join Senator BAUCUS and me in support of this important amendment.

This is a simple amendment. I can't believe it can't be accepted.

Vermonters are tired of waking up in the morning and finding out their post office will be somewhere else. Under the proposed rule, all they get is a notice in the mail. There is no public hearing required. There is no way to appeal. It is just given carte blanche as to what they want to do.

In one little town in Vermont, they found out their post office moved 2 miles outside of town, and the people who had gathered in the village, a lot of the reason they gathered in the village was to be able to walk to the post office. They have to go 2 miles to get their mail.

No notice, no ability to participate at all. Blanket exemption for many zoning rules. They don't have to even take care of what the planning for the town has been. There is an exemption from the historic preservation rule. It says they can exempt projects from the new standards if the project is to meet an emergency requirement or is for temporary use, with no definition of what they are.

You are at the complete mercy of the post office to stick it anywhere they want. I tell you, our post offices are up in arms over this. All we want is a simple logical way where people are notified, they get a chance to be heard, they find out where the locations are going to be, they have an opportunity to make suggestions, and then they get on with life. But right now the way it is, it has my people in Vermont in the small town areas deeply upset. They have got postmasters who are ready to march on Washington. Why? Because we want some simple, commonsense

rules to be abided by so that there is local input as to where your next post office is going to be.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I rise in opposition, reluctantly, to this amendment because I agree very strongly with the fact that customers and residents of an area where a post office facility is located that is considered for relocation, consolidation, or closing, ought to have an opportunity to have a say-so in that process.

For over a year, our subcommittee, which has jurisdiction over the legislation involving the Postal Service, has been working closely with officials at the U.S. Postal Service to try to improve the processes. I can tell you that we have received a lot of cooperation, and I am convinced that we will continue to receive cooperation in improving this process and showing some sensitivity to political concerns and to local interests that are affected by these decisions.

The Postal Service's continued efforts are appreciated very much by me. I think it would be a mistake for the Senate to legislate a new set of requirements or procedures that the U.S. Postal Service would have to follow. It would have the effect of undoing a lot of the good work that has been done recently when we have tried to work with them on this issue.

In fact, Postmaster General Henderson has recently placed a moratorium on the closing of small post offices. This is an important issue. I agree with that. It deserves the attention of the Congress. But it is also a complex issue, one that should receive the careful consideration of the legislative committee in the due course of business, not by the adoption of an amendment, with 10 minutes of debate on each side, attached to an appropriations bill.

This amendment would add a lengthy procedural set of requirements for all facility replacements, relocations, and closings. If a fire destroyed a postal facility, for example, necessary replacement would be delayed, as this new process—if we adopt it—ran its course. For each facility change, the postmasters would have to write to each customer explaining what, why, and when the action was planned. A public hearing would then be required, with testimony received from persons served by the facility. The Service would then have to respond in writing to any proposal of an alternative, giving reasons for rejecting such proposal. And then if one postal customer objects, the proposed action could be appealed to the Postal Rate Commission, causing additional delay.

The effect of this amendment would be to seriously slow down the facility modernization program of the U.S. Postal Service. The Service has over 35,000 facilities around the country,

and 8,000 of these facilities were modernized or improved during the last year.

The Service has just recently published in the Federal Register new requirements that it is imposing on itself for consultation with local leaders and customers on all facility projects. The projects must be publicized in the local newspaper and a public hearing held to explain the proposal. Additionally, local public officials receive at least a 45-day notice before the Postal Service solicits for a new site. The new processes should provide ample opportunity for public input in a responsible and orderly way. I think they should be given a chance to work.

I urge Senators to reject this amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time remains on both sides?

The PRESIDING OFFICER. Your side has 3 minutes 6 seconds. The other side has 6 minutes 7 seconds.

Mr. BAUCUS. Mr. President, I yield a minute and a half to my good friend from Vermont.

Mr. JEFFORDS. Mr. President, the list of things I presented is the list that the Senator from Mississippi was talking about. It doesn't do anything for you. It allows you to know and gives you a 1-day notice. You get it in the mail and you find out the next day where it is located. There is a minimum 60 days for the—there is a gross exemption, blanket exemption, of the zoning requirements. They are exempt from new standards if it is for temporary use, but there is no definition of what that is. All these things I mentioned are what we are talking about. That is why we believe very strongly that our amendment should prevail and we will work it out in conference.

I yield whatever time I have.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Simply, Mr. President, this is already in the law. A person may already appeal a decision to close a post office. The Commission then decides whether that is reviewable. We are not changing that. That is in the law today. Any person can appeal the decision made by the Postal Service to close a post office. That is in the law today. We are saying, at least give the community notice that they are going to close. If that is done, then fewer people are going to appeal. That is all this is.

I just urge Senators to vote for something which is just common sense and reasonable. It is not going to be an excessive burden on the Postal Service. It is just asking for people up front to have an opportunity to be in on the process.

Mr. COCHRAN. Mr. President, I am prepared to yield back the remainder of the time in opposition and move to table the amendment. I don't want to

cut off any Senator's right to express themselves. I yield back the time left on this side on the amendment.

The PRESIDING OFFICER. Does the Senator from Montana yield back his time?

Mr. BAUCUS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. COCHRAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) and the Senator from Washington (Mr. GORTON) are necessarily absent.

I also announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

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

The result was announced—yeas 21, nays 76, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—21

Ashcroft	Gramm	Nickles
Campbell	Gregg	Roberts
Cleland	Lott	Roth
Cochran	Lugar	Santorum
Craig	Mack	Stevens
Faircloth	Moynihan	Thompson
Graham	Murkowski	Thurmond

NAYS—76

Abraham	Enzi	Leahy
Akaka	Feingold	Levin
Allard	Feinstein	Lieberman
Baucus	Ford	McCain
Bennett	Frist	McConnell
Biden	Glenn	Mikulski
Bingaman	Grams	Moseley-Braun
Bond	Grassley	Murray
Boxer	Hagel	Reed
Breaux	Harkin	Reid
Brownback	Hatch	Robb
Bryan	Hollings	Rockefeller
Bumpers	Hutchinson	Sarbanes
Burns	Hutchison	Sessions
Byrd	Inhofe	Shelby
Chafee	Inouye	Smith (NH)
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Coverdell	Kempthorne	Specter
D'Amato	Kennedy	Thomas
Daschle	Kerrey	Thomas
DeWine	Kerry	Torricelli
Dodd	Kohl	Warner
Domenici	Kyl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	

NOT VOTING—3

Coats	Gorton	Helms
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The motion to lay on the table the amendment (No. 3378) was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, if the Senator from Ohio will yield momentarily, I know he is up next, but I think we have an agreement that will help us bring this to conclusion.

AMENDMENT NO. 3378

The PRESIDING OFFICER. The question is on the Baucus amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. I believe we have to act on the underlying amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3378) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I am continuing to struggle to try to get a finite list of amendments. I think we have that. I know a number of these amendments will be worked out, will be included in the managers' package. I have discussed this arrangement and this list with the chairman of the subcommittee, the ranking member, and with Senator DASCHLE. I believe this is the best way to get this to a conclusion that would be fair to one and all.

Again, I do note, before I make that unanimous consent request, that we do have some Senators who are going to represent the entire body at the funeral in the morning. So we are trying to go ahead and take up the Department of Defense appropriations bill first thing in the morning, lay it down at 9 o'clock, and then any stacked votes would occur at 1 o'clock.

To renew the bidding, in the earlier unanimous consent agreement, we have lined up for consideration the McConnell amendment for 30 minutes, the Glenn amendment for 30 minutes, and the Harkin amendment for 30 minutes; Harkin with regard to drug control, the other two with regard to FEC.

I now ask unanimous consent that no further first-degree amendments be in order other than the list agreed to earlier this evening and the below-listed amendments, and they be subject to relevant second-degree amendments: Graham relevant amendment, managers' package; DeWine regarding Customs; Domenici regarding FLETC; Stevens relevant amendment; Senators Daschle and Lott—one relevant each; Conrad regarding high-intensity drug areas; Dorgan regarding an advisory commission; one by Graham; Harkin and Bingaman—all three on the high-intensity drug issue. I hope they could work those out or roll them into one or something of that nature; Kerrey regarding sense of the Senate; and a Kohl managers' amendment.

I further ask all amendments must be offered and debated tonight and the votes be postponed to occur at 1, if any are needed, on the amendments. And, of course, final passage on Thursday, and that they occur in stacked sequence with 2 minutes for debate at that time before each vote for closing remarks, and that following those votes the bill be advanced to third reading.

I further ask that if the motion relative to the Graham motion to reconsider is not tabled, the underlying amendment and motions be limited to unlimited debate.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could, through the Chair, address the majority leader: We have a matter at 1 o'clock, for the hour. We have the Director of the CIA coming. We have 35 Senators who have said they want to hear him. It is going to be in 407. Could we do it at 2 o'clock, or 10 till, the votes?

Mr. STEVENS. If the Senator will yield for a moment, it is the intention of the leader to take up the defense bill when we convene in the morning, right?

Mr. LOTT. That is correct.

Mr. STEVENS. With the understanding we can proceed with business other than votes prior to that time, I think we can handle it.

Mr. LOTT. All right. Then we would have those stacked votes at—

Mr. REID. At 2 o'clock?

Mr. LOTT. At 2 o'clock? Is that agreeable with the chairman?

Mr. STEVENS. Yes, it is. I ask the leader if there is any possibility we might get some agreement, however, that we can see the amendments that are going to be brought up in the balance of the day by noon tomorrow with regard to the Defense bill. If we could just have an indication what Senators are going to have amendments so we can start scheduling the action after the vote on the stacked amendments?

Mr. LOTT. Let me say if I could, to the chairman, if there are amendments that are debated and ready for a vote at that time, we could put them in the sequence at 2 o'clock.

Mr. STEVENS. We would be happy to do that. We would like to see what the remainder of the day, and Friday morning, is going to look like if we are going to finish the bill sometime Friday.

Mr. LOTT. We amend the request, then, to 2 o'clock.

Mr. REID. I extend my appreciation to the leader.

Mr. WELLSTONE. Reserving the right to object, and I will not.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I am trying to discern whether or not the post office in St. Paul named after Eugene McCarthy will be in the managers' amendment? Is that correct?

Mr. LOTT. That will be accepted. The objection that has been lodged will be withdrawn and the agreement was, the understanding was, when that is withdrawn, the Senator had another amendment that he would withhold.

Your amendment will be in the bill when it is passed.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the majority leader's request? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, reserving the right to object, and I don't intend to, may I just have scheduled, between 12:30 and 1:30, 5 minutes?

Mr. LOTT. Five minutes or so?

Mr. KENNEDY. Five.

Mr. LOTT. We will make sure that occurs, Mr. President.

Mr. KENNEDY. Thank you.

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

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3379

(Purpose: To amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) to provide for appointment and term length for the staff director and general counsel of the Federal Election Commission, and for other purposes)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration on behalf of myself, Senator McCain, Senator BENNETT and Senator WARNER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself, Mr. McCain, Mr. BENNETT and Mr. WARNER, proposes an amendment numbered 3379.

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

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

The amendment is as follows:

At the end of title V, add the following section:

SEC. ____ PROVISIONS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF THE FEDERAL ELECTION COMMISSION.

(a) APPOINTMENT AND TERM OF SERVICE.—

(1) IN GENERAL.—The first sentence of section 306(f)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)(1)) is amended by striking "by the Commission" and inserting "by an affirmative vote of not less than 4 members of the Commission for a term of 4 years".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999, without regard to whether or not the individual served as staff director or general counsel prior to such date.

(b) TREATMENT OF INDIVIDUALS FILLING VACANCIES; TERMINATION OF AUTHORITY UPON EXPIRATION OF TERM.—Section 306(f)(1) of

such Act (2 U.S.C. 437c(f)(1)) is amended by inserting after the first sentence the following: "An individual appointed as a staff director or general counsel to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the individual whose term is being filled. An individual serving as staff director or general counsel may not serve in such position after the expiration of the individual's term unless reappointed in accordance with this paragraph."

(c) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following:

"(5) Nothing in this Act shall be construed to prohibit any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission."

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I had earlier offered to enter into a much shorter time agreement, because this amendment really requires very little explanation.

Last year, in the Treasury-Postal bill, we enacted term limits for the FEC Commissioners, and the terms of the Federal Election Commission members, Mr. President, are now one 6-year term.

This amendment continues the necessary reform of the Federal Election Commission by providing that two critical staff members at the Federal Election Commission—the staff director and the general counsel—serve a 4-year term, but it is important to note, these important staff members could continue to serve with the vote of four of the six FEC Commissioners. It is important to remember the FEC is a 3-3 Commission, three Republicans, three Democrats. It was structured that way on purpose. It is necessary that it be structured that way.

A very important part of the Federal Election Commission team is the staff director and the general counsel. Under the amendment that I have offered, cosponsored by Senator McCain, Senator BENNETT and Senator WARNER, the chairman of the Rules Committee, beginning in January, the general counsel and the staff director will be subject to a 4-year term, and in order to achieve that 4-year term, Mr. President, they would have to enjoy the confidence of both parties; that is, they would have to achieve four votes which means at least three of one party and one of another—

Mr. GLENN. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order. Those Senators wishing to continue discussions please take your discussions off the floor of the Senate.

The Senator from Kentucky.

Mr. McCONNELL. Or for that matter, Mr. President, the general counsel might achieve the votes of two of one party and two of another. In other words, four votes to achieve a 4-year term, after which the general counsel, if he or she wanted to continue—and

many of them might not—would have to be able to reach across party lines, which is, of course, the spirit of the Federal Election Commission, in order to achieve a 4-year term.

There is really nothing else to say about this amendment. It continues the reform process.

Mr. President, how much of my time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes, 23 seconds.

Mr. McCONNELL. I yield to the distinguished Senator from Utah whatever time he may desire.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, my understanding of the actions and activities of the FEC up to this point indicate that it is an agency badly in need of reform, and I am delighted that the term limits have been enacted. It is also my understanding that because of its past history, some Commissioners of the FEC have been less than diligent in their duties and, as a result, the power to run the Commission has devolved to the staff.

When we debate term limits generally, we are often told that one of the reasons we should oppose term limits is because it will put too much power in the hands of the staff. The staff becomes the permanent and institutional memory of the body, while those who are supposed to run it keep cycling through on term limits.

I think it entirely appropriate that we give the new Commissioners, as their terms expire, the opportunity to act affirmatively on the staff and not allow the power of inertia to keep staff members in forever and forever. It is a logical thing to do, and I am happy to support it and happy to be a cosponsor of this amendment.

I reserve the remainder of the time.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to oppose the amendment. If this is adopted, this means that this will be the only independent agency or department of Government to time limit the general counsel or staff director—the only independent agency in the Government.

One of the FEC Commissioners has indicated to us what he thought would happen in this regard. He said it would cause chaos in the agency because, as the distinguished Senator from Kentucky has said, the Commission normally must have four votes for any action to ensure action is bipartisan.

This means that if they were trying to get rid of the general counsel for whatever reason, the amendment would allow a minority of three to fire the general counsel because there wouldn't be a majority to retain, there wouldn't be the four votes. So there is concern about who they can get to even serve in a general counsel position in that situation.

I think this will go a long ways toward destroying the FEC's independence in its own investigations under the law, because the general counsel will have to continually lobby for reinstatement. That just doesn't make any sense. I see no reason why we should be carving out the FEC, which is so important to us these days in trying to get elections laws straightened out, to be the only independent agency in all of Government to have such a time limit put on their general counsel or their staff director.

They serve there, they have served for longer terms before, and served very honorably and well, but to place them under these different restrictions on voting, that would mean a general counsel could be ousted much more easily than I believe any of us would like to see and is something I don't think we should do.

Mr. President, I rise to oppose this. If there are any others who wish to speak against this amendment, I will be glad to yield such time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes, 52 seconds.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I wonder if the Senator from Ohio will yield me 6 minutes.

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

Mr. FEINGOLD. I thank the Senator from Ohio.

Mr. President, I rise in strong opposition to this amendment offered by the Senator from Kentucky. I already spoke at length on the floor against a very similar amendment in its other incarnation in the other House. Fortunately, that body did not keep this provision on the bill.

What is happening here is the opposite of reform. It is the opposite of reform. This is an effort, plain and simple, to hamstring the agency that is charged with the very important responsibility of enforcing the Federal election law to which we all have to adhere—the Federal Election Commission. This effort has deadly serious consequences in terms of the independence of this Commission, and it has to be defeated.

The effect of the amendment of the Senator from Kentucky would be to result in the firing of the Commission's general counsel. The amendment involves the Congress in the personnel decisions of the FEC, the agency that we have charged with overseeing the way we conduct our reelection campaigns.

The Senator from Kentucky wants to get rid of a career civil servant who is simply trying to do his job to enforce the election laws. The current general counsel's institutional memory and knowledge is critically important now, because we are poised to confirm three new Commissioners, perhaps before the August recess.

If we do that, Mr. President, the Commission will be at full strength for the first time in almost 3 years. It has been that long since all six slots on the

Commission were filled. And right as that happens, if we adopt this amendment, we are going to throw the Commission into turmoil once again by getting rid of the general counsel and forcing this newly constituted Commission to come to agreement on someone else. That could take months and hamper the enforcement efforts of the Commission at a crucial time, a very interesting time, right after the 1998 elections.

Mr. President, I want my colleagues to understand, as the Senator from Ohio has well stated, just how unprecedented this micromanaging of an agency's personnel decisions is.

No other agency must reappoint or replace its top staff every 4 years—not one. According to the Congressional Research Service, there are three independent agencies where the general counsel is actually a political appointee, nominated by the President and confirmed by the Senate. In each of these cases, the general counsel has direct statutory authority.

But in every other independent agency, including the FEC, the general counsel is appointed by either the chairman or the entire body and serves at the pleasure of the appointing entity. That is what the law is now with respect to the FEC, and there is no reason to change it.

In recent years, the FEC has undertaken a number of controversial actions in a very reasonable attempt to enforce the law that the Congress has written. Some of these cases have taken on very powerful political figures or groups—and they have done it on both sides of the aisle. And the crucial point is that the FEC itself has authorized all of these cases by a majority vote. If you don't like a case that the FEC has filed, you need to look to the Commission, not the general counsel. He is just trying to do his job as he sees fit.

What we have here, Mr. President, is an effort to intimidate an agency. The proponents of this firing want to punish the FEC's general counsel for bringing forward recommendations to enforce the law, even though in all of the cases I have mentioned, a bipartisan majority of the commission has agreed with him. In every one of those cases a bipartisan group has agreed to take the action.

Mr. President, I submit that we cannot let this happen. We need to let the professional staff of the FEC do its job. Surely the 3 to 3 party split on the Commission is enough to make sure that the Commission doesn't go off on some partisan vendetta. We must stop the partisan vendetta that this proposal represents. Protect the independence of the FEC and the nonpartisan nature of its staff by defeating the McConnell amendment.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, I rise in opposition to the McConnell amendment. If this provision is enacted, the traditional bipartisan balance of the Federal Elections Commission will be disrupted. Under this provision the

general counsel and staff director of the FEC can essentially be fired by either the three Democratic or Republican Commissioners on the FEC.

This amendment has the potential of paralyzing the Federal Elections Commission and further eroding what is already a weakened campaign oversight agency.

Mr. President, such a move would be unprecedented in the Federal Government. According to a memorandum prepared by the Congressional Research Service, no general counsel which is not subject to Senate confirmation may be removed in this manner. It would be ironic that the agency charged with investigating political campaigns is crippled by Congress.

When this amendment was put forward in the House of Representatives, the New York Times noted that this provision would cripple the FEC and guarantee "an open field for influence peddlers and influence buyers."

In a year when this Congress failed to pass campaign finance reform, it would be even more tragic if we crippled the only watchdogs of our campaign finance system.

I urge my colleagues to vote against the McConnell amendment.

Mr. INOUE. Mr. President, I oppose this amendment which proposes to limit the Federal Election Commission's (FEC) general counsel and staff director to a term of 4 years unless four of the six Commissioners vote to renew their terms. The Commission is composed of six members—three Republicans and three Democrats.

Consistent with the FEC's overall statutory scheme, requiring a majority decision to take official action, four votes are currently needed to remove the general counsel or staff director from office. If this amendment is adopted, four affirmative votes would be required for these officials to retain their position. That means three Commissioners from the same party voting as a block could force the termination of either the general counsel or the staff director and hold hostage either of the two top career officials at the FEC.

This amendment injects partisanship into the carefully balanced bipartisan structure at the FEC. Further, this could cause the staff to make recommendations based on partisan considerations in order to protect their jobs. These consequences would be extremely detrimental to the administration of the FEC and the enforcement of our campaign finance laws.

There appears to be little question that the purpose of this provision is to retaliate against the general counsel, Lawrence Noble, for certain actions. The general counsel recently made several controversial recommendations to the Commission. In response to 1997 rulemaking petitions filed by President Clinton and others, Mr. Noble recommended that the FEC seek public

comment on a proposal to prohibit the use of soft money in connection with federal elections.

Acting on the general counsel's recommendation, the Commission also pursued cases in court that have received negative reactions from some Members. A review of Mr. Noble's record indicates that he has been non-partisan, balanced and fair. Mr. Noble has aggressively pursued enforcement of campaign finance laws against Democrats and Republicans alike.

In a year in which the need for campaign finance reform has received so much attention, Congress would be sending the wrong message if it passes a provision designed to weaken the very agency responsible for enforcing campaign finance laws.

I urge you to oppose this amendment. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. One other item I would like to note for everyone's illumination on this.

The House had a similar provision to that which is proposed by the Senator from Kentucky. They had a similar provision in the bill when it came to the House floor. They had a debate over there on this very provision which was described to me as being a bitter debate, a lot of rancor in it. It wound up with a bipartisan effort being put forward to strike this position on the floor of the House; and it was struck. They voted this provision out of the House bill on a bipartisan vote. And now this is an effort being made to put it back in on the floor of the Senate here.

I urge my colleagues to defeat this amendment.

I reserve the remainder of my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the House vote was on a point of order. In fact, this particular reform has been recommended by the House authorizing committee. Let us not make this more complicated than it is.

All this amendment does that the Senator from Kentucky has offered, in concert with the Senator from Utah, is require that on this—in this unique agency; it is different from any other agency in the Federal Government; it is three and three: three Republicans and three Democrats—to require that in this agency every 4 years the top two staff people enjoy enough confidence across party lines to be reappointed for 4 years.

In fact, Mr. President, this amendment ensures that the agency will, in fact, be operated on a bipartisan basis because any staff director or general counsel who, after 4 years in the office, cannot get the confidence of both parties, Mr. President, clearly is not operating on a bipartisan basis and therefore should not be reappointed.

So it is, in fact, this amendment that ensures that the Federal Election Commission achieves its original mission, which was to operate on a bipartisan basis.

I see that my friend from Utah is on the floor. I yield to him whatever time he may need.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I simply have to respond to the notion that this is an amendment to fire the incumbent general counsel. That is what we were told in the last debate. That assumes that the present general counsel does not enjoy bipartisan support. That assumes that the present general counsel has conducted himself in such a way that he cannot gather the necessary four votes. I have no knowledge that that is indeed the case. But if it is indeed the case, it is a strong argument for saying that the present general counsel probably should not be in his job.

If he cannot muster bipartisan support to hold this job, we have a situation where he is obviously supporting one party over the other in order to maintain those three votes. That is the only conclusion that can be drawn from the argument made by the Senator from Wisconsin who claims this is an attempt to fire the incumbent general counsel.

There is nothing in here that says this is an attempt to fire the incumbent general counsel. It simply says the incumbent general counsel has to enjoy bipartisan support. And if he is as wonderful and as bipartisan as the Senator from Wisconsin says he is, he has nothing to fear from this amendment.

Mr. McCONNELL. I would say to my friend from Utah, in further elaboration, after the enactment of this into law, we are not making the general counsel or the staff director subject to removal on a whim. They have a 4-year term, an opportunity to develop a record of bipartisan cooperation with both the Republicans and the Democrats on the Federal Election Commission before reaching the end of the 4-year term. At that point, if they want to continue enjoying enough confidence across party lines to achieve another 4-year appointment—it seems to me eminently reasonable. And, Mr. President, I think it guarantees that the Federal Election Commission will be the kind of agency that the Congress intended it to be when it was created in the mid 1970s.

Mr. President, I retain the remainder of my time, if I have any.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 37 seconds.

Mr. GLENN. We are prepared to go to a vote. I am prepared to yield back the remainder of my time if the Senator

from Kentucky is prepared to do the same thing.

Mr. McCONNELL. I yield back our time.

The PRESIDING OFFICER. All time has been yielded back by both parties. The question is on the amendment.

Mr. GLENN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. I ask unanimous consent that Elizabeth Coliguri, a member of my staff, be given floor privileges for the remainder of the consideration of the Treasury-Postal appropriations bill.

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

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. There is obviously some misunderstanding about the earlier consent agreement that was entered into between all of us and the Parliamentarian. I think there is no misunderstanding among the Senators, so I ask unanimous consent that all of the amendments debated tonight be voted upon in order of their offering beginning at 2 o'clock tomorrow.

The PRESIDING OFFICER. That would be the order.

Is there objection?

Mr. GLENN. Reserving the right to object, and I do not plan to object, but my understanding is the majority leader proposed that and it was already entered. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. There was some misunderstanding by the Parliamentarian as to whether we were voting further tonight. I do not think there was any misunderstanding among Senators.

Mr. GLENN. OK. Fine. Whatever.

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

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3380

(Purpose: To provide additional funding for enforcement activities of the Federal Election Commission)

Mr. GLENN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. JEFFORDS, Mr. KOHL, Mr. LEVIN, Mr. FEINGOLD and Mr. DODD, proposes an amendment numbered 3380.

Mr. GLENN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 44, line 13, insert after "\$33,700,000" the following: "(increased by \$2,800,000 to be used for enforcement activities)".

On page 46, line 18, strike "\$5,665,585,000" and insert "\$5,662,785,000".

On page 56, line 20, strike "\$5,665,585,000" and insert "\$5,662,785,000".

Mr. GLENN. Mr. President, I send this to the desk, along with my cosponsors, Senators JEFFORDS, KOHL, LEVIN, FEINGOLD, and DODD. I offer this amendment to increase the budgeted funds a small amount for enforcement efforts by the Federal Election Commission. This agency bears the very difficult and thankless task of policing all of our campaigns in the whole Congress.

Mr. President, I would like to point out, first, that this amendment was offered in the House, was debated there, and was approved. And the amendment I offer today adds exactly the same amount. It is just an additional \$2.8 million to the FEC budget. The money would help the agency to investigate and prove wrongdoing. These additional funds are just a small step toward giving the Commission the resources that it really needs.

In past years, we have seen attempts by Congress to stop vigorous enforcement of the law by failing to provide an adequate budget for this agency. Just last year, following an election in which unprecedented abuse of the campaign finance laws occurred, Congress refused to give money to the FEC to hire more staff to investigate these abuses. I thought that was a tragedy.

Just last week in the House, we saw an extraordinary display of bipartisanship because the House defeated provisions intended to politicize the agency, and instead approved additional funds, as I mentioned a moment ago, for the Federal Election Commission. The extra money was set aside very specifically to help the FEC pay for investigations, many stemming from the events of the 1996 campaign. Those of us who support campaign finance reform—which is a clear majority in this body—agree that the system is broken and needs to be fixed.

Until we can pass new laws, we must at least allow the agency we created to do its best to actively and vigorously enforce the existing law. This amendment takes an important step toward assuring that the FEC can do just that. This amendment is a renewed commitment by the Members of Congress to make a real effort to ensure that peo-

ple who violate our existing campaign finance laws are found and are held accountable. This is the only way we can assure the continued integrity of our election process.

Last year, we saw a lot of effort on campaign finance reform, and with Chairman THOMPSON, I had the privilege of serving as the ranking member of the Committee on Governmental Affairs' investigation into the 1996 campaign finance fiasco. During the course of those hearings, Chairman THOMPSON called on several campaign finance experts to testify. One of those witnesses was Norm Ornstein of the Brookings Institution who told us in testimony that he believed that the FEC would probably need at least \$50 million—that is about twice what they are receiving—in order to become an effective enforcement agency.

These funds I am proposing are a very small step. They just match the House funds that have already passed over there. It is a small step, but still leaves the agency woefully short of what experts think it needs.

Let me give a little bit of perspective of the job facing the FEC. Right now, the FEC has 200 cases pending; 93 of those cases are under investigation and 107 cases, over half, are sitting in a file cabinet. Why? Why are these cases just sitting there in the cabinets with no action? They are waiting for staff to become available for these 200 cases. The FEC can only afford 25 staff attorneys.

How about the investigators who could help the attorneys? The FEC has two, which they consider a great improvement from 1994 when they had exactly zero. They had none. By way of contrast, on last year's investigative staff of the Governmental Affairs Committee, we had 44 lawyers and a dozen investigators, and we weren't dealing with the whole aspect of everything the FEC has to deal with. We were dealing with only one limited aspect of what occurred during the 1996 campaign. We faced nowhere near the case-load that confronts the agency that is trying to do the best job it can on a real shoestring.

I think we can all agree it doesn't matter how good the law that you have, if it isn't actively and vigorously enforced, it means nothing. It becomes a scofflaw. The Federal Election Commission already enforces a law readily exploited and bent in ways never intended. We, in Congress, fail to give the FEC the resources to find and hold accountable those who willfully violate these laws, who misuse soft money, who attempt to disguise political ads as issue advertising, and on and on. With all of the things we know that can happen, how can we hope to ensure the public has confidence in its elections and in its elected officials?

This amendment is a very, very small and reasonable step towards allowing the FEC to accomplish its mission and enforce the law. I hope my colleague will support it. I repeat, it is one that

has already passed in the House. We just matched the figure of \$2.8 million that they have already passed in the House. I hope my colleagues will support my amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, very briefly, the FEC is clearly not underfunded. Its budget has more than doubled in the past decade. They are already getting \$2 million more this year than last year under the budget of the Senator from Colorado, who has been quite generous to the Federal Election Commission—frankly, beyond what I would have done had I been in his shoes. The FEC's problems are certainly not on the financial side.

Senator GLENN would give them an extra \$2.8 million over and above the additional \$2 million that the distinguished Senator from Colorado is already providing for this agency. You are talking about a 16-percent budget increase, a 16-percent budget increase for the Federal Election Commission. I think the U.S. district court, in a recent case, said it best when they reported in a Wall Street Journal editorial of July 13:

If there is one thing all the players agree on, it is the need for better disclosure of contributions and a crackdown on violators. But a Federal court this week [the Wall Street Journal referring to a court decision] signaled that the Nation's electoral traffic cop, the Federal Election Commission, is lax in carrying out even that basic function.

That is the point. The basic function of the Federal Election Commission is disclosure.

The distinguished Senator from Colorado has more than adequately provided funding for this agency. To give them the additional money offered by the distinguished Senator from Ohio would provide a 16-percent increase over last year. Clearly, that is not appropriate.

I yield the floor.

Mr. GLENN. Mr. President, that's difficult to respond to, to say the FEC needs more resources. My distinguished colleague, my friend from Kentucky, says they need to monitor disclosure better; but how do they monitor that if they don't have the people to do it? They should crack down on violators. How do they crack down if they don't have the people on the staff to do it? They have a grand total of 25 staff attorneys. Until 1994, they didn't have any investigators.

To say that we put them up a certain percentage this year, when estimates we had in testimony before the Governmental Affairs Committee were that we should probably double their budget to give them a fair shot at doing their job, which would put their budget up around, somewhere around \$50 million was the estimate, instead of where it is now, to think if they could even come close to fulfilling the law and the requirements they are supposed to monitor with the staff they have, just isn't right.

I said in my statement a moment ago, the FEC has 200 cases pending. They are only investigating 93. Why? It is because they don't have the people to do it. To say that they don't need more money and are quite adequately funded just flies in the face of logic. They do not have adequate staff. They can't even keep up with these things. These cases are years and years old. Many of them will not even be settled before the next election cycle comes around. They don't have the staff over there for any expeditious treatment. Ninety-three of those cases are under investigation, 107 cases are sitting in file cabinets for lack of people.

In 1994, they didn't have any investigators and then they hired one. Then it was said later on they had 100-percent improvement in their investigative staff because they then hired two; they had two people on their investigative staff. None of these attorneys are people who are normally going out and doing all the spadework, doing all of the investigating, doing the fieldwork out in the field. To say that they have quite adequate funding because they went up a certain small percentage just flies in the face of logic.

I know we are not going to probably change many minds on this particular subject, but if we are serious about ever improving our campaign financing and having the FEC as the monitoring body that does that, this is such a modest little amount of \$2.8 million. I hope my colleagues will vote for this and match the House with the exact same amount the House put in. We wanted to match what they have done.

They had a debate on this in the House and decided to put this in. It was because they felt they not only needed this, they probably needed much more, but could not get more through. I would like to see us do this an extra \$15 million or \$20 million. I know we are not going to do that here, but this is such a modest increase and they need it so badly that I hope my colleagues will agree to the amendment I am proposing when we vote tomorrow.

Mr. FEINGOLD. Mr. President, I'm pleased to cosponsor and rise in support of the amendment offered by the Senator from Ohio, Senator GLENN. And how fitting that Senator GLENN has taken the lead on this issue since he spent much of last year investigating the fundraising scandals of the 1996 election. I congratulate him on that work and on offering this very modest, but very important amendment today.

Mr. President, as you know, I have spent a lot of time on this floor in this Congress debating the McCain-Feingold bill, and the issue of campaign finance reform. It has been a very difficult issue to make progress on. We have a strong bipartisan majority, including seven Senators from the Republican side of the aisle, in support of reform. A partisan minority continues to block our bill.

But one area on which this entire body is united, Mr. President, is the

need to enforce the laws that are already on the book. In fact, time after time when we debated the issue last fall and again early this spring, opponents of our bill raised that issue as a reason that they opposed McCain-Feingold. Why should we enact new laws, they said, when we can't even enforce the ones on the book? No less than eight Senators made some version of that argument in last fall's debate, right in the middle of the Thompson Committee hearings. More still raised it when we revisited campaign finance reform in February.

In fact, given the arguments made by the opponents of the McCain-Feingold bill, I would hope this amendment would be adopted by 100-0 when we vote. Because all the amendment does is give the resources that the Federal Election Commission says it needs to carry out the duties that we have given it under the law. The very small amount of money that this amendment proposes to add to the FEC's appropriation—just 2.8 million dollars—will bring the FEC's funding up to its full budget request, which is the level that the House passed bill includes.

This is a particularly good and important time to fully fund the FEC. The Rules Committee recently recommended approval of three new nominees to the Commission, and one reappointment. If the Senate follows that recommendation, the FEC will have a full complement of Commissioners for the first time since October 1995 when then Chairman Trevor Potter left the Commission. We therefore have a chance to have a fully functioning Commission prior to this year's elections. What better time to have a fully funded Commission as well. What better time to give the FEC the resources it says it needs to do its job right.

The additional funding provided in this amendment will go directly to hiring new personnel to beef up the FEC's enforcement capacity. And there is no doubt at all that these additional investigative and legal staff are truly necessary. The FEC simply is not able to keep up with the workload as things now stand. In Fiscal Year 1997, it dismissed 133 cases as being too minor or too old to be worth pursuing. Through June of this year, three quarters of the way through this Fiscal Year, the FEC has already dismissed 144 cases. Now these are not frivolous cases, these are cases that staff has determined are worth pursuing.

And here is the most disturbing statistic, Mr. President. In every year since the FEC adopted this practice of dropping cases that it can't get to the number of cases that are dropped because they are not that important has exceeded the number that are dropped because they are stale. Until this year. This year, nearly 60 percent of the cases dropped were high priority but stale. This is a very disturbing fact. The FEC is having a harder and harder time getting to the cases that it deems to be significant because of the rising caseload and inadequate resources.

So, Mr. President, frankly, I can hardly imagine how one could argue against this amendment. The FEC is a very small agency, with a very small appropriation, and a very big job. Campaign spending by candidates continues to increase. Involvement in election activity by outside groups continues to expand. We simply cannot pretend that we want the laws to be enforced at election time and then ignore the FEC at budget time.

There is nothing that undermines the public's faith in government more, Mr. President, than a feeling that the rules of the election game are being ignored. In a very real sense, Mr. President, this amendment gives us the chance to put our money where our mouth is. I hope we take it.

Once again, I congratulate the senior Senator from Ohio for offering this amendment, and I urge its adoption.

Mr. KOHL. Mr. President, I rise today to support the amendment by Senator GLENN to bring the funding for the Federal Elections Commission to the level requested by the administration. Mr. President, we have watched during the last few years as public confidence in our electoral system has crumbled. We've seen investigations, deliberations, orations—but nothing substantive to improve how we elect Members of Congress.

We all know that despite the strong efforts of many in this institution—especially Senator MCCAIN and my colleague from Wisconsin, Senator FEINGOLD—we have not passed genuine campaign finance reform.

At the same time, the workload at the FEC has exploded. Since 1991, campaign spending has increased by nearly 150 percent. The number of audits have gone up 110 percent. And the sheer number of transactions recorded by the FEC has increased by 157 percent. This increase in work has come at a time when the FEC, an independent federal agency, has lost employees. In the last three years the number of full time employees has actually dropped from 314 to 300.

With this increase in work and decrease in staff, it should not be a surprise that the FEC—the agency charged with investigating campaign fraud and abuse—has been forced to drop legitimate cases because of insufficient resources. In 1998 alone, of the cases the FEC dismissed, nearly two out of three cases were dropped because the FEC did not have the resources to fully investigate them.

Mr. President, if I came before this body today and told you that criminals were being let out of jail because there were not enough policemen on the beat, we would rush to provide more resources to law enforcement. But because those allegedly breaking the law are political candidates and campaigns, we are ignoring the problem.

The House of Representatives recognized the deficiency in funding and voted to bring the FEC budget to \$36.5 million. Senator GLENN's amendment

would do the same, and without increasing overall spending.

Mr. President, we should have passed meaningful campaign finance reform this year, but we did not. Therefore, the only real improvement we can make to our campaign finance system is to provide the policemen of that systems the tool they need to enforce our laws. The Glenn amendment will provide that additional support, and I urge its passage.

Mr. GLENN. Mr. President, I will reserve the balance of my time. Do we have 2 minutes to explain this before the vote tomorrow? Was that the agreement?

The PRESIDING OFFICER. There will be 2 minutes, evenly divided, before each vote.

Mr. GLENN. Mr. President, I yield the balance of my time for this evening.

Mr. CAMPBELL. Mr. President, I ask for the yeas and nays on the Glenn amendment at the agreed to time tomorrow.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the great courtesies that the Senator from Colorado and the Senator from Wisconsin have extended in terms of a series of amendments that relate to drug issues. It is my hope and expectation that before we come to closure on this matter, those various amendments will be combined in an amendment that will be supported by the managers of this bill.

I am in a difficult situation, however, wanting to assure that in the unlikely event that that doesn't occur, the amendment that I propose to offer is protected. So in a minimum amount of time, I would like to offer the amendment.

I ask unanimous consent that a letter from Mr. Robert Warshaw, the Associate Director of the Office of National Drug Control Policy, which outlines the severity of the situation in the region of central Florida, which is the subject of the amendment, be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF NATIONAL DRUG
CONTROL POLICY,

Washington, DC, July 29, 1998.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: This is in response to your inquiry concerning the status of the Central Florida High Intensity Drug Trafficking Area (HIDTA). The Central Florida HIDTA was designated by this office on February 27, 1998 after consultation with the governor of Florida, the Attorney General, the Secretary of Health and Human Services and the Secretary of the Treasury.

A thorough analysis of the Threat Assessment and supporting information submitted

by the Central Florida HIDTA reveals that this region has been severely affected by the flow of illegal drugs from domestic and international sources, and that this drug trafficking affects the nation as a whole. Illegal drugs are increasingly smuggled into Orlando and Tampa from the Caribbean and Latin America. Among Florida cities in 1996, Orlando reported the highest rate of heroin deaths. Marijuana seizures doubled between 1995 and 1996. Violent crime in Orlando and St. Petersburg increased by 8% in the first six months of 1997, at a time when violent crime declined in many other locations.

The Central Florida HIDTA will provide federal assistance intended to measurably reduce drug trafficking through a more coordinated, deliberate and focused approach to drug enforcement and interdiction in the Central Florida area. We anticipate that Federal assistance will enhance combined federal, state and local law enforcement agencies who will focus on heroin, marijuana, methamphetamine and money laundering organizations.

With the support of Congress, and federal, state and local law enforcement programs, the Central Florida HIDTA and the national HIDTA program will continue to provide assistance in countering drug trafficking. ONDCP looks forward to your continued support and cooperation in advancing this goal.

Respectfully,

ROBERT WARSHAW,
Associate Director,
State and Local Affairs.

Mr. GRAHAM. Mr. President, I do not propose to have further debate on this matter now. I hope this amendment can be vitiated tomorrow because it will have been adopted or ready to be adopted in a form that would be submitted and supported by the managers of the bill.

Mr. CAMPBELL. Mr. President, I want to assure our colleague, Senator GRAHAM of Florida, that staff is working very diligently trying to reach agreement to work these amendments into one and make sure they are protected. We have a little work to do in finding offsets, but we are very close to that.

AMENDMENT NO. 3381

(Purpose: To provide funding for the Central Florida High Intensity Drug Trafficking Area)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. MACK, proposes an amendment numbered 3381.

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

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

The amendment is as follows:

On page 20, line 16, strike "\$3,164,399,000" and insert "\$3,162,399,000."

On page 39, line 10, strike "\$171,007,000" and insert "\$173,007,000."

On page 40, line 3, strike "Provided, That funding" and insert the following: "and of which \$3,000,000 shall be used to continue the recently created Central Florida High Intensity Drug Trafficking Area: *Provided*, That except with respect to the Central Florida

High Intensity Drug Trafficking Area, funding".

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3382

(Purpose: To designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building")

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Colorado [Mr. CAMPBELL], for Mr. WELLSTONE, proposes an amendment numbered 3382.

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

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

The amendment is as follows:

On page 104, between lines 21 and 22, insert the following:

SEC. 6. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING.

(a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

Mr. CAMPBELL. Mr. President, this amendment is on behalf of Mr. WELLSTONE, and it deals with the naming of a post office, which has been agreed to by both sides.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3382) was agreed to.

ADDITIONAL COSPONSOR ON AMENDMENT NO. 3377

Mr. CAMPBELL. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor to amendment No. 3377.

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

AMENDMENT NO. 3357

(Purpose: To promote the public's right to know about Federal regulatory programs, improve the quality of Government, increase Government accountability, and for other purposes)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Colorado [Mr. CAMPBELL], for Mr. THOMPSON, proposes an amendment numbered 3357.

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

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

The amendment is as follows:

Strike section 625 and insert the following:

SEC. 625. (a) IN GENERAL.—Beginning in calendar year 2000, and every 2 calendar years thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and non-quantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Mr. THOMPSON. Mr. President, today I am offering an amendment to strengthen the regulatory accounting provision in Section 625 of the Treasury-Postal Appropriations bill. This amendment would require OMB to submit a biannual report to Congress on the costs and benefits of federal regulatory programs. I ask unanimous consent that Majority Leader LOTT and Senators BREAUX, SHELBY, and ROBB be added as cosponsors to my amendment. We come from different political viewpoints, but we all agree that we need to improve our regulatory system and make it more open and accountable.

This amendment continues the effort begun by Senator STEVENS, the former Chairman of the Governmental Affairs Committee, when he passed the Stevens Regulatory Accounting Amendment on the Treasury-Postal Appropriations bill in 1996. Our goal is to promote the public's right to know about regulation, increase government accountability, and to improve the quality of regulatory programs. This amendment would not change any regulation or regulatory standard. It just provides important information for smarter and more accountable regulation.

Under the Stevens Amendment, the Office of Management and Budget issued its first regulatory accounting report to the Congress in September 1997. While this first Report was an important step toward government ac-

countability, it left a lot to be desired. Following that first Report, Senator STEVENS and I wrote to the OMB Director expressing our concern that OMB was not fully complying with the Amendment. Several members of the House sent a similar letter. In addition, the American Enterprise Institute and the Brookings Institution held a workshop reviewing the first OMB Report in the fall of 1997. At that workshop, a distinguished group of economists unanimously agreed that OMB had fallen short on the Stevens Amendment.

Now it's time to take another step toward a more open and accountable regulatory system. This amendment would add a few simple requirements to the Stevens regulatory accounting provision to ensure that:

Regulatory Accounting is a permanent requirement. Every two years, OMB would submit the Report with the President's budget.

The Report is more informative. To the extent feasible, agencies would provide cost and benefit estimates for agency programs. In addition, the Report will clearly cover paperwork costs, including the large costs of complying with our Byzantine tax system. That was always supposed to be covered.

The Report is of higher quality. OMB guidelines to the agencies and peer review will improve future reports.

As OMB said in their first regulatory accounting Report, "regulations (like other instruments of government policy) have enormous potential for both good and harm." Better information will help us regulate smarter—to increase the benefits of regulation while reducing needless waste and redtape. This will help ensure the success of important programs, while enhancing the economic security and well-being of our families and our communities.

Mr. President, I ask unanimous consent that a copy of a letter to former OMB Director Franklin Raines, and a letter from the Alliance USA be printed in the RECORD following my remarks.

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

U.S. SENATE,

Washington, DC, October 29, 1997.

Subject: Implementation of Regulatory Accounting Amendment.

Hon. FRANKLIN D. RAINES,

Director, Office of Management and Budget, Washington, DC.

DEAR DIRECTOR RAINES: We would like to work with you toward the successful implementation of the regulatory accounting provision in section 625 of the Treasury and General Government Appropriations Act, 1998 (Pub. L. 105-61). This provision carries forward for another year the requirement that OMB report to Congress on the total costs and benefits of Federal regulatory programs. Based on our review of OMB's first regulatory accounting report, we believe there is an opportunity to make further progress toward a more transparent, cost-effective, and accountable regulatory system.

We believe that the public has a right to know the costs and benefits of federal regu-

latory programs. While the budget process provides the public and Congress with an opportunity to monitor and control tax-and-expenditure programs, regulatory programs do not receive such scrutiny. As your first report says, "regulations (like other instruments of government policy) have enormous potential for both good and harm." We believe that better information will help us to increase the benefits and reduce the costs of regulation. This would contribute to the success of programs the public values, while enhancing the economic security and well-being of our families and communities.

While the first regulatory accounting report has some serious omissions, it is an important foundation for improving the regulatory system. Critics said it could not be done, and we appreciate that OMB's Office of Information and Regulatory Affairs ("OIRA"), with limited staff, proved the critics were wrong. We agree that OMB should use the report to raise the quality and utility of agency analyses—for developing new regulations, reviewing existing regulations, and tracking regulatory impacts over time. We encourage OMB to build on this effort by tracking the net benefits of regulations and reforms of old rules.

As OMB develops its second report, we believe there are several opportunities for improvement, and we would like to make the following recommendations. First, the report should adhere to specific statutory requirements. The first report fails to recommend improvements for specific regulatory programs or program elements, as required by subsection (a)(4). OMB need not base its recommendations on perfect empirical information nor on its overall estimates of the impacts of the regulatory system. Moreover, the first report does not assess the indirect impacts of Federal regulation, as required by subsection (a)(3).

Second, the report should more fully implement the legislation to achieve its goals. The first report failed to break down costs and benefits by program or program element where feasible, as intended by subsection (a)(1). The public also deserves a complete accounting of federal mandates—not simply those that fall within OMB's categories of "social" and "economic" regulations. OMB should estimate the costs of all paperwork requirements, including those associated with tax collection. OMB also should estimate transfer costs, even if they are viewed as a different category of regulatory costs.

Finally, OMB should exercise leadership to assure the quality and reliability of information reported. Specifically, we urge OMB to standardize procedures government-wide for collecting, analyzing, and documenting the best available information. OMB should leverage its effort with cooperation from the agencies and the President's Council of Economic Advisors. OMB also should establish a database, enforce its "Best Practices" guidelines, and track the costs and benefits of programs, program elements, and rules over time. OMB should synthesize and evaluate the information provided by the agencies and provide an independent assessment. To this end, OMB staff should be directed to critique the quality of the estimates provided to them, not to simply compile data presented by the agencies.

We commend you for an important first step toward a more open, efficient, and accountable regulatory system. We look forward to working with you to advance further in the 1998 report. We would appreciate your response to our recommendations by December 1, 1997.

With best wishes,

Cordially,

FRED THOMPSON,

*Chairman, Senate
Governmental Af-
fairs Committee.*
TED STEVENS,
*Chairman, Senate Ap-
propriations Com-
mittee.*

ALLIANCE USA,
Washington, DC, July 28, 1998.

Hon. FRED THOMPSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR THOMPSON: I am writing you on behalf of Alliance USA (member list attached) to express our support of your regulatory accounting amendment to the Treasury-Postal Appropriations bill to our coalition. As you know, this amendment would continue the important work on regulatory accounting begun by Senator Stevens.

Alliance USA is a nationwide coalition of over 1,000 companies united by their support for responsible regulatory reform. Our coalition believes that your regulatory accounting amendment would improve the effectiveness of several pending regulatory reform measures, including S. 981, the Regulatory Improvement Act of 1998.

We believe that the successful addition of your amendment would result in a more informed public and Congress about the benefits and burdens of federal regulations. It would also enable Congress to assess more accurately the effectiveness of regulatory programs.

We commend you for your continued efforts to improve the regulatory accounting process. If our coalition can be helpful in this effort, please let me know.

Thank you for your consideration of this request.

Sincerely,

LEWIS I. DALE,
Executive Director.

Mr. CAMPBELL. Mr. President, this amendment is acceptable to both sides of the aisle, and I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3357) was agreed to.

Mr. CAMPBELL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. I wonder if the chairman of the committee would indulge me for an amendment on the Federal Law Enforcement Training Center.

Mr. CAMPBELL. I am happy to yield to the Senator from New Mexico.

AMENDMENT NO. 3383

(Purpose: To provide additional funding for the Federal Law Enforcement Training Center)

Mr. DOMENICI. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. COVERDELL, and Mr. BINGAMAN, proposes an amendment numbered legislative 3383.

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

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

The amendment is as follows:

On page 8, line 11, strike "\$66,251,000" and insert "\$71,923,000".

On page 10, line 12, strike "and related expenses, \$15,360,000" and insert "new construction, and related expenses, \$42,620,000".

On page 46, line 18, strike "\$5,665,585,000" and insert "\$5,632,552,000".

On page 50, line 20, strike "\$668,031,000" and insert "\$634,998,000".

On page 50, line 23, strike "\$323,800,000" and insert "\$309,499,000".

On page 52, line 13, strike "\$344,236,000" and insert "\$311,203,000".

On page 56, line 20, strike "\$5,665,585,000" and insert "\$5,632,552,000".

On page 45, line 21, strike "\$508,752,000" and insert "\$475,719,000".

Mr. DOMENICI. Mr. President, I offer this amendment today with my distinguished colleague from Georgia, Senator COVERDELL, and my colleague from New Mexico, Senator BINGAMAN, to address funding for the Federal Law Enforcement Training Center, referred to as FLETC.

This is a consolidated law enforcement training center for the Federal Government that is operated by the Department of the Treasury.

The committee bill reduces the funding for FLETC by \$18.7 million below the President's budget request of \$100.3 million.

The bill reduces funding for both the operating and the construction and maintenance accounts, which will have serious effects on our law enforcement training program.

Mr. President, some years ago, because law enforcement training became a necessity for a number of departments of the Federal Government, every major department which wanted to train their own law enforcement people, and the U.S. Government made a very good decision. They said the Department of Treasury will establish the Federal Law Enforcement Training Center, and it will take care of most of law enforcement training that is required for institutions and entities like the Bureau of Indian Affairs, Immigration, and just an untold number of agencies that need to have their law enforcement people trained.

Through good fortune, an earlier abandoned naval base in the State of Georgia, called Glynco, was the site that was determined for this Federal Law Enforcement Training Center.

As a matter of fact, I am sure some wonder why I remain so interested in this. A little part of it is in the State of New Mexico. But, believe it or not, when I was a second-year Senator on the Public Works Committee, we were about to spend \$600 million on a new center for the Federal Law Enforcement Training Center. I suggested, almost in a very mild voice, wondering whether then committee chairman of the Public Works Committee would even consider this new center, and said, "Would you adopt a resolution saying

that before we agree to build a new one that we will take a year and look around and see if we might not already own a facility such as an abandoned military base?" I think, to get rid of me, they all said, "Let's adopt the resolution." And sure enough, 9 months later, before we ever spent any money, the chairman called me to his office and said, "Look. They found a naval base in the State of Georgia which has just recently been closed, and it will be perfect. We will not have to build a new one."

Although many, many claimed they were the people that got Glynco, I was very pleased to be invited as a brand new Senator in the back row and know that because I had asked that we not spend money until we look around, that we found it.

It has been doing a marvelous job. The only major competitor is the Federal Bureau of Investigation.

Some time ago, the Federal Law Enforcement Training Center, when Jim Baker was Secretary of Treasury, decided to expand and create a new one. They picked a former college in the city of Artesia, NM, which offered them the entire campus at a bargain rate, and it has since grown along with the Glynco establishment in Georgia.

I came to the floor tonight to urge the committee to restore the FLETC salary and expenses and construction to the President's level.

I know the committee had difficulty because they had to do a lot of things the House didn't do in their bill with the same amount of allocation, overall. But this amendment will actually allow \$20 million for new construction of critical dormitory and classroom facilities at both Artesia in New Mexico and Glynco: \$6.4 million for new dormitories in Artesia; \$7.5 million for new dormitories at headquarters in Glynco; and, \$6.4 million dollars for new classrooms at Glynco, which will be augmented by the amounts in the bill, restoring the budget request, and a proposed reprogramming of funds.

Mr. President, the Congress has put a significant emphasis on law enforcement over the past decade. I have been concerned for quite some time that the law enforcement agencies of the Treasury Department—that is FLETC, the Customs Service, and the Bureau of Alcohol, Tobacco, and Firearms—are overlooked when Congress talks about violent and youth crimes, drugs, gangs, and illegal immigration. The Department of the Treasury plays a very important role in this regard. While Congress has more than tripled the budget of the Department of Justice law enforcement agencies over the last decade, Treasury agencies—and this is no aspersions on the current leadership of the subcommittee—have often struggled to keep up with workloads that are increasing all the time. FLETC is a case in point. Since Congress began serious anticrime efforts, thousands of law enforcement agents have been recruited. Many of these agents receive

their basic as well as advanced training at these Federal law enforcement facilities. While the administration and Congress added these agents, sufficient resources were not devoted to keep up with the training requirements. The President requested \$71.9 million for the Federal law enforcement training salaries and expenses, and the committee provided \$66.25.

There are 70 Federal agencies that depend solely upon the Federal Law Enforcement Training Center to provide all direct costs for entry level training. Without these additional funds, the number of students trained in 1999 will fall below the actual number of agents trained in 1997 while the demand is greater. That will be 3,900 less. Should the administration decide to keep training levels stable, as much as 10 percent would have to be cut from other sources or some programs would have to be reduced or eliminated such as the Office for State, Local and International Training within FLETC.

Rather than go on with all of the details that I have regarding this, I just want to conclude that this is not good policy. If Congress is going to commit to strong law enforcement, it needs not only the personnel but the high-quality training needed to prepare and protect our law enforcement agents. FLETC, the Federal Law Enforcement Training Center, must be in position to meet those demands.

Mr. President, this amendment provides important resources to support the training of our Federal law enforcement personnel. I believe the Federal Law Enforcement Training Center should be a priority in this bill, and I urge adoption of the amendment.

I ask unanimous consent to have printed in the RECORD a letter from the Treasury Department, signed by Raymond Kelly, Under Secretary, to me indicating that they would very much support funding the President's level in this bill for operation and for getting ready for future demands in terms of construction.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, July 28, 1998.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: On behalf of Secretary Rubin, I want to thank you for your leadership and support of Treasury Enforcement programs. Like you, we believe that the Federal Law Enforcement Training Center (FLETC) should be funded at the President's request of \$100.283 million and thereby ensure our capacity to meet critical infrastructure needs. The Treasury Department considers this a high priority so FLETC can have adequate facilities, at both Glynnco and Artesia, in order to meet the surging workload associated with border management build-up, drug interdiction, anti-terrorism, and related activities.

Equally important, we are committed to ensuring that funding for FLETC does not offset other Treasury programs. We hope that the Senate will be able to restore the funding levels requested by the Administra-

tion during its deliberations on the FY 1999 appropriations.

Very truly yours,

RAYMOND W. KELLY,
Under Secretary for Enforcement.

Mr. DOMENICI. Mr. President, I would like to ask the chairman, with whom I have conferred and whose staff I have conferred at length, would the chairman do his best to fully fund FLETC as requested by the President when he goes to conference?

Mr. CAMPBELL. Mr. President, I would be honored to support Senator DOMENICI's request in this amendment. I had some experience with FLETC, too. I visited the campus in Artesia, NM, a few years ago and was very impressed. It is one of the opportunities that Federal agencies really have to interact with each other, and certainly the agents who are going back to separate departments.

The Senator also mentioned other agencies. We have the Indian law enforcement agents who work throughout America.

Mr. DOMENICI. Exactly.

Mr. CAMPBELL. We have, of course, as every other subcommittee, only a certain amount of spending authority, and we have to deal with that. We have had a great many requests. We are now wrestling, in fact, with the request for the six high-density drug trafficking areas which are all becoming more expensive, and certainly they work in an allied fashion, because people who get out of FLETC sometimes go into those different agencies. But I want to assure the Senator I am very supportive and we will do our very best to come up with the money necessary to deal with the President's request.

AMENDMENT NO. 3383, WITHDRAWN

Mr. DOMENICI. Mr. President, I withdraw the amendment which I heretofore sent to the desk.

The PRESIDING OFFICER. The Senator's first amendment is withdrawn.

The amendment (No. 3383) was withdrawn.

AMENDMENT NO. 3384

(Purpose: To provide additional funding for the Federal Law Enforcement Training Center)

Mr. DOMENICI. I will send an amendment to the desk shortly which I hope will be adopted. This one is in behalf of myself, Senator COVERDELL, Senator BINGAMAN, and Senator CLELAND from the respective States, the largest center in Georgia by far, and we have kind of a small adjunct to it in the State of New Mexico. So all four Senators are on the amendment.

First, we are relying upon the distinguished chairman, who will see to it in conference that the President's request for operations and the like will be met, and that probably is already in the House bill.

This amendment says that within the amounts appropriated in the act, up to \$20.3 million may be transferred to the acquisition, construction, improvements and related expenses account of the Federal Law Enforcement Training

Center for new construction. I send that amendment to the desk. It is the one with the four Senators who I have mentioned.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. COVERDELL, Mr. BINGAMAN, and Mr. CLELAND, and others propose an amendment numbered 3384.

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

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

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. . Within the amounts appropriated in this Act, up to \$20.3 million may be transferred to the Acquisition, Construction, Improvements, and Related Expenses account of the Federal Law Enforcement Training Center for new construction."

Mr. COVERDELL. Mr. President, I rise today to speak on behalf of an amendment that I have cosponsored and introduced today with my colleague from New Mexico and Chairman of the Budget Committee, Senator DOMENICI, regarding funding for the Federal Law Enforcement Training Center.

To date only fifty one percent of FLETC's master construction plan is completed, and this amendment would move FLETC closer toward its goal of being the centralized training center for our federal agencies.

Whether traveling in my home state of Georgia, or chairing a Subcommittee hearing on drug interdiction, the need to address the crisis we face with drugs and crime is consistently brought to my attention. Through continued funding and support of the Federal Law Enforcement Training Center we will be able to take the necessary steps to achieve this goal for all Americans.

Mr. President, I once again urge my colleagues to join me in supporting this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, will the Senator withhold?

Mr. CAMPBELL. I withhold that.

Mr. DOMENICI. If there is nothing further before the Senate, is not the next matter adoption of the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3384) was agreed to.

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

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the chairman and ranking member for their help in this matter, and I yield the floor.

Mr. CAMPBELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3385

(Purpose: To provide for an adjustment in the computation of annuities for certain Federal officers and employees relating to average pay determinations, and for other purposes)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3385.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ . AVERAGE PAY DETERMINATION OF CERTAIN FEDERAL OFFICERS AND EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Chapter 83 of title 5, United States Code, is amended by inserting after section 8339 the following:

“§8339a. Average pay determination in certain years

“(a) For purposes of this section the term ‘covered position’ means—

“(1) any position for which pay is adjusted by statute whenever an adjustment takes effect under section 5303 (or any statute relating to cost-of-living adjustments in statutory pay systems in effect before the effective date of section 101 of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509; 104 Stat. 1429)); or

“(2) any position for which pay is adjusted by rule, practice, or order based on an adjustment in the pay of a position described under paragraph (1).

“(b) Subject to subsection (d), for purposes of determining the average pay of an employee or Member, the basic pay of the employee or Member during a year described under subsection (c) shall be deemed to be the basic pay paid at the actual rate of pay adjusted by the same percentage as any cost-of-living adjustment of annuities under section 8340 which took effect during such year, on the date such cost-of-living adjustment took effect.

“(c) Subsection (b) refers to any year in which—

“(1) any cost-of-living adjustment of annuities under section 8340 took effect; and

“(2) the applicable employee or Member serving in a covered position did not receive an adjustment in pay described under subsection (a) (1) or (2) because a statute provided that such adjustment would not take effect with respect to a covered position described under subsection (a) (1).

“(d) Average pay shall be determined under this section, if the applicable employee or Member, or the survivor of such employee or Member, deposits to the credit of the Fund an amount equal to the difference between

the amount deducted from the basic pay of the employee or Member during the period of service in a covered position and the amount which would have been deducted during such period if the rate of basic pay had been adjusted as provided under subsections (b) and (c), plus interest as computed under section 8334(e).”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8339 the following:

“8339a. Average pay determination in certain years.”

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8415 the following:

“§8415a. Average pay determination in certain years

“(a) For purposes of this section the term ‘covered position’ means—

“(1) any position for which pay is adjusted by statute whenever an adjustment takes effect under section 5303 (or any statute relating to cost-of-living adjustments in statutory pay systems in effect before the effective date of section 101 of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509; 104 Stat. 1429)); or

“(2) any position for which pay is adjusted by rule, practice, or order based on an adjustment in the pay of a position described under paragraph (1).

“(b) Subject to subsection (d), for purposes of determining the average pay of an employee or Member, the basic pay of the employee or Member during a year described under subsection (c) shall be deemed to be the basic pay paid at the actual rate of pay adjusted by the same percentage as any cost-of-living adjustment of annuities under section 8462 which took effect during such year, on the date such cost-of-living adjustment took effect.

“(c) Subsection (b) refers to any year in which—

“(1) any cost-of-living adjustment of annuities under section 8462 took effect; and

“(2) the applicable employee or Member serving in a covered position did not receive an adjustment in pay described under subsection (a) (1) or (2) because a statute provided that such adjustment would not take effect with respect to a covered position described under subsection (a) (1).

“(d) Average pay shall be determined under this section, if the applicable employee or Member, or the survivor of such employee or Member, deposits to the credit of the Fund an amount equal to the difference between the amount deducted from the basic pay of the employee or Member during the period of service in a covered position and the amount which would have been deducted during such period if the rate of basic pay had been adjusted as provided under subsections (b) and (c), plus interest as computed under section 8334(e).”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8415 the following:

“8415a. Average pay determination in certain years.”

(c) EFFECTIVE DATE.—This section shall take effect on January 2, 1999, and shall apply only to any annuity commencing on or after such date.

Mr. STEVENS. Mr. President, I will explain this amendment further tomorrow. What it does is deal with the computation of pay for retired Federal em-

ployees. It is an attempt to try to adjust the payment for retired former employees. It has nothing to do with the pay of any current Member. It will deal only with adjusting the pay of retired employees. I will explain it further. I ask it be set aside for the time being.

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

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in objection to the amendment and suggest we vote on it tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3386

(Purpose: To protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.)

Mr. CAMPBELL. Mr. President, I ask unanimous consent that I be allowed to send an amendment to the desk on behalf of Senator GRASSLEY and that it be considered as being the LOTT relevant amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. GRASSLEY, for himself, Mr. D'AMATO, Mr. SESSIONS, Mr. STEVENS and Mr. GRAMS, proposes an amendment numbered 3386.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ . (a) DEFINITIONS.—In this section—

(1) the term “crime of violence” has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term “law enforcement officer” means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have

committed in the presence of the officer a crime of violence.

Mr. GRASSLEY. Mr. President, I thank my colleague from Colorado for offering my amendment. This is legislation that I originally offered last year as a free standing bill. I would like to say a few words on the amendment and ask my colleagues to support. It is co-sponsored by Senators D'AMATO, SESSIONS, STEVENS, and GRAMS.

First, let me remind my colleagues of what the amendment does. I have outlined these in letters to my colleagues and in my original statement on the floor. In addition, many of you have heard from various federal law enforcement associations that support this amendment. Its main intent is to address a problem, a gray area, in current law. As it now stands, the situation reminds me of the old saying that no good deed goes unpunished.

This involves what I call the 7-11 situation. Suppose for a moment that an off-duty Capitol Police officer or a Customs Agent or some other federal officer goes into the 7-11 to buy coffee. While he is there, a robber tries to hold up the store and is threatening the public with violence. Under the present circumstance a not so funny thing can happen. If the off-duty officer intervenes to protect the public and is hurt in the process. Or if someone is hurt in the incident, the officer could lose his workman's compensation or be sued by the felon for injuries because the Federal officer was acting outside the scope of his work. If he was not on duty or if the felony did not occur as part of the duties involved in his job description, he has no protections.

This is a real concern to serving officers. It puts them in a difficult situation. That is what this amendment fixes. It would give protection to Federal officers in these situations.

Now, let me make it clear. This does not mean an expansion of the authorities to Federal officers to make arrests in matters reserved to the states. I have checked this with the States' Attorneys General. This amendment also does not authorize Federal law enforcement officers to act like cowboys. Nothing in current law, even when acting on official duty, would permit an officer to act irresponsibly. They are subject to penalties if they should do so under their scope of work and they are subject to the same sanctions here.

What we have now, however, is a situation where a law enforcement officer has to make a sudden decision. Does he intervene to protect the public, which is what we would all expect? Or does he sit it out to avoid the risk of being sued or losing his workman's compensation if he is injured? I think I know what most of us would expect. I know what most of us believe is the responsible thing to do. We would expect the officer to intervene with a clear conscience and the knowledge that his act of decency and responsibility will not be punished. I would add that this

situation, fortunately, is not a common one. It is, however, one that needs to be addressed.

I hope that we will adopt this amendment today. It has been a long time in coming and I urge my colleagues to join me in voting for it. Again, let me remind my colleagues that this language has been a free-standing bill for almost a year and has been available for comment. We have worked with DEA, Customs, and many others on the language. It has been provided to both majority and minority members. Most of these members have been visited by all the major Federal law enforcement associations and unions, which, I might mention, support this legislation wholeheartedly. I offer for the RECORD a few of the letters that have been written to me and other Members in support. I believe all the Federal law enforcement officers who risk their lives on our behalf deserve this much. We know only too well the risk they take on our behalf.

I ask unanimous consent that these letters be printed in the RECORD.

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

FEDERAL LAW ENFORCEMENT
OFFICERS ASSOCIATION,
East Northport, NY, April 10, 1998.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the approximately 14,000 members of the Federal Law Enforcement Officers Association (FLEOA), I wish to thank you for introducing S. 1031, the Federal Law Enforcement Officer's Good Samaritan Act of 1997. This bill has the support of every FLEOA member, their families, and their friends. FLEOA guarantees you of our strong support and, pledges our efforts to see that this important piece of legislation is passed.

FLEOA is a non-partisan professional association representing federal agents and criminal investigators from the federal agencies listed on the left masthead. We represent line agents, supervisors and managers, with over sixty chapters across the United States and several overseas. We provide a voice for our members to express their concerns regarding legislative activity in Washington, D.C., relating to law enforcement. Having visited over 25 chapters within these last few months, I can assure you of the overwhelming support that S. 1031 has all over the country. Without a doubt, this piece of legislation will allow law enforcement to be more effective and better serve the American Public. We commend you for your efforts on S. 1031.

If you have any questions or need further information, please feel free to contact me directly at (212) 264-8406 or through FLEOA's Corporate Service offices at (516) 368-6117. We look forward to working with experienced and expert staffers, such as William Olson, on this issue. Thank you again.

Sincerely,

RICHARD J. GALLO,
President.

FRATERNAL ORDER OF POLICE,
EASTERN CHAPTER #111,
April 30, 1998.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the men and women of the Fraternal Order of

Police (FOP), lodge #111, I wish to thank you for introducing S. 1031, the Federal Law Enforcement Officer's Good Samaritan Act of 1997. This bill has the support of each and every member, their families, and friends. The F.O.P. guarantees you our strong support and pledges our efforts to see that this important piece of legislation is passed.

If you have any questions or need further information, please feel free to contact me directly at (215) 597-3507.

Sincerely,

FRANK NORRIS,
President #111.

THE LAW ENFORCEMENT
STEERING COMMITTEE,
Washington, DC, June 10, 1998.

Hon. ORRIN G. HATCH,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR HATCH: On behalf of the Law Enforcement Steering Committee (LESC), I write to request your support of S. 1031, the Federal Law Enforcement Officers Good Samaritan Act of 1998. The LESC is a nonpartisan coalition of police organizations collectively representing over 500,000 law enforcement officers and managers nationwide.

This bill, introduced by Senator Chuck Grassley in 1997, would provide full legal protection for federal law enforcement officers who intervene in certain situations to prevent loss of life or serious bodily injury to a citizen. This bill, if enacted, would offer legal protection to federal law enforcement officers who unexpectedly encounter and take action to prevent a violent crime in progress or to assist in an emergency. The bill does not expand the investigative authority or jurisdiction of any federal agency. The bill has the support of the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the National District Attorney's Association, and many other law enforcement organizations. The citizens of the United States would benefit in that the country's well trained and equipped law enforcement officers would be encouraged to assist the public. Federal law enforcement officers would benefit in the knowledge that the Congress of the United States supports them when they take appropriate action to help a citizen in need.

It is our desire to see this bill enacted during the 105th Congress. We would appreciate your assistance in this effort.

Sincerely,

ROBERT L. STEWART,
Chairman.

THE LAW ENFORCEMENT
STEERING COMMITTEE,
Washington, DC, June 10, 1998.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Law Enforcement Steering Committee (LESC), I write to request your support of S. 1031, the Federal Law Enforcement Officers Good Samaritan Act of 1998. The LESC is a nonpartisan coalition of police organizations collectively representing over 500,000 law enforcement officers and managers nationwide.

This bill, introduced by Senator Chuck Grassley in 1997, would provide full legal protection for federal law enforcement officers who intervene in certain situations to prevent loss of life or serious bodily injury to a citizen. This bill, if enacted, would offer legal protection to federal law enforcement officers who unexpectedly encounter and take action to prevent a violent crime in progress or to assist in an emergency. The bill does not expand the investigative authority or jurisdiction of any federal agency. The bill has the support of the Fraternal

Order of Police, the National Organization of Black Law Enforcement Executives, the National District Attorney's Association, and many other law enforcement organizations. The citizens of the United States would benefit in that the country's well trained and equipped law enforcement officers would be encouraged to assist the public. Federal law enforcement officers would benefit in the knowledge that the Congress of the United States supports them when they take appropriate action to help a citizen in need.

It is our desire to see this bill enacted during the 105th Congress. We would appreciate your assistance in this effort.

Sincerely,

ROBERT L. STEWART,
Chairman.

THE LAW ENFORCEMENT
STEERING COMMITTEE,
Washington, DC, June 10, 1998.

Hon. HENRY HYDE

*Chairman, House Committee on the Judiciary,
Washington, DC.*

DEAR REPRESENTATIVE HYDE: On behalf of the Law Enforcement Steering Committee (LESC), I write to request your support of H.R. 3839, the Federal Law Enforcement Officers Good Samaritan Act of 1998. The LESC is a nonpartisan coalition of police organizations collectively representing over 500,000 law enforcement officers and managers nationwide.

This bill, introduced by Senator Chuck Grassley in 1997, would provide full legal protection for federal law enforcement officers who intervene in certain situations to prevent loss of life or serious bodily injury to a citizen. This bill, if enacted, would offer legal protection to federal law enforcement officers who unexpectedly encounter and take action to prevent a violent crime in progress or to assist in an emergency. The bill does not expand the investigative authority or jurisdiction of any federal agency. The bill has the support of the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the National District Attorney's Association, and many other law enforcement organizations. The citizens of the United States would benefit in that the country's well trained and equipped law enforcement officers would be encouraged to assist the public. Federal law enforcement officers would benefit in the knowledge that the Congress of the United States supports them when they take appropriate action to help a citizen in need.

It is our desire to see this bill enacted during the 105th Congress. We would appreciate your assistance in this effort.

Sincerely,

ROBERT L. STEWART,
Chairman.

THE LAW ENFORCEMENT
STEERING COMMITTEE,
Washington, DC, June 10, 1998.

Hon. JOHN CONYERS

*Ranking Member, House Committee on the Judiciary,
Washington, DC.*

DEAR REPRESENTATIVE CONYERS: On behalf of the Law Enforcement Steering Committee (LESC), I write to request your support of H.R. 3839, the Federal Law Enforcement Officers Good Samaritan Act of 1998. The LESC is a nonpartisan coalition of police organizations collectively representing over 500,000 law enforcement officers and managers nationwide.

This bill, introduced by Senator Chuck Grassley in 1997, would provide full legal protection for federal law enforcement officers who intervene in certain situations to prevent loss of life or serious bodily injury to a citizen. This bill, if enacted, would offer legal protection to federal law enforcement

officers who unexpectedly encounter and take action to prevent a violent crime in progress or to assist in an emergency. The bill does not expand the investigative authority or jurisdiction of any federal agency. The bill has the support of the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, the National District Attorney's Association, and many other law enforcement organizations. The citizens of the United States would benefit in that the country's well trained and equipped law enforcement officers would be encouraged to assist the public. Federal law enforcement officers would benefit in the knowledge that the Congress of the United States supports them when they take appropriate action to help a citizen in need.

It is our desire to see this bill enacted during the 105th Congress. We would appreciate your assistance in this effort.

Sincerely,

ROBERT L. STEWART,
Chairman.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that this amendment be temporarily set aside.

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

Mr. CAMPBELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, what is the order of business? I have an amendment I wish to send to the desk. Is that proper to do so at this time?

The PRESIDING OFFICER. It is proper to do so.

AMENDMENT NO. 3387

(Purpose: To provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas)

Mr. HARKIN. I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mrs. MURRAY, proposes an amendment numbered 3387.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill add the following:

On page 39, strike lines 10 through 12 and insert in lieu thereof the following: "Area Program, \$179,007,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which \$8,000,000 shall be used for methamphetamine programs above the sums allocated in fiscal year 1998 and otherwise provided for in this legislation with no less than half of the \$8,000,000 going to areas solely dedicated to fighting methamphetamine usage and in addition no less than \$1,000,000 of the \$8,000,000 shall be allocated to the Cascade High Intensity Drug Trafficking Areas, of which"

Amend page 50, line 20 by reducing the dollar figure by \$8,000,000;

Amend page 52, line 13 by reducing the dollar figure by \$8,000,000.

Mr. HARKIN. Mr. President, there is a plague sweeping across our Nation. It is ruining an untold number of lives, claiming countless numbers of our children. It is in our streets as well as our classrooms. Drugs have become more abundant. But there is a new drug, one that is far more addictive and readily available than heroin, cocaine, or any other illegal narcotic. Methamphetamine is becoming the leading addictive drug in this Nation. From the suburbs, to city streets, to the corn rows of Iowa, meth is destroying thousands of lives every year. The majority of those lives, unfortunately, are our children.

Methamphetamine is commonly referred to as Iowa's drug of choice in my State. It is reaching epidemic proportions as it sweeps from the west coast, ravages through the Midwest, and is now beginning to reach the east coast. The trail of destruction of human lives as a result of methamphetamine addiction stretches across America.

To illustrate the violence that meth elicits in people, methamphetamine is cited as a contributing factor in 80 percent of domestic violence cases in my State, and a leading factor in a majority of violent crimes. I recently introduced the Comprehensive Methamphetamine Control Act which I think will get support and get through the Senate. But I offer this amendment today as an opportunity to take immediate action to help our Nation's law enforcement in their war on methamphetamine.

This amendment makes a simple and modest request, taking \$8 million in certain offsets and puts those dollars where they can do real good to combat the growing problem of methamphetamine.

These funds will be added to the High Intensity Drug Trafficking Areas Program to be used for increased enforcement and prosecution of meth dealers, additional undercover agents, and to help pay for the tremendous cost of confiscation and cleanup of clandestine meth labs.

The number of meth arrests, court cases, and confiscation of labs continues to escalate. The number of clandestine meth labs confiscated and destroyed in 1998 is on pace to triple the number that was confiscated in 1997—so triple this year over last year. The cost of cleaning up each lab ranges from \$5,000 to \$90,000. This cost is being absorbed by communities who are not prepared or experienced to deal with the dangers of methamphetamine.

These clandestine meth labs create an enormous amount of hazardous waste. For every 1 pound of methamphetamine produced, there are 5 to 6 pounds of hazardous waste as a by-product. This waste is highly toxic and seeps into the ground where eventually it ends up in our drinking water supply.

The dangers posed to law enforcement officers are also greatly increased by these meth labs. Many peddlers of meth have now what they call "kitchen" labs. Meth pushers are now simply using mobile homes or even pickup trucks to produce their drugs. Combining many volatile chemicals in an uncontrolled environment, meth labs are time bombs to police officers and communities everywhere.

I believe we have a window of opportunity as a nation to take a stand right now to defeat this scourge. This amendment will not solve all of these problems, but it will give law enforcement the support that they vitally need in their efforts to defeat this dangerous drug.

Mr. President, family after family is being devastated across the Midwest. In my State, I have seen methamphetamine skyrocket in its use—the importation in the State and the development of these methamphetamine labs in the State of Iowa. Communities are trying to fight this, but they do not have the resources. Children are being lost and getting hooked to this deadly drug every day. So the time now is to do whatever we can to try to halt the growth of these meth labs, to give our high-intensity drug traffic areas the tools that they need to stop this drug, to help our communities, and most importantly to help our law enforcement officials.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I want to assure the Senator we are doing our very best to find a resolution in the funding of this. We have four that we are working with. And just in my own personal experience of having worked with several, particularly one in Denver, CO, I am certainly aware of the good work that they do in coordinating local, State, tribal and Federal law enforcement agencies so they are not duplicating their efforts and so that these agencies can share ideas and share resources.

The Senator's comments certainly underscore the importance of trying to stop the growth of the methamphetamine labs. These things are volatile. They are mobile. They are contaminative, so even when you do go through an expensive process of cleaning them up, you still have to worry about what it has done to contaminate the area, particularly the earth.

So I just want to assure him, we are working very hard to find a resolution to make sure they are all funded properly. I thank the Senator for his comments.

Mr. HARKIN. I thank the chairman. I know of his great interest in this area. And I know of his great support for our law enforcement agencies to crack down on the methamphetamine labs. I know your chairman is having the same experience out in his State, too, as we are in Iowa. I understand that you and the chairman, and Senator

KOHL, are working on putting all this together. Obviously, it would be my intention to withdraw the amendment if this whole thing gets worked out. I am sure that we will get it worked out.

I thank the Senators.

Mr. CAMPBELL. I thank the Senator for his comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3388

(Purpose: To provide funding for Customs drug interdiction and High Intensity Drug Trafficking Areas)

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

The PRESIDING OFFICER. Without objection, the Harkin amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, and Mr. KOHL, proposes an amendment numbered 3388.

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

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

The amendment is as follows:

At the appropriate place, strike and insert the following:

On page 10, line 14, strike through Page 10, line 20.

On page 17, line 7, strike "98,488,000," and insert in lieu thereof "113,488,000."

On page 17, line 20 strike "1999," and insert in lieu thereof "1999: *Provided further*, That of the amount provided, \$15,000,000 shall be made available for drug interdiction activities in South Florida and the Caribbean."

On page 39, line 10 strike "171,007,000" and insert in lieu thereof "183,977,000".

On page 39, line 19 after "criteria," insert "and of which \$3,000,000 shall be used to continue the recently created Central Florida High Intensity Drug Trafficking Area, and of which \$1,970,000 shall be used for the addition of North Dakota into the Midwest High Intensity Drug Trafficking Area, and of which \$7,000,000 shall be used for methamphetamine programs otherwise provided for in this legislation with not less than half of the \$7,000,000 shall expand the Midwest High Intensity Drug Trafficking Area, and of which \$1,000,000 shall be used to expand the Cascade High Intensity Drug Trafficking Area, and of which \$1,500,000 shall provided to the Southwest Border High Intensity Drug Trafficking Area."

Mr. DEWINE. Mr. President, last week I introduced legislation that would bring a new, comprehensive strategy to America's effort against illegal drugs.

The Western Hemisphere Drug Elimination Act would support enhanced drug interdiction efforts in the major transit countries, and support a comprehensive supply eradication and crop substitution program in source countries. This legislation has 16 other Senate cosponsors.

Mr. President, this is a \$2.6 billion authorization initiative over 3 years for enhanced international eradication, interdiction and crop substitution efforts. This important counter-drug initiative would restore a balanced drug control strategy by renewing our nation's commitment to international eradication and interdiction efforts—efforts that have proven successful in reducing the trafficking and use of illegal drugs. I believe that this is an important investment in the future of America—and the future of our children.

The day after the new drug initiative was introduced, I offered an amendment to the Transportation appropriations bill to provide much-needed resources for the U.S. Coast Guard—resources that will increase their drug interdiction capability. Other cosponsors of this amendment included Senators COVERDELL, GRAHAM, BOND, FAIRCLOTH, and GRASSLEY. This amendment, which was agreed to by voice vote, accomplishes two goals: First, it increases funds available for equipment devoted to drug interdiction by approximately \$37.5 million. Second, the amendment sets aside resources needed to restore a much-needed drug interdiction operation in the Caribbean—an operation which I had the opportunity to visit earlier this year.

Today, I rise again with Senators COVERDELL, GRAHAM, BOND, FAIRCLOTH, GRASSLEY, and MACK to introduce an amendment to the Treasury, Postal appropriations bill. Specifically, we seek \$15 million for enhanced drug interdiction efforts for the U.S. Customs Service in South Florida and the Caribbean.

Mr. President, in May, I traveled to the Caribbean for a very short—36-hour—visit to look at our interdiction operations there. I visited with U.S. Customs officials in Key West, Florida. It was on this very trip that I gained a greater appreciation of the actual difficult task of drug interdiction. I learned that it is far from an easy task—it is in fact highly dangerous.

U.S. Customs officials showed me video tapes of U.S. Customs go-fast boats pursuing Colombian go-fast boats in the middle of the night in high waves—waves that reached 5 or 6 feet. The videos showed Colombian boats ramming into our boats.

One of the key problems I learned about on that trip was that U.S. Customs has very few go-fast boats—and the ones they have lack 1990's technology. Our boats have a top speed of 70 mph—while Colombian boats can reach 80 or 90 mph. I rode in one of our go-fast boats in Key West during a mock chase—and I can tell you that even during the day and in low waves, this is dangerous work.

There can be no doubt that our U.S. Customs agents in Florida and the Caribbean need more equipment, better equipment dedicated to drug interdiction, and more personnel. Since 1986, the number of U.S. Customs vessels has decreased from 77 to 30. There has also

been a significant decrease in maritime officers, from 124 to 23. In fact, U.S. Customs no longer runs a 7-day, 24-hour drug interdiction operation.

Mr. President, the amendment I offer today would provide U.S. Customs with more go-fast boats and more manpower for South Florida and the Caribbean. Let me tell you what this amendment would accomplish.

First, it would refurbish 22 interceptor and Blue Water Platform Boats. The interceptor boats are what is known as "go-fast boats." The Blue Water Platform Boats are for deep waters and have command and control capability—these vessels can accommodate satellite communications equipment and radar to communicate with the interceptor boats to enable them to better interdict the drug traffickers. Right now, these 22 vessels cannot be used because of lack of funding for refurbishment. This small amount of money will make a huge, huge difference. The amendment would also appropriate money for 9 new interceptor go-fast boats.

The amendment would also provide money for the hiring and training of 30 special agents—criminal investigators—for maritime operations. Finally, the amendment would provide resources for overhead coverage and operation and maintenance in the Caribbean.

Mr. President, this is a very important amendment which will accomplish a lot with a small amount of resources. The amendment has bipartisan support.

Mr. President, I see the distinguished Chairman and the Ranking Member of the Treasury, Postal Service, and General Government Subcommittee, Senator CAMPBELL and Senator KOHL. I thank them for their cooperation with this bipartisan amendment.

First, I want to make clear that I intend to work with the conferees and the Treasury Department on alternatives to fund this amendment. While an offset has been identified in order to pay for this amendment, I want to work with them to find alternatives.

Mr. CAMPBELL. I appreciate the efforts of the Senator from Ohio—first in offering this very important amendment and for his diligence in seeking additional funds for the U.S. Customs Service. I look forward to working with him on this important issue and we will work to address any remaining items during conference.

Mr. KOHL. I too appreciate the Senator from Ohio's efforts in seeking additional funds for the U.S. Customs Service to better interdict drug traffickers. I look forward to working with him to find an appropriate offset for this amendment.

Mr. DEWINE. Mr. President, again, I would like to express my thanks to the chairman and the ranking member of the Treasury, Postal Service, and General Government Subcommittee for their efforts to assist me and the distinguished list of cosponsors of this

amendment. I also extend my thanks to the staff of the subcommittee for their efforts, which were nothing less than first rate.

Mr. President, this amendment today is another important step toward restoring a balanced drug interdiction strategy. I expect there will be many more steps in the future—steps that are needed if we are going to restore a truly balanced, truly effective drug control strategy. This amendment represents a bipartisan effort to make a targeted and specific investment in stopping drugs before they reach America. It will take similar efforts over the course of the next 3 years to bring our drug strategy back into balance, and most important, back on the course of reducing drug use in our homes, schools, and communities.

I thank the chair and I yield the floor.

Mr. CAMPBELL. This amendment deals with funding for Customs drug addiction, and High-Intensity Drug Trafficking Areas.

This amendment has been agreed to by both sides of the aisle. It accommodates Senators, DEWINE, CONRAD, HARKIN, GRAHAM, MACK, COVERDELL, BOND, FAIRCLOTH, GRASSLEY, BINGAMAN, and MURRAY.

I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 3388) was agreed to.

Mr. CAMPBELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3389

(Purpose: To express the sense of the Senate regarding payroll tax relief)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. KERREY, proposes an amendment numbered 3389.

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

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

The amendment is as follows:

SECTION 1. SENSE OF THE SENATE REGARDING THE REDUCTION OF PAYROLL TAXES.

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contributions Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden on the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay the medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at \$68,400. Therefore, the lower a family's income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was \$35,492, and a family earning that amount and taking standard deductions and exemptions paid \$2,719 in Federal income tax, but lost \$5,430 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which masks the real amount of Government borrowing, those whom the payroll tax hits hardest, working families, have shouldered a disproportionate share of the Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years, the Federal Government will generate a budget surplus of \$1,550,000,000,000, and all but \$32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) if Congress decides to use the Federal budget surplus to provide tax relief the payroll tax should be reduced first; and

(2) Congress and the President should work to reduce this tax which burdens American families.

Mr. KOHL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KOHL. Mr. President, I ask unanimous consent that the amendment be laid aside in keeping with the prior unanimous consent.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 3356

Mr. CAMPBELL. Mr. President, I now ask unanimous consent that, notwithstanding the previous consent, it be in order on Thursday for the managers to offer a modification to amendment No. 3356, which was previously adopted.

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

DASCHLE MARRIAGE PENALTY AMENDMENT

Mr. BYRD. Mr. President, earlier today I voted to table an amendment to the Treasury-Postal Service appropriations bill that had been offered by the distinguished Democratic leader, Senator DASCHLE. So there will be no confusion with respect to my position on this issue, I wish to advise my colleagues of the reason for my opposition.

First, I am, as are others, deeply concerned with that anomaly in the tax code known as the "marriage penalty." I can think of no rational reason why two individuals—individuals who have vowed a lifelong commitment to each other through the sacred institution of marriage—should, in certain cases, have their combined income taxed at a higher rate than that of two unmarried persons. At a time of declining social values, it simply does not make sense for the Congress to sanction policies which clearly work to the detriment of family stability.

However, despite this concern, I could not, in all good conscience, support the Daschle amendment for the most basic of reasons, namely, that Article I, section 7 of the Constitution of the United States requires that all revenue bills originate in the House of Representatives, not here in the Senate. As I am sure my colleagues know, that is a prerogative that the House vigorously defends. Consequently, I believe that had the Daschle amendment been adopted to the Treasury-Postal appropriations bill, which is a Senate-originated bill, that that bill would have been subjected to a constitutional point of order in the House. In short, adoption of the Daschle amendment would have killed this very important appropriations measure.

Again, Mr. President, notwithstanding my vote earlier today, I wish my colleagues to know that I remain committed to working toward the goal of alleviating the marriage penalty in the tax code.

Mr. FAIRCLOTH. I would like to engage in a colloquy with Senator CAMPBELL from Colorado.

Mr. CAMPBELL. I would welcome the opportunity to engage in a colloquy with my colleague from North Carolina.

Mr. FAIRCLOTH. Mr. President, as you know there has been severe financial turmoil in Asia. This has led to a dramatic increase in the trade deficit. It is my understanding that exports from Asian nations are up significantly, particularly with respect to textiles. This is an important industry to my home State of North Carolina. My principal concern is that when quotas are met, there will be an attempt to illegally ship textiles into this country through other countries, like Mexico. This is a process known as "transshipment." As you know, the U.S. Customs Service has frontline responsibility for enforcing the laws that would

bar illegal shipments into this country. We have already written our Senate report, but I would hope that in Conference you would advocate report language that would encourage the Customs Service to step up their enforcement activities in this area.

Mr. CAMPBELL. I certainly agree with the Senator that this is an important issue and I will work with you on that. We are running high trade deficits. I will certainly work with the gentleman to encourage the Customs Service to work diligently to stop illegal textile shipments into the United States. I thank the gentleman for raising this issue, I think it is one that deserves our attention and the attention of the administration.

Mr. FAIRCLOTH. I thank the Senator from Colorado and I look forward to working with him on this issue in conference.

Mr. TORRICELLI. It has come to our attention that concerns have been raised regarding report language in the Treasury-General Government Appropriations bill on tax standards for tax-exempt health clubs. We would like to enter into a colloquy to clarify our intent in including the report language.

Mr. KOHL. I am pleased to have this opportunity to address the concerns that have been raised. The issue of tax-exempt health clubs has been of concern in my home State of Wisconsin. However, I share the Senator from New Jersey's desire to clarify the intent of the report language. In so doing, we also have the opportunity to emphasize that no one wishes to harm community service organizations who are legitimately using their tax-exempt status to serve our young people, our families, and our seniors through a variety of health-related programs, including health and fitness programs.

Ms. MOSELEY-BRAUN. I, too, share Senator KOHL's concerns and want to be clear that long-standing community service providers engaged in legitimate tax-exempt activities related to their central mission will not be targeted by this study. I am also concerned, however, that some tax-exempt organizations are moving away from their core purpose and that there are legitimate concerns as to whether they are engaging in commercial competition with the for-profit sector. Was it the Committee's intent to address this concerns?

Mr. KOHL. Yes, it was. But while addressing those concerns, we certainly do not wish the Internal Revenue Service [IRS] to reinvent the wheel. The IRS has issued several private letter rulings and technical advice memoranda (including Technical Advice Memorandum 8502002) over the past years regarding the circumstances when adult fitness can be a charitable activity. It is my understanding that these rulings have stated that adult fitness is a charitable activity as long as the program serves a broad section of the community.

Mr. TORRICELLI. While considering current business practices, we would

expect the IRS to focus on adult fitness provided by tax-exempt organizations that serve only adults.

Ms. MOSELEY-BRAUN. As a member of the Senate Finance Committee, I want to state that it is my understanding this report will in no way require the IRS to effect any changes in current tax policy. It only asks the IRS to provide clear guidance for examining the issue in light of new market factors that may need to be considered.

Mr. KOHL. I appreciate your input. I know Senator GRASSLEY will also have a statement on this issue, and that I and the Senator from Colorado would certainly be happy to work with any and all group that may have further concerns as we prepare to conference the Treasury-General Government Appropriations bill with the House.

Mr. GRASSLEY. I rise today to express my concern about some language included in Senate report that accompanies this bill. This language is not in the House report. This Senate language directs the Internal Revenue Service to review the legal standards and decisions the IRS utilizes in determining when fitness services and activities of tax-exempt organizations should be subject to unrelated business income tax. The stated intent of this review is to insure that tax-exempt health clubs are not unfairly competing with for-profit health clubs. I am afraid that the effect of this language will be to harm non-profit community organizations. Is this the intent of the language?

Mr. CAMPBELL. No, it is not. This language is not intended to harm non-profit community organizations.

Mr. GRASSLEY. These non-profit community organizations provide a unique variety of programs based on community needs. Some of the programs offered are child care, Head Start, GED classes, job training, substance abuse prevention, delinquency prevention, teen centers, counseling, and health and fitness for all children, youth, families, and adults. They have partnerships with public housing projects, juvenile courts and schools. It is of utmost importance to me that the Congress not urge the IRS to change current IRS policies in a way that will hurt our communities and our families. The IRS has determined that adult fitness is a charitable activity as long as the organization serves a broad segment of the community. Does the committee intend that this determination be changed?

Mr. CAMPBELL. No, it is not the committee's intent to change this determination because it would hurt the poor and the young—the very people who benefit most from these community organizations. I agree that it is important that these non-profit community organizations are able to continue to provide their health, fitness, and other services to both adults and children. I would be glad to work with you to insure that any language included in the conference report takes

into account the unique aspects of these community organizations, and does not unfairly target them.

Mr. GRASSLEY. I thank the Senator from Colorado.

ATF ARSON TASK FORCES

Mr. HATCH. Mr. President, I see my friend and colleague, Senator CAMPBELL, on the floor. I would like to briefly discuss with him a concern I have relating to BATF arson task forces.

Mr. CAMPBELL. I would be glad to respond to my friend from Utah.

Mr. HATCH. I thank the manager of the bill for his courtesy. I was very pleased to note that the committee report accompanying this bill specifically notes that the program objectives of the BATF include assisting "Federal, State, and local investigative and regulatory agencies in explosives and arson-related areas."

Until recently, BATF was involved in just such a program in my State of Utah, where in the past year there has been a very troubling escalation of arsons connected with the animal rights movement. Utah has experienced a string of animal rights terrorism arsons, including an attack on a West Jordan McDonald's, the firebombing of a Murray mink co-op, and numerous other arsons.

I am very concerned, however, by reports last week that the BATF has withdrawn the last remaining agent assigned to this task force, leading to its imminent disbandment. I believe this will have a serious negative effect on counter-terrorism efforts in Utah, and will send the wrong message to those pursuing social and political goals through violence.

I think the Utah task force is exactly the type of program the Subcommittee has in mind, and I would like to ask Senator CAMPBELL if he agrees.

Mr. CAMPBELL. The Senator from Utah is correct. The arson task force he describes is exactly the kind of program the Subcommittee wishes the BATF to engage in.

Mr. HATCH. Would the Chairman also agree that BATF should devote sufficient resources to ensure the continued viability of these efforts?

Mr. CAMPBELL. I agree with the Senator that disbanding a successful taskforce sends the wrong message to arsonists.

Mr. HATCH. I would appreciate the Senator working with me to address my concerns over the BATF's withdrawing support for this important task force.

Mr. CAMPBELL. I would be happy to work with Senator HATCH to address his concerns, and ensure that BATF dedicates necessary resources to arson task forces such as the one he describes.

Mr. HATCH. I thank Senator CAMPBELL for his assistance and his courtesy, and yield the floor.

REDUCING THE NUMBER OF EXECUTIVE BRANCH POLITICAL APPOINTMENTS

Mr. FEINGOLD. Mr. President, in the past, the Treasury-Postal Appropria-

tions bill has been the vehicle for proposals relating to an area of great concern to me; namely, growing numbers of executive branch political appointees, and I want to offer a few comments on this matter.

I was pleased to introduce legislation early in this session to address this issue. That bill, S. 38, would cap the total number of political appointees at 2,000, and I am pleased to be joined in that effort by my good friend, the Senior Senator from Arizona (Mr. MCCAIN). Our proposal to cap the number of political appointees has been estimated by CBO to save \$330 million over five years.

Mr. President, our bill was based on the recommendations of a number of distinguished panels, including most recently, the Twentieth Century Fund Task Force on the Presidential Appointment Process. The task force findings are only the latest in a long line of recommendations that we reduce the number of political appointees in the Executive Branch. For many years, the proposal has been included in CBO's annual publication, "Reducing the Deficit: Spending and Revenue Options," and it was one of the central recommendations of the National Commission on the Public Service, chaired by former Federal Reserve Board Chairman Paul Volcker.

Mr. President, our proposal is also consistent with the recommendations of the Vice President's National Performance Review, which called for reductions in the number of federal managers and supervisors, arguing that "over-control and micro management" not only "stifle the creativity of line managers and workers, they consume billions per year in salary, benefits, and administrative costs."

Those sentiments were also expressed in the 1989 report of the Volcker Commission, when it argued the growing number of presidential appointees may "actually undermine effective presidential control of the executive branch." The Volcker Commission recommended limiting the number of political appointees to 2,000, as our legislation does.

Mr. President, it is essential that any Administration be able to implement the policies that brought it into office in the first place. Government must be responsive to the priorities of the electorate. But as the Volcker Commission noted, the great increase in the number of political appointees in recent years has not made government more effective or more responsive to political leadership.

Between 1980 and 1992, the ranks of political appointees grew 17 percent, over three times as fast as the total number of Executive Branch employees and looking back to 1960 their growth is even more dramatic. In his recently published book "Thickening Government: Federal Government and the Diffusion of Accountability," author Paul Light reports a startling 430% increase in the number of political appointees

and senior executives in Federal government between 1960 and 1992.

In recommending a cap on political appointees, the Volcker Commission report noted that the large number of presidential appointees simply cannot be managed effectively by any President or White House. This lack of control is aggravated by the often competing political agendas and constituencies that some appointees might bring with them to their new positions. Altogether, the Commission argued that this lack of control and political focus "may actually dilute the President's ability to develop and enforce a coherent, coordinated program and to hold cabinet secretaries accountable."

The Volcker Commission also reported that the excessive number of appointees is a barrier to critical expertise, distancing the President and his principal assistants from the most experienced career officials. Though bureaucracies can certainly impede needed reforms, they can also be a source of unbiased analysis. Adding organizational layers of political appointees can restrict access to important resources, while doing nothing to reduce bureaucratic impediments.

Author Paul Light says, "As this sediment has thickened over the decades, presidents have grown increasingly distant from the lines of government, and the front lines from them." Light adds that "Presidential leadership, therefore, may reside in stripping government of the barriers to doing its job effectively. . ."

Mr. President, the report of the Twentieth Century Fund Task Force on the Presidential Appointment Process identified another problem aggravated by the mushrooming number of political appointees; namely, the increasingly lengthy process of filling these thousands of positions. As the Task Force reported, both President Bush and President Clinton were into their presidencies for many months before their leadership teams were fully in place. The Task Force noted that "on average, appointees in both administrations were confirmed more than eight months after the inauguration—one-sixth of an entire presidential term." By contrast, the report noted that in the presidential transition of 1960, "Kennedy appointees were confirmed, on average, two and a half months after the inauguration."

In addition to leaving vacancies among key leadership positions in government, the appointment process delays can have a detrimental effect on potential appointees. The Twentieth Century Fund Task Force reported that appointees can "wait for months on end in a limbo of uncertainty and awkward transition from the private to the public sector."

Mr. President, there is little doubt that the large number of political appointments currently made aggravates a cumbersome process, even in the best of circumstances. The long delays and

logjams created in filling these positions under the Bush and Clinton Administrations simply illustrates another reason why the number of positions should be cut back.

Mr. President, let me also stress that the problem is not simply the initial filling of a political appointment, but keeping someone in that position over time. The General Accounting Office reviewed a portion of these positions for the period of 1981 to 1991, and found high levels of turnover—7 appointees in 10 years for one position—as well as delays, usually of months but sometimes years, in filling vacancies.

Mr. President, I was pleased to see the Government Affairs Committee beginning to examine issues surrounding political appointees and the political appointment process. The issues of vacancy rate, turnover, delays in the appointment process, and of course the total number of appointees, all merit scrutiny by that Committee, and I would very much like to work with Chairman THOMPSON and the Committee in crafting a bipartisan response to the set of problems that have been identified in this area.

I am also encouraged that the Administration is moving forward as well. The total number of appointees is down from last year, and down significantly from the levels seen in 1992. This is a healthy trend, and I very much hope it continues.

Mr. President, because the Government Affairs Committee is examining a variety of issues surrounding the presidential appointment process, and with the modest improvements in the overall number of political appointees, I will not pursue an amendment to the Treasury-Postal Appropriations measure capping the number of political appointees.

I will, however, continue to monitor the progress made both by the Government Affairs Committee and the Administration. This issue is important not only because of the potential to realize significant deficit reduction, but also because of the impact the appointees have on the day to day functioning of government.

As we move forward to implement the NPR recommendations to reduce the number of government employees, streamline agencies, and make government more responsive, we should also right size the number of political appointees, ensuring a sufficient number to implement the policies of any Administration without burdening the Federal budget with unnecessary, possibly counterproductive political jobs.

RANDOM AUDITS BY THE IRS

Mr. COVERDELL. Mr. President, I rise today to express my appreciation to the managers for accepting an amendment to S. 2312, the FY 1999 Treasury-Postal Service Appropriations bill, regarding the practice of randomly selecting innocent taxpayers for audits, otherwise known as random audits. This is an issue that has been a focus of mine for a long time. I would

like to take this opportunity to discuss this matter with my good friend, the senior Senator from Colorado and the manager of the bill, who shares my concern about the impact the Internal Revenue Service has upon taxpayers and the potential for abuse of taxpayers' rights.

Mr. CAMPBELL. Indeed, I share many of the concerns of Senator COVERDELL regarding taxpayer rights. I commend the Senator for his tenacious work on behalf of taxpayers, particularly low-income taxpayers who are least able to defend themselves. This amendment the Senator offers presents a critical foundation upon which the Senate can build.

Mr. COVERDELL. I thank my good friend. Over the past several years, all of us have seen news accounts of regular, average citizens who have become the targets of grueling IRS audits. These individuals were neither wealthy nor powerful; in fact, they were most often ordinary, law-abiding taxpayers who earned a modest wage, ran a small business, or operated a family farm. Some struggled just to make ends meet, and many were understandably confused about what wrong they had committed to justify the scrutiny of the IRS.

The truth is they committed no wrong. They were simply unfortunate victims of a scandalous IRS practice called "random audits," where the IRS just picks people out of a hat in the hope it can uncover some wrongdoing.

A recent report produced by the General Accounting Office at my request confirms that the IRS has been targeting thousands of poor taxpayers and small businesses for random audits. In fact, almost 95 percent of all random audits performed between 1994 and 1996 were conducted on individual taxpayers who earned less than \$25,000 each year.

Last fall, hearings held by the Senate Finance Committee brought the IRS's abuse of taxpayers to the attention of the entire Nation. One witness, Jennifer Long, who is a current field agent with the IRS, remarked, "As of late, we seem to be auditing only the poor people. The current IRS Management does not believe anyone in this country can possibly live on less than \$20,000 per year, insisting anyone below that level must be cheating by understating their true income."

The IRS' belief that low-income families are more likely to cheat than others serves as a disturbing sign of how far it has strayed from the principles of American justice. The GAO report also indicates that the IRS has been specifically targeting the State of Georgia for random audits. Nearly twice as many random audits took place in Georgia between 1994 and 1996 than in all the New England states combined and Georgians are three-times more likely to be randomly audited than their California counterparts. Earlier this year, I introduced legislation to prohibit the use of random audits by the IRS and will continue to protect innocent taxpayers.

AMENDMENT OF THE GUN CONTROL ACT TO EXEMPT CERTAIN MUZZLE LOADING WEAPONS FROM REGULATION

Mr. GRASSLEY. Mr. President, according to the amendment, would the Knight DISC rifle manufactured in my State fall under the definition of a muzzle loader, or a regulated firearm?

Mr. CAMPBELL. The Knight DISC rifle would be defined as a muzzle loader.

Mr. GRASSLEY. Mr. President, with regard to the amendment of the Gun Control Act to Exempt Certain Muzzle Loading Weapons from Regulation ("the amendment"), in subparagraph (c), did the Committee intend "fixed ammunition" to mean a completed centerfire or rimfire cartridge?

Mr. CAMPBELL. Yes, for the purposes of the amendment, fixed ammunition is defined as a complete centerfire or rimfire cartridge.

Mr. GRASSLEY. Mr. President, subparagraph (c) of the amendment states that the term "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver . . . However, the amendment does not define the terms firearm frame or receiver.

Mr. CAMPBELL. For the purpose of the amendment, a firearm frame or receiver is defined as a serial numbered firearm frame or receiver.

Mr. GRASSLEY. Mr. President, the first sentence of subparagraph (c) of the amendment does not address the types of ignition systems which would fall within the definition of muzzle loading rifles.

Mr. CAMPBELL. The Committee did not address the issue of ignition systems because muzzle loaders may use black powder or a black powder substitute with any ignition system.

BLUE WATER VESSELS

Ms. SNOWE. Mr. President, I would like to take a moment to address my colleagues on a matter of critical importance to our national drug interdiction program.

I am very concerned about the condition of some of the currently deployed drug interdiction vessels. I understand that some of the vessels currently deployed in the U.S. Customs Service's marine program fleet are 30 years old and may pose a threat to U.S. Customs Service agents and the viability of our drug interdiction program.

The Customs Service already has a contract to build replacement vessels on demand. However, this contract will expire at the end of FY 1999, and no vessels have been purchased to date. I believe the Customs Service should extend this contract and make efforts to replace aging vessels in the field a high priority.

Mr. CAMPBELL. I thank Senator SNOWE for bringing this serious matter to our attention. I certainly understand and share her concerns about the importance of operating these drug interdiction vessels in a safe condition.

Ms. SNOWE. In recent years, drug seizures by the Customs Service have

increased significantly. This progress is due in no small part to the Customs agents who put their lives on the line to help stem the flow of illegal narcotics into the United States. Protecting our borders and reducing the proliferation of narcotics is an enormous challenge.

It is imperative that we maintain the viability of our drug interdiction program and the fleet we use to enforce our drug laws on the high seas. I believe procurement of drug interdiction vessels would be an invaluable investment in our drug interdiction program.

In 1995, the U.S. Customs Service entered into a contract to build 82-foot "blue water" vessels for drug interdiction. As I mentioned, the contract was effective through FY 1999 but no vessel has been built.

These vessels have a proven track record, and the contract was awarded by Customs in anticipation of resources for replacement vessels. However, the FY 1995 budget request proposed a 50-percent reduction in Customs marine program operations and staffing. The Congress restored some of the funding for this program. However, no additional funds were appropriated to Customs for the replacement costs of vessels.

Mr. CAMPBELL. The Customs Service has certainly had to make difficult choices in the marine program under budget constraints. However, I recognize the importance of these vessels to drug interdiction efforts.

Ms. SNOWE. I am grateful to Senator CAMPBELL and Senator KOHL for their leadership on this important program. In the Committee's report on FY 1999 Customs' appropriations, the Committee recognizes the importance of the blue water vessels as a central component of the marine interdiction strategy, and urges the Customs Service to maintain its fleet of blue water vessels at a level which is safe for its agents.

I understand the delicate funding balance that the Customs Service and the Committee must strike. I had hoped to see some replacement blue water vessels built in FY 1999. Unfortunately, it was not possible to allocate the funding for this purpose this year. However, we should not let this opportunity to upgrade these vessels slip by—I believe we should ensure that the option to fund these vessels remains in the event that funding becomes available next year.

Again, Customs already has a contract to build these vessels on demand scheduled to expire in the 1999 fiscal year. I strongly believe that Customs should extend this contract.

Mr. CAMPBELL. I agree that the U.S. Customs Service should revisit this issue.

Ms. SNOWE. Again, I applaud the leadership of the Committee on this matter, and thank them for their cooperation. I look forward to working with the Committee on this continuing and important effort in the future.

MARRIAGE PENALTY AMENDMENTS

Mr. DODD. Mr. President, I rise today to offer my views on providing tax relief for working families, and more specifically about the marriage penalty. I have always supported efforts to alleviate the tax burden felt by many of our nation's working families. In 1993, I supported tax cuts for millions of working families making less than \$30,000 per year through an expansion of the Earned Income Tax Credit. And again, last year, I supported tax cuts targeted toward working families, including the \$500 per-child-tax credit, the \$1,500 HOPE education tax credit, reinstatement of student loan deductions, full deductibility of health insurance premiums for the self-employed and capital gains and estate tax relief. I was pleased to support these tax cuts, Mr. President, because each was carefully targeted, fully paid for, and consistent with a balanced budget.

Today, I continue to support efforts to bring relief to working families, including providing them with substantial relief from the marriage penalty. Yet, despite my support for repealing the marriage penalty which affects more than 20 million American families, I felt compelled to vote against the amendment offered by Senator BROWNBACK, because in my view, the amendment did not provide targeted relief to those who need it most. In fact, Senator BROWNBACK's amendment would offer marriage penalty relief to only about 40 percent of those currently penalized. Moreover, this amendment was both a costly measure—costing \$125 billion over five years and \$300 billion over the next ten years—and one that was not paid for.

Mr. President, because Senator BROWNBACK's amendment was not offset, it would have significantly drained the Treasury and put an incredible strain on the Social Security trust fund. Indeed, had this amendment been adopted without an offset as proposed, we would be forced to make draconian across-the-board spending cuts to all discretionary spending, including many important programs like Head Start, public health programs, and defense. In addition, this amendment threatened to use as its offset, funds from the Social Security reserves, which clearly would jeopardize the solvency of and undermine the strength of the Social Security trust fund. Mr. President, in my view, we could ill afford to pay for this amendment with either option, and that is why I, in good conscience, could not support this amendment.

I want to be clear, however, that I support efforts to repeal the marriage penalty. Yet I remain committed to doing so in a way that does not harm the progress we've made in balancing the budget and in a way that targets relief to working families who need it most. That is why I was pleased to support the Democratic alternative, which would have reduced the marriage penalty in the tax code for approximately 90 percent of the families currently pe-

nalized. Indeed, this amendment was carefully targeted and would cut the marriage tax penalty more for a greater number of families. Furthermore, this proposal would have cost far less than Senator BROWNBACK's proposal—\$7 billion over five years and \$21 billion over the next ten years. And finally, the Democratic alternative was fully offset without using reserves from the Social Security trust fund, but rather by using a number of widely supported proposals from the President's budget.

Although I was disappointed that the Democratic alternative was defeated, I remain hopeful that Congress will continue to work to repeal the marriage penalty in a way that is both fiscally responsible and carefully targeted to the American families who need relief the most.

Mr. KLY. Mr. President, I wish to enter into a colloquy with the Chairman of the Subcommittee, Senator Campbell, regarding the importance of High Intensity Drug Trafficking Areas (HIDTAs).

Mr. CAMPBELL. I understand the Senator's interest in this area.

Mr. KYL. Mr. President, I would like to take a few minutes to describe the importance of HIDTAs, and specifically the creation of a new Central Arizona HIDTA.

As you know, HIDTAs are an effective mechanism for fighting drugs and especially for combating the increase in methamphetamine use and meth labs. Arizona has a huge problem with meth and meth lab cleanup. In April, I held a field hearing in Phoenix on this issue and I heard first-hand about the magnitude of the drug problem in urban and rural areas of the state. For example, I heard testimony that the Maricopa County HIDTA Meth Lab Unit presently dismantles an average of three labs per week and that, during fiscal year 97, it seized 137 meth labs. Projections for seizures this year are expected to reach 200. Moreover, the DEA testified that clandestine lab seizures in Arizona have increased 910 percent since 1994.

The formation of a new Arizona HIDTA, the Central Arizona HIDTA, is a cooperative effort among three Arizona counties—Maricopa, Pinal, and Mohave—representing both rural and urban interests.

Designating new HIDTAs where a need can be demonstrated and where law enforcement has joined together is key to stopping the spread of drugs. I look forward to working with you to ensure that new HIDTAs, like the Central Arizona HIDTA, receive funding.

Mr. CAMPBELL. This Committee is increasingly aware of the unique problems meth poses, as well as the cleanup of their toxic labs. This is an area where a HIDTA can provide much needed assistance to a community, therefore I can understand your interest in the creation of a Central Arizona HIDTA. I look forward to working with the Senator in the coming months to address these concerns.

Mr. KYL. I thank the Senator.

TAX CODE TERMINATION

Mr. SMITH of New Hampshire: Mr. President, I rise today in support of the Tax Code Termination Act, which had been proposed as an amendment to the Treasury-Postal Appropriations Act. This measure, which I cosponsored with Senators HUTCHINSON and BROWNBACK, would sunset the Federal Tax Code by the end of 2002.

Our current Tax Code, with its many rates, deductions and exemptions, needs to be replaced with a simpler, fairer system that will eliminate the bias against savings and investment and promote economic growth. Consider these facts:

The Tax Code is made up of about 7,500 pages. All the Internal Revenue Service regulations, rulings and tax court decisions add tens of thousands more pages. By contrast, when the income tax was enacted eighty-five years, the Tax Code was under twenty pages long.

By the most conservative estimate, the total cost of collecting taxes, including the value of the 4.5 billion hours that taxpayers spend preparing tax returns, is \$75 billion per year. Other estimates are several times higher. The cost of complying with some provisions exceeds what the government collects in taxes.

I can think of no more fitting commentary on the tax laws that are on the books today than *The Federalist Papers*, and I quote: "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood."

Is there any doubt that our current Tax Code is too voluminous to be read or too incoherent to be understood? There probably is not a single accountant who understands the Code in its entirety. Not even the IRS, which employs about 110,000 people and is twice as big as the CIA, seems to have a complete grasp on the Code. In 1993, for example, the IRS provided an estimated 8.5 million incorrect or incomplete answers to taxpayer inquiries, and taxpayers were overcharged an estimated \$5 billion in penalties.

Another measure of the Code's complexity is the number of disputes it generates. As many as 40 percent of major corporate audits end up in administrative or legal disputes. Some last for years.

The Tax Code is so burdensome that it encourages tax evasion and distorts investment. The IRS has reported that there are hundreds of people who pay no taxes on incomes of more than \$200,000 per year. Remember Leona Helmsly, the New York real estate magnate who spent eighteen months in jail for tax evasion? According to her former housekeeper, Leona said: "[w]e don't pay taxes. Only the little people pay taxes." Taxpayers who can afford to pay for tax planning have a strong incentive to invest in schemes to avoid

paying taxes instead of investing in productive enterprises that will help the economy thrive.

Up to 30% of individuals reporting business income are not complying with the Tax Code, according to the IRS. Small wonder that many small businesses are not in compliance, when we consider the Code's complexity. For every \$100 they paid in income taxes, small businesses with net profits paid an estimated \$377 in accounting fees and other costs to comply with the tax laws, according to a 1996 Tax Foundation report. If the current tax code were not so complex, perhaps we would not be facing the enforcement problems that we brought to light by the Finance Committee in its April 1998 IRS oversight hearings.

Critics of the Tax Code Termination Act maintain that it would be irresponsible to sunset the Tax Code until a substitute is prepared. But there are already a number of other federal programs on the books that contain sunset language; and why should the Tax Code be any different? This legislation simply sets a fixed date by which the Tax Code will have to be reauthorized, thereby forcing the President and Congress to engage in a meaningful dialogue on the issue.

Mr. President, I urge my Senate colleagues to take the first step toward meaningful tax reform by setting a date when the Tax Code will expire. We should discard the current maze that is our Tax Code and enact a new tax system that is simple, fair and does not discourage savings or investment.

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs. The Senate will soon vote to adopt the Treasury and General Appropriations Bill for the Fiscal Year 1999. I intend to support this measure because it provides funding for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies.

Mr. President, as elected officials, we bear no greater responsibility than to see the American people's hard earned tax dollars utilized in the most prudent fashion. We must remain committed to open and fair consideration of public expenditures. Our objective must always be to further the greatest public good. This must remain the cornerstone of the appropriations process.

I admit that this is a difficult task. Each year the appropriators face the daunting task of supporting necessary governmental activities and balancing additional competing interests for funding. However, this is a challenge that we must firmly uphold with integrity. I come forward to this body to once again declare that we are undermining the national faith by continuing the practice of earmarking and inappropriately designating funding for projects based on erroneous criteria

rather than national priority and necessity.

After reviewing the Treasury Postal Appropriations Bill, it is painfully clear the subcommittee has not lost its appetite for pork-barrel spending. This bill has been fattened up with vast amounts of low-priority, unnecessary and wasteful spending. In fact, this appropriations bill contains well over \$826 million in specifically earmarked pork-barrel spending. This is more than \$791 million more than last year's pork-barrel spending total for this bill, which only contained \$34.25 million in wasted funds. In addition, the bill and report directs that current year spending be maintained for hundreds of projects, without being specific about any dollar amount.

We now have the first unified-budget surplus in nearly 30 years. CBO projects that we will have \$1.6 billion of budget surpluses over the next 10 years. However, if we continue with our current levels of wasteful spending, these budget surpluses may not occur. Pork-barrel spending today not only robs well-deserving programs of much needed funds, it also jeopardizes our fiscal well-being into the next century. I would be remiss if I did not inform the American public of the seriousness and magnitude of wasteful spending endorsed by this body. These individual earmarks may not seem extravagant. However, taken together, they represent a serious diversion of taxpayers' hard-earned dollars to low priority programs at the expense of numerous programs that have undergone the appropriate merit-based selection process. I take very strong exception to a large number of provisions in the bill before us today.

As usual, this bill and report contain numerous earmarks of new funds for particular states, as well as language designed to ensure the continued flow of federal funds into certain states. I have compiled a lengthy list of these and numerous other add-ons, earmarks in this bill. I will not spare precious time to recite the entire list. Instead, I will ask unanimous consent to have this list printed in the RECORD. However, I will discuss some of the more troubling provisions in this bill in detail.

Mr. President, this bill contains a provision which requires the Postal Service to work with the Hawaii Department of Agriculture to devise a plan to combat pest introduction into Hawaii through the U.S. mail. Also contained in this report is over one half billion dollars in new courthouse construction specifically allocated to certain states and localities. This type of earmarking of federal funds must stop.

Mr. President, in the last few weeks, the Senate has wasted billions of taxpayers' dollars on wasteful, unnecessary, or low priority projects. Most alarming, we still have 5 more appropriations bills still to be considered. When will Congress curb its appetite

for wasteful pork-barrel spending? How much is too much?

Mr. President, I will not deliberate much longer on the objectionable provisions of this bill. I simply ask my colleagues to apply fair and reasonable spending principles when appropriating funds to the multitude of priority and necessary programs in our appropriations bills. Fiscal responsibility yields long term dividends to America as a whole. Moreover, responsible spending will renew the public's faith in their elected representatives, while also insuring that America realizes any projected budget surpluses.

Congress can ill afford to waste taxpayers' hard-earned dollars. Let us use these budget surpluses to pay down our multi-trillion-dollar national debt. Let us use the anticipated budget surpluses to save social security and for additional tax cuts. These objectives further the greater public good, and our long-term prosperity. Wasteful pork-barrel spending which has limited short term benefits to a few obscure special interests, does not further the public good. It drains our budget, and threatens our long-term prosperity. Congress will only make our potentially prosperous future a reality if it curbs its appetite for pork-barrel spending.

Mr. President, I urge my colleagues to think seriously about the repercussions that could soon be felt right here in this body, if we continue the long-standing practice of pork-barrel spending. Wasteful pork-barrel spending simply erodes the public's trust in our system of government. Congress must reaffirm its commitment to furthering the public good by curbing its appetite for pork-barrel spending.

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

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

LOW PRIORITY, UNNECESSARY, OR WASTEFUL SPENDING CONTAINED IN S. 2312, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL FOR FISCAL YEAR 1999

The total dollar amount included in this bill is more than \$3 billion over the Fiscal Year 1999 budget request.

BILL LANGUAGE

Sections 506, 507, 508, and 606 all contain the usual protectionist, Buy-America provisions.

REPORT LANGUAGE

BATF: \$4.5 million to expand the National Tracing Center in Martinsburg, WV. \$2.4 million for 12 trafficking agents, three of which are to be for Milwaukee, WI. The Committee urges the BATF to give strong consideration to Aurora, CO, Denver, CO, and Omaha, NE in determining the new locations for the expansion of the Youth Crime Gun Interdiction Initiative.

U.S. Customs Service: Language directing the Customs Service to maintain staffing levels at the Charleston, WV Customs office. \$750,000 for part-time and temporary positions in the Honolulu Customs District.

Language directing the Customs Service to ensure the staffing levels are sufficient to staff and operate all New Mexico border facilities.

Language stating that a high priority should be placed on the funding of the ports of entry in Florida.

Language directing the Customs Service to study the staffing levels of the Great Falls, MT area.

Language directing the Customs Service to conduct a feasibility study on the creation of an international freight processing center in McClain County, OK.

Language encouraging the Blaine, WA area port director to continue the current on-board clearance procedures for Amtrak passengers traveling inbound from Vancouver, BC.

\$500,000 to expand the Vermont World Trade Office due to the fact that the current office has been "overwhelmed by requests from companies interested in exploring opportunities".

Internal Revenue Service: Language directing the IRS to maintain problem resolution specialist, problem resolution officer and associate problem resolution officer positions in the States of Alaska and Hawaii. Language stating that any reorganization of the IRS Criminal Investigative Division may not result in a reduction of criminal investigators in Wisconsin and South Dakota.

U.S. Postal Service: Language directing the Postal Service, together with the USDA and the Hawaii Department of Agriculture, to devise and implement a program to combat pest introduction into Hawaii through the U.S. mail.

Office of National Drug Control Policy: \$1.5 million to expand the Milwaukee High-Intensity Drug Trafficking Area (HIDTA).

Language urging the Office of National Drug Control Policy (ONDCP) to give special consideration to the State of Hawaii's application to be HIDTA.

Language encouraging the ONDCP to assist in the clean up of methamphetamine labs in Missouri, Washington, Iowa, and New Mexico.

Language urging the ONDCP to consider Omaha, NE as the site for future conferences relating to methamphetamine.

General Services Administration: The Committee has funded the Federal Buildings Fund - Construction and Acquisition account at \$553 million, which is \$509 million above the budget request.

New Construction: \$3.4 million for a U.S. Courthouse in Little Rock, AR.

\$15.4 million for a U.S. Courthouse in San Diego, CA.

\$10.8 million for a U.S. Courthouse in San Jose, CA.

\$84 million for a U.S. Courthouse in Denver, CO.

\$14.1 million for DOT Headquarters in Washington, D.C.

\$10 million for the Southeast Federal Center remediation in Washington, D.C.

\$86 million for a U.S. Courthouse in Jacksonville, FL.

\$1.9 million for a U.S. Courthouse in Orlando, FL.

\$46.5 million for a U.S. Courthouse in Savannah, GA.

\$5.6 million for a U.S. Courthouse in Springfield, MA.

\$572,000 for a Michigan border station.

\$7.5 million for a U.S. Courthouse in Mississippi.

\$2.2 million for a U.S. Courthouse in Missouri.

\$6.2 million for a border station in Montana.

\$152.6 million for a U.S. Courthouse in Brooklyn, NY.

\$3.2 million to New York U.S. Mission to the United Nations.

\$7.2 million for a U.S. Courthouse in Eugene, Oregon.

\$28.2 million for a U.S. Courthouse in Greenville, TN.

\$28.1 million for a U.S. Courthouse in Laredo, Texas.

\$29.3 million for a U.S. Courthouse in Wheeling, WV.

\$10 million for Nationwide: nonprospectus.

Language granting the GSA the authority to purchase the property located on block 111, East Denver, Denver, CO.

Language directing \$475,000 of nonprospectus construction funds be used for the planning of the Mauna Kea Astronomy Educational Center in Hawaii.

Language stating that the Administrator of the GSA is not permitted to obligate funding for the design of the new headquarters of the DOT until the Secretary of Transportation approves landing rights for British Airways at Denver International Airport and Guarantees landing slots to the U.S. carrier authorized to serve the Charlotte-London (Gatwick) route.

FUNDING FOR REPAIRS AND ALTERATIONS TO FEDERAL BUILDINGS

\$29.8 million for an appraisers building in San Francisco.

\$29.4 million for the Denver Federal Building in CO.

\$13.8 million for Federal Building 10B in Washington, D.C.

\$84 million to the ICC.

\$25.2 million for the OEBO.

\$29.8 million for the State Department.

\$20 million for an IRS service Center in Brookhaven, NY.

\$4.8 million for a U.S. Courthouse in New York.

\$11.2 million for a courthouse in Philadelphia, PA.

\$9.1 million for the J.W. Powell Building in Reston, VA.

Language directing the GSA to upgrade the lighting system for the Bryne-Green Federal Courthouse in Philadelphia, PA.

\$1.6 million for basic repair and alteration of a U.S. Courthouse and Federal Building located in Milwaukee, WI.

\$1.1 million for a new fence around the Federal complex in Suitland MD.

\$2.8 million for the Zorinsky building in Omaha, NE.

Language directing the GSA to study the cost and need for repair of the Federal Building in Tuscaloosa, AL.

Language directing the GSA to study the alternatives to repairing the Butte-Silver Bow Courthouse in Butte, MT.

Language directing the GSA to work with BATF to provide adequate facilities to meet the space needs of the National Tracing Center in Martinsburg, WV. (\$4.5 million has been directed to this facility under a different account previously in this report.)

Language urging the GSA to report on the responsibility of the Federal Government to fund and provide security to the Federal complex in Newark, NJ.

Language directing the GSA to support the 1999 Women's World Cup Soccer and the 1999 World Alpine Ski Championships in Vail, CO.

Language directing the GSA to give the U.S. Olympic Committee special consideration to acquire a Federal Building in Colorado Springs, CO—should it become available.

Language providing for the demolition, cleanup, and transfer of property in Anchorage, AK.

Language stating that the GSA may convey the site which contains the U.S. Army Reserve Center in Racine, WI to the City of Racine.

National Archives: \$875,000 to address space inadequacies in the Anchorage, AK facility.

Office of Personnel Management: Language directing the OPM to continue to work with the University of Hawaii to develop culturally sensitive model health programs.

MORNING BUSINESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO DETECTIVE JOHN GIBSON, OFFICER JACOB CHESTNUT, AND THE MEMBERS OF THE CAPITOL POLICE FORCE

Mr. FEINGOLD. Mr. President, in the wake of the terrible crime committed in the Capitol last Friday, I want to take a moment to reflect on the courage exhibited by the Capitol Police force in the face of that attack at the heart of America's democracy.

The Capitol Police have guarded the U.S. Congress since 1828, but their finest, yet most tragic, moment came on July 24, 1998, when two officers gave their lives to defend their fellow citizens, and our Capitol and all that it represents.

Officer Jacob J. Chestnut and Detective John M. Gibson, like all the quiet heroes of the Capitol Police force and their colleagues across America, came to work each day, performing their duties with dedication and professionalism, prepared at any moment to lay down their lives so that others could be saved, and the security of the Capitol could be preserved.

In a few terrifying minutes on the afternoon of July 24th, that moment came, as Detective Gibson and Officer Chestnut gave their lives for ours, and for countless other people working and visiting here that day. As they bravely defended the Capitol, Detective Gibson and Officer Chestnut showed the enormity of their courage, the depth of their character, and the fullness of their commitment to duty as Capitol Police officers.

As Americans, we owe Officer Chestnut and Detective Gibson a debt that can never be repaid. Instead, we can only offer our deepest sympathies to the families of these two brave officers, and pledge to honor their memories with the same enduring strength and vigilance with which they defended our lives.

I also want to recognize the other Capitol Police officers involved in apprehending the gunman, rushing people in the building to safety, and conducting the subsequent investigation with such a high degree of professionalism. We commend their service in protecting our Capitol and reaffirm with confidence that under their watch the house of the people will stay open to all the people.

Americans can take great pride in the heroism the Capitol Police displayed last Friday, and in the bravery they summon every day as they protect our nation's Capitol. To them I offer my thanks, and the thanks of my staff and the people of the State of Wisconsin, for their courageous work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 149

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 14, 1994, in light of the danger of the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and of the means of delivering such weapons, using my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), I declared a national emergency and issued Executive Order 12938. Because the proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have renewed the national emergency declared in Executive Order 12938 annually, most recently on November 14, 1997. Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), I hereby report to the Congress that I have exercised my statutory authority to issue an Executive order to amend Executive Order 12938 in order to more effectively to respond to the worldwide threat of weapons of mass destruction proliferation activities.

The amendment of section 4 of Executive Order 12938 strengthens the original Executive order in several significant ways.

First, the amendment broadens the type of proliferation activity that is subject to potential penalties. Executive Order 12938 covers contributions to the efforts of any foreign country, project, or entity to use, acquire, design, produce, or stockpile chemical or biological weapons (CBW). This amendment adds potential penalties for contributions to foreign programs for nuclear weapons and missiles capable of delivering weapons of mass destruction. For example, the new amendment authorizes the imposition of measures against foreign entities that materially assist Iran's missile program.

Second, the amendment lowers the requirements for imposing penalties. Executive Order 12938 required a finding that a foreign person "knowingly and materially" contributed to a foreign CBW program. The amendment removes the "knowing" requirement as a basis for determining potential penalties. Therefore, the Secretary of State need only determine that the foreign person made a "material" contribution to a weapons of mass destruction or missile program to apply the specified sanctions. At the same time, the Secretary of State will have discretion regarding the scope of sanctions so that a truly unwitting party will not be unfairly punished.

Third, the amendment expands the original Executive order to include "attempts" to contribute to foreign proliferation activities, as well as actual contributions. This will allow imposition of penalties even in cases where foreign persons make an unsuccessful effort to contribute to weapons of mass destruction and missile programs or where authorities block a transaction before it is consummated.

Fourth, the amendment expressly expands the range of potential penalties to include the prohibition of United States Government assistance to the foreign person, as well as United States Government procurement and imports into the United States, which were specified by the original Executive order. Moreover, section 4(b) broadens the scope of the United States Government procurement limitations to include a bar on the procurement of technology, as well as goods or services from any foreign person described in section 4(a). Section 4(d) broadens the scope of import limitations to include a bar on imports of any technology or services produced or provided by any foreign person described in section 4(a).

Finally, this amendment gives the United States Government greater flexibility and discretion in deciding how and to what extent to impose penalties against foreign persons that assist proliferation programs. This provision authorizes the Secretary of State, who will act in consultation with the heads of other interested agencies, to determine the extent to which these measures should be imposed against entities contributing to foreign weapons of mass destruction or missile programs. The Secretary of State will act to further the national security and foreign policy interests of the United States, including principally our non-proliferation objectives. Prior to imposing measures pursuant to this provision, the Secretary of State will take into account the likely effectiveness of such measures in furthering the interests of the United States and the costs and benefits of such measures. This approach provides the necessary flexibility to tailor our responses to specific situations.

I have authorized these actions in view of the danger posed to the national security and foreign policy of