

Jacob Adams said:

I love life in the Arctic but it's harsh, expensive, and for many, short. My people want decent homes, electricity and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

The native people of the Coastal Plain are asking for the same right of the Audubon Society of Louisiana, the same right this administration itself is supporting in the Russian Arctic Circle, and the same right the Gwich'ins had in 1984 when they offered to lease their lands.

The oil companies should have bought it. There just wasn't any oil there.

I recognize the public policy debate about this issue is complex and will involve issues at the heart of the extreme environmental agenda which is driving our energy policy. It certainly is not relieving it.

At the same time, I think the issue can be framed simply as: Is it better to give the Inupiat people, the people of the Arctic, this right?

These people live up here. This is an Eskimo village. There is the village. Do you want to give them the right, while promoting a strong domestic energy policy that safeguards our environment and our national security, rather than rely on the likes of Saddam Hussein to supply the energy?

The answer in my mind is clear, as well as in the minds of the Alaskans.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, if I may, I have been asked to announce speeches and I have just concluded one. On behalf of the leader, I ask unanimous consent, following the remarks of the majority leader, Senator FEINGOLD be recognized for up to 25 minutes as in morning business, to be followed by Senator SESSIONS, under the previous order, to be followed by Senator GRAHAM for up to 20 minutes in morning business.

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

Mr. REID. Mr. President, I ask unanimous consent Senator FEINGOLD be allowed to continue until the Senator arrives on the floor.

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

H-1B VISAS

Mr. FEINGOLD. Mr. President, the Senate has just concluded its fourth vote in favor of the bill expanding H-1B visas that America grants each year to people from other countries to work in certain specialty occupations. I supported the bill on each of these votes.

But I rise today to express how strongly I oppose the manner in which the majority leader has sought to constrain this debate. I oppose the way in which the majority leader sought, on that bill, as with so many others, to prevent Senators from offering amend-

ments. And I oppose the majority leader's effort to stifle debate by repeatedly filing cloture on the bill.

Through his extreme use of cloture and of filling the amendment tree, I'm afraid the majority leader has reduced the Senate to a shadow of its proper self. And the result has been a Senate whose legislative accomplishments are as insubstantial as a shadow. This body cannot long exist as merely a shadow Senate.

Yesterday, as he brushed aside calls that the Senate vote on minimum wage or a patient's bill of rights, the majority leader complained that the Senate had already voted on those matters. But the Senate has, as yet, failed to enact those matters, and the people who sent us here have a right to hold Senators accountable.

And what's more, by blocking amendments, the majority leader has also blocked Senate consideration and votes on a number of issues that have been the subject of no votes in the Senate this year. Let me take a few moments to address two of them, the reform of soft money in political campaigns, and the indefensible practice of racial profiling.

Let me begin my discussion of these two items that the Senate was not allowed to take up—campaign finance and racial profiling—by discussing how those matters relate to what the Senate did take up—the H-1B visa bill.

The proponents of the H-1B bill characterize it as a necessity for our high tech future. It is both more and less than that.

But in a sense, the high-tech industry is certainly a large part of the reason why the Senate considered H-1B legislation these past two weeks. I would assert, that there is a high degree of correlation between the items that come up on the floor of the United States Senate and the items advocated by the moneyed interests that make large contributions to political campaigns.

American Business for Legal Immigration, a coalition which formed to fight for an increase in H-1B visas, offers a glimpse of the financial might behind proponents of H-1Bs. As I've said, I am not opposed to raising the level of H-1B visas. But I do think it's appropriate, from time to time, when the weight of campaign contributions appears to warp the legislative process, to call the Bankroll to highlight what wealthy interests seeking to influence this debate have given to parties and candidates.

ABLI is chock full of big political donors, Mr. President, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S. I'll just give my colleagues a quick sampling of ABLI's membership and what they have given so far in this election cycle. All the donors I'm about to mention are companies that rank among the top employers of H-1B workers in the U.S., according to the

Immigration and Naturalization Service.

These figures are through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle:

Price Waterhouse Coopers, the accounting and consulting firm, has given more than \$297,000 in soft money to the parties and more than \$606,000 in PAC money candidates so far in this election cycle.

Telecommunications giant Motorola and its executives have given more than \$70,000 in soft money and more than \$177,000 in PAC money during the period.

And of course ABLI is comprised of giants in the software industry, who have also joined in the political money game.

The software company Oracle and its executives have given more than \$536,000 in soft money during the period, and its PAC has given \$45,000 to federal candidates.

Executives of Cisco Systems have given more than \$372,000 in soft money since the beginning of this election cycle.

And Microsoft gave very generously during the period, with more than \$1.7 million in soft money and more than half a million in PAC money.

But I should also point out, Mr. President, that the lobbying on this issue is hardly one sided.

Many unions are lobbying against it, including the Communication Workers of America, which gave \$1.9 million in soft money during the period, including two donations of a quarter of a million dollars last year. And CWA's PAC gave more than \$960,000 to candidates during the period.

The lobbying group Federation for American Immigration Reform, or "FAIR," has lobbied furiously against this bill with a print, radio and television campaign, which has cost somewhere between \$500,000 and \$1 million, according to an estimate in Roll Call.

This is standard procedure these days for wealthy interests—you have to pay to play on the field of politics. You have got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who cannot afford the price of admission is going to be left out in the cold.

Thus, I believe that campaign finance is very much tied up in why the Senate considered the H-1B bill these past two weeks. I believe that campaign finance is very much tied up in why the Senate considered the H-1B bill under the tortured circumstances that it did. This is just another reason why I believe that this Senate must consider and vote on amendments that deal with campaign finance reform.

The momentum is building on campaign finance reform. In recent days, more and more candidates have offered to swear off soft money and have called for commitments from their opponents

to do without soft money in their campaigns. More and more candidates are coming to the realization that taking soft money is a political liability. The days of soft money are numbered, and this shadow Senate cannot long hide from the political reality.

Beyond that subject, there are other important subjects that the majority leader is blocking with his heavy-handed tactics. The Senate may just have considered a bill dealing with immigrants, but the Senate has thus far failed to consider a discussion of a particular injustice that could well affect their lives, as well.

The INS's May report showed that most of those for whom they approved H-1B visas during the period for which data were available came here from countries of the developing world. As a large number of those receiving H-1B visas are people of color, many could become subject to the indefensible practice of racial profiling.

If this Senate can find the time to consider H-1B legislation, I believe that it should also find the time to consider an amendment that addresses the issue of racial profiling.

Let me begin my discussion of racial profiling by acknowledging the leadership of Congressman JOHN CONYERS and our friend in this body, Senator FRANK LAUTENBERG, the principal authors of the legislation to address this very real problem.

The problem is this: Millions of African Americans, Hispanic Americans, immigrants, and other Americans of racial or ethnic minority backgrounds who drive on our Nation's streets and highways are subject to being stopped for no apparent reason other than the color of their skin.

This practice, known as racial profiling, targets drivers for heightened scrutiny or harassment because of the color of their skin. Some call it "DWB," "Driving While Black," or "Driving While Brown." Of course, not all or even most law enforcement officers engage in this terrible practice. The vast majority of our men and women in blue are honorable people who fulfill their duties without engaging in racial profiling, but the experience of many Americans of color has demonstrated that the practice is very real.

There are some law enforcement agencies or officers in our country who have decided that if you are a person of color, you are more likely to be trafficking drugs or engaged in other illegal activities than a white person, despite statistical evidence to the contrary. In a May 1999 report, the American Civil Liberties Union reported that along I-95 in Maryland, while only roughly 17 percent of the total drivers and traffic violators were African American, an astonishing 73 percent of the drivers searched were African American. The legislation that Senator LAUTENBERG and I have sponsored would allow us to get an even better picture.

In America, all should have the right to travel from place to place free of this unjustified government harassment. None should have to endure this incredibly humiliating experience—and sometimes even a physically threatening one—on the roadways or in the backseat of police cruisers.

This practice also damages the trust between law enforcement and the community. Where can people of color turn for help when they believe that the men and women in uniform cannot be trusted? As one Hispanic-American testified earlier this year in Glencoe, IL, after his family experienced racial profiling, "Who is there left to protect us? The police just violated us."

Racial profiling chips away at the important trust that law enforcement agencies take great pains to develop with the community. When that trust is broken, it can lead to an escalation of tensions between the police and the community. It can lead to detrimental effects on our criminal justice system—like jury nullification and the failure to convict criminals at all—because some in the communities no longer believe the police officer on the witness stand. Racial profiling is bad policing, and it has a ripple effect whose consequences are only beginning to be felt.

In just the last year and a half, since we introduced the traffic stops statistics study bill, we have already seen increased awareness of this problem in the law enforcement community, and an increased willingness to address it. A growing number of police departments are beginning to collect traffic stops data voluntarily. Over 100 law enforcement agencies nationwide—including State police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven State legislatures have passed data collection bills in the last year or so. This is tremendous progress from where we were when the bill was introduced. I applaud those states and I applaud law enforcement agencies that are collecting data on their own.

But these State and local efforts underscore the need for a Federal role in collecting and analyzing traffic stops data to give Congress and the public a national picture of the extent of the racial profiling problem and lay the groundwork for national solutions to end this horrendous practice. While we can applaud individual states and law enforcement agencies for taking action, combating racial discrimination is one area where a Federal role is essential. Our citizens have a right to expect us to act.

I am pleased to have joined my distinguished colleague from New Jersey, Senator LAUTENBERG, in introducing S. 821, a companion bill to the bill introduced in the House by Representatives JOHN CONYERS and ROBERT MENENDEZ. The bill would require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data

from a nationwide sampling of jurisdictions.

This is a straightforward bill that requires only that the Attorney General conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

I cannot emphasize enough that this traffic stops study bill is a truly modest proposal. Some would even say it's a conservative proposal. The American people have become so much more aware of the issue over the last year, and so many law enforcement agencies and State governments have expressed interest in addressing the issue, that many people are now saying that a study bill does not go far enough. They argue that we have enough data; we know racial profiling exists; we do not need to study it more; let's just end it. I understand this sentiment. This is a modest, reasonable proposal that, I hope, will lay the groundwork for developing ways to end racial profiling once and for all.

Only last month, the son of the great civil rights leader Martin Luther King Jr. led a march on the Lincoln Memorial to commemorate his father's legacy. His father inspired a nation 37 years ago when he said, in words that echoed throughout the world and have been etched in history, that he had a dream that one day racial justice would flow like a mighty river. Sadly, our Nation has not fulfilled that dream. As Martin Luther King III noted, racial profiling continues to harm Americans and erodes the important trust that should exist between law enforcement and the people they serve and protect.

President Clinton has endorsed S. 821, and last June he directed federal law enforcement agencies to begin collecting and reporting data on the race, ethnicity and gender of the people they stop and search at our Nation's borders and airports. A coalition of civil rights and law enforcement organizations—including the ACLU, the NAACP, the National Council of La Raza, and the National Organization of Black Law Enforcement Executives—also support this legislation. I am pleased that 20 Senators have joined to cosponsor the bill, and I am hopeful that if allowed to come to a vote, my amendment would enjoy broad support. The House of Representatives passed a similar bill by voice vote in the 105th Congress, and this March, the House Judiciary Committee passed the bill again. It's time we passed it in the Senate, too.

Racial profiling and soft money campaign finance reform are issues that deserve consideration in the Senate. Regrettably, the procedures that the majority leader employed to consider the H-1B bill and too many other bills have so far blocked their consideration. Before this Senate adjourns sine die, I

hope that we will have an opportunity to address these, and many other issues that demand attention. If it fails to, this Senate's mark in history will be no more permanent than a shadow.

Mr. President, I yield the floor.

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

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

Mr. REID. Mr. President, the junior Senator from Alabama is on the floor. I want to express publicly my appreciation. We had a Senator over here who had some time problems. He graciously allowed him to go first, for which I am very grateful, something he did not have to do. He did it because he is a southern gentleman. I appreciate it very much.

The PRESIDING OFFICER. The Senator from Nevada.

MEASURE READ THE FIRST TIME—S.J. RES. 54

Mr. REID. Mr. President, I understand that S.J. Res. 54, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 54) expressing the sense of Congress with respect to the peace process in Northern Ireland.

Mr. REID. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 2045

Mr. LOTT. Mr. President, with regard to the H-1B legislation, I now ask unanimous consent that notwithstanding rule XXII, following the previously ordered morning business speeches, the Senate resume consideration of S. 2045, the H-1B bill, and the following pending amendment Nos. 4214, 4216, and 4217, be withdrawn and the motion to recommit be withdrawn in order to offer a managers' amendment containing cleared amendments limited to 5 minutes equally divided in the usual form.

I further ask consent that following the adoption of the managers' amendment, no further amendments be in order, and amendment No. 4177, as amended, be agreed to, the committee

substitute, as amended, be agreed to, the bill be advanced to third reading, and final passage occur at 10 a.m. on Tuesday, without any intervening action or motion or debate, and that paragraph 4 of rule XII be waived. I further ask consent that the time between 9:30 and 10 a.m. on Tuesday be equally divided between the two managers for closing remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let me just say, Mr. President, we have one additional part of this H-1B request we hope to be able to clear momentarily. But the interested parties are reviewing the language of the substitute. When we get that reviewed, then we will ask consent that the bill be laid aside until 9:30 a.m. on Tuesday and that the Senate proceed to the visa waiver bill. But we will clarify that in just one moment.

UNANIMOUS CONSENT AGREEMENT—ENERGY/WATER APPROPRIATIONS CONFERENCE REPORT

Mr. LOTT. Now, with regard to the energy and water appropriations conference report, I ask unanimous consent that notwithstanding rule XXII, following H-1B consideration, the Senate proceed to the energy and water appropriations conference report and that the report be considered as having been read and considered under the following agreement: 1 hour equally divided between the chairman and the ranking member of the Appropriations subcommittee, 20 minutes equally divided between the chairman and ranking member of the full committee, and 10 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the vote occur on adoption of the conference report immediately, without any intervening action or debate.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Because of the lateness of the day, I ask unanimous consent that any time I have been returned to the Chair, I will submit a written statement setting forth my views on the bill.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. Majority Leader, might I ask a question? Did you get some time for the Senator from New Mexico?

Mr. LOTT. We do have time equally divided between the chairman, the Senator from New Mexico, and the ranking member.

Mr. DOMENICI. I will yield back my time to the Chair. I have a statement I will submit shortly.

Mr. LOTT. All right. We still have 10 minutes under the control of Senator MCCAIN. We will call and see if he wants to take advantage of that.

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

Mr. LOTT. We will come back to that later.

UNANIMOUS-CONSENT REQUEST—H.R. 4986

Mr. LOTT. Mr. President, with regard to H.R. 4986, I ask unanimous consent that notwithstanding rule XXII, the Senate now turn to the consideration of Calendar No. 817, which is H.R. 4986, relating to foreign sales corporations, and following the reporting of the bill by the clerk, the committee amendments be agreed to, with no other amendments or motions in order, and the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

I further ask consent that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be Senators ROTH, LOTT, and MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know everyone has worked hard on this. We do have a number of Senators who want to offer amendments. Until we get that worked out, I object.

The PRESIDING OFFICER. Is there objection?

Without objection—

Mr. LOTT. No. He did object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me just say, Mr. President, that I did ask for consent on this bill out of the Finance Committee dealing with foreign sales corporations. And, of course, this is the result of WTO decisions, trying to get the U.S. laws to comply with that decision.

We did clear it on this side. I understand there are some Senators on the Democratic side who wish to offer amendments. A lot of the amendments on the list I saw were the usual suspects that have now been offered that do not relate to the bill. I understand that has to be worked out. Senator REID and others will be trying to clear up those objections based on those amendments.

But I do want to say, if there is any germane or relevant amendment to this bill, certainly we will work to make sure that will be included in the agreement.

Failing that, this is something we need to do, and I hope we can get it cleared up in the next few days.