

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, during the 1 hour prior to the cloture vote, a motion to proceed to the China PNTR legislation is in order tomorrow morning. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, we look forward to the majority leader making that motion, and filing cloture, as he indicated he would. We will have to wait and see when that cloture vote occurs—either this week or when we get back after the break.

I apologize for taking so much time. The Senator from Nevada wishes to speak, but the Senator from New Mexico would like to be heard.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to respond. The Senator from Nevada does so well that I was almost going to come over and sit beside him and say he is right. The fact is, he is not right.

At this late stage—when he knows there is hardly a risk of our being able to get appropriations bills finished in a timely manner to keep the Government open—to tie appropriations bills up because a judge has not been appointed is not right. It might be that there is an argument about the judicial appointment, but is it right in the waning days of Congress, when we have about 25 working days left, for somebody to come along and say: Now it is my turn. I will not let any appropriations bills be approved by the Senate unless certain people are appointed to the judicial and judge positions in this country? I think it is not.

Second, this is not a partisan issue. I don't know if it is a minority versus majority party issue, because I think in the final analysis there are some people on that side of the aisle who would like to vote on their issue and who may not agree with the distinguished minority leader as to their interests for their respective States.

My last point is that we protect minority rights. But I wonder in this case, when it is obvious that Missouri River upper and lower groups are going to argue about this, if it is a question of protecting minority rights. It stands in the way of getting a vote on the issue. If it is important enough to the upper Missouri that they think it is very important but it is also similarly important to those on the lower Missouri, it would seem that the way to settle it is to let our colleagues understand the issue—that is what this Senate is all about—and let us vote. I don't quite understand why we can't vote. I wonder what is worrying people. The Senate expresses its views on many things. It resolves disputes such as this regularly.

But, in this case until some future date, who knows when we will not be permitted to express the collective

Senate will by voting on this issue—which in 30 minutes could be known by all sides and all parties, and a good decision could be made by the Senate.

I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. BRYAN. I thank the distinguished occupant of the chair. Mr. President, I wish to change the focus of the discussion on the floor from the previous colloquy between the senior Senator from Nevada and the senior Senator from New Mexico.

ILLEGAL WAGERING ON COLLEGE SPORTS

Mr. BRYAN. Mr. President, earlier today, the Senator from Kansas, Mr. BROWNBACK, took to the floor and argued on behalf of a piece of legislation that would affect only my State and affect it in a very profound and negative way. The ostensible purpose of the legislation I think all of us can agree upon. I wish to put the discussion in context as I see it. We are talking about the illegal wagering on college sports, particularly wagering by underage college students, including student athletes. I think there is no disagreement that there is a serious problem and one that we recognize ought to be addressed in a very serious way.

The National Collegiate Athletic Association (NCAA) testified before the Commerce Committee, as they did before the National Gambling Impact Study Commission (NGISC), that there are illegal student bookies on virtually every college campus in the country, including some individuals with links to organized crime. I do not disagree with that assessment. The matter is so serious that some students have actually been threatened with bodily harm to collect gambling debts owed to illegal student bookies. I do not disagree with that assessment.

The NCAA has known at least since the three-part investigative series published by Sports Illustrated in 1995 that the illegal gambling problem on America's college campuses was widespread and growing. A recent University of Michigan survey found that nearly half of all male student-athletes nationwide—45 percent—gambled illegally on college and professional sports. A nationwide survey of NCAA Division I male basketball and football student-athletes conducted for the NCAA by a University of Cincinnati research team found that over one-fourth gambled in college sports. Sadly, a small number in each survey gambled on games in which they played. They were wrong.

Beyond the broader issue of the extent to which student-athletes, and students generally, gamble on sports illegally, there are the troubling cases of improper influence being exerted on student-athletes by those who seek financial gain from placing sports wagers on "fixed" games. This reprehensible

conduct has reared its ugly head on occasion since at least the 1940s, particularly in the context of college basketball.

While the NCAA's recent rhetoric leaves the impression that such "point-shaving" or "fixing" of games is rampant, we can be thankful that the record belies the rhetoric. The two recent scandals of this type (those at Northwestern University and Arizona State University) took place over five years ago in the mid-1990s. The integrity of virtually all those who compete in college athletics is verified by the fact that there were a handful of such scandals in the 1990s out of the thousands of games played. While not a single sports bribery scandal should be tolerated, we need to know why they occur and by what means. The record is clear for those student-athletes who have violated the trust of their teammates and school by engaging in illegal sports wagering. As a result of their illegal wagering, they put themselves in debt to the point where they committed heinous acts of betrayal to pay off those debts to illegal bookies.

If merely passing laws prohibiting unregulated sports gambling were enough to stop it, the practice would not be so widespread today. Sports gambling has been illegal for decades in almost every state, and Congress acted in 1992 to prevent states from adding sports-based games to their state lotteries. The same statute, the Professional and Amateur Sports Protection Act, also prohibits persons from engaging in sports-based wagering schemes, contests, and sweepstakes.

Similarly, wagering on sports of any kind, college or professional, is already a violation of NCAA bylaw 10.3. A review of the NCAA's publicly available computer database of rules infractions cases indicates that, as of 1998 (the last year for which cases are posted), enforcement of bylaw 10.3 is infrequent and spotty at best.

The database reveals that the NCAA brought only 23 enforcement actions against student-athletes from 1996 to 1998, even though the University of Michigan and University of Cincinnati studies indicate that thousands of violations occurred. In some of the 23 cases, the violations centered on such routine practices as students wagering team jerseys with each other. In the face of organized student bookmaking operations with links to organized crime handling large sums of cash wagers, such an enforcement "strategy" is at best misplaced.

Against this backdrop of a serious national problem with illegal sports gambling, the legislation to which I referred, S. 2340, takes the very peculiar approach of targeting the only place in America where sports wagering is legal, regulated, policed, taxed, and confined to adults over age 21—the State of Nevada. Furthermore, the facts are that legal wagering in Nevada amounts to only about one percent of all sports gambling nationwide, 99 percent of which is already illegal. The

NGISC estimated that illegal sports wagering in the United States ranged from \$80 billion to \$380 billion annually. In contrast, legal sports wagering in the State of Nevada last year totaled approximately \$2.5 billion, with roughly a third of that amount bet on college sporting events.

The central question then, which supporters of the legislation fail to answer adequately, is how does preventing adult tourists and conventioners from placing sports wagers in Nevada affect what happens on and off college campuses in the other 49 states. Each of the attempted answers to this central question is completely unpersuasive.

First, the central premise underlying this legislation is that eliminating the small amount of legal sports wagering in Nevada will cause newspapers across the country not to publish betting lines or point spreads, thereby curbing illegal gambling activity. This notion is further evidenced by the committee report accompanying S. 2340, the Amateur Sports Integrity Act, which states that “. . . point spreads are generated for no other reason than to facilitate betting on college sports.” It is important to note that neither the Commerce Committee nor the NGISC took testimony from newspapers to determine if in fact they would cease publishing betting lines if sports gambling were made illegal in Nevada. Similarly, no testimony was taken to determine whether illegal sports wagering would be reduced even if newspapers ceased publishing this information. I made the point at the time of the hearing on S. 2340 that it's not too much to ask that such due diligence be conducted before a legal industry and its employees are legislated out of existence.

Just recently the Newspaper Association of America broke their silence and shared their thoughts on this legislative proposal, and, not surprisingly, they completely refuted the primary argument put forth by the sponsors of this amendment. I'd like to share with my colleagues the content of their letter to the House Judiciary Committee.

This is a letter, dated June 7 of this year, addressed to the chairman and ranking member of the House Judiciary Committee. Let me read the operative provisions:

If Congress prohibits gambling on college sports, NAS believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

That is a pretty clear statement that this association, representing America's newspapers, believes, notwithstanding any legislative prohibition, that newspapers in America will continue to publish these point spreads on games.

The letter goes on to point out:

According to a national Harris Poll survey of 1,024 respondents conducted

during April 7–12, 70 percent of respondents who read or look at point spreads on college sports do so to obtain information about a favorite college team and to increase their knowledge about an upcoming sporting event. Only 11 percent of the respondents said that they read or look at point spreads on college sports to place a bet with a bookmaker. NAA believes that publication of point spreads provides useful information to millions of newspaper readers, of whom 96 percent are 21 and over (MRI Spring 2000 Study).

Second, pointing the spotlight on published point spreads in newspapers fails to acknowledge that an individual can obtain point spreads on college games through many different sources. These sources include sports talk shows on radio and television, magazines, toll-free telephone services and the Internet. Illegal bookies on college campuses and in the general population will continue to set the betting lines independent of any published point spread. Anyone who is intent on placing bets on games can and will obtain point spreads, even if they are not published in the newspaper.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

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

NEWSPAPER ASSOCIATION OF AMERICA,
Vienna, VA, June 7, 2000.

Hon. HENRY HYDE,
Chairman,

Hon. JOHN CONYERS,

Ranking Member,

Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE AND CONGRESSMAN CONYERS: The purpose of this letter is to respond to your request for comment on H.R. 3575, the Student Athlete Protection Act, which prohibits high school and college sports gambling in all States, including Nevada, where gambling on college sports is currently legal.

The Newspaper Association of America (NAA) is a nonprofit organization representing more than 2,000 newspapers in the U.S. and Canada. Most NAA members are daily newspapers, accounting for 87 percent of the U.S. daily circulation.

NAA understands the concern Congress has with respect to illegal sports gambling on college campuses, including the existence of illegal bookmaking operations that involve student-athletes as well as members of the general student population. Our comments on the proposed legislation are limited to an issue that has been raised concerning publication of point spreads on college sporting events, and whether a prohibition on gambling on college games will persuade newspapers not to publish point spreads on these games.

First, like all editorial decisions, the decision on whether to publish point spreads for college sporting events is made by each newspaper and the decision to publish or not publish will vary from newspaper to newspaper. If Congress prohibits gambling on college sports, NAA believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

According to a national Harris Poll survey of 1,024 respondents conducted during April 7–12, 70 percent of respondents who read or look at point spreads on college sports do so to obtain information about a favorite college team and to increase their knowledge about an upcoming sporting event. Only 11 percent of the respondents said that they read or look at point spreads on college sports to place a bet with a bookmaker. NAA believes that publication of point spreads provides useful information to millions of newspaper readers, of whom 96 percent are 21 and over (MRI Spring 2000 Study).

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Finally, NAA applauds the sponsors of the legislation for resisting the temptation to impinge upon constitutionally protected freedoms of speech by proposing a prohibition on the publication or dissemination of point spreads on college games. Over the years, the Supreme Court consistently has recognized that a consumer's interest in the free flow of information “may be as keen, if not keener by far, than his interest in the day's most urgent political debate.” *Virginia State Bd Of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 763 (1976). We commend you and your colleagues for being particularly sensitive to maintaining the free flow of information, which citizens of this country have come to expect and enjoy.

NAA appreciates the opportunity to comment on this legislation before your committee.

Respectfully submitted,

JOHN F. STERN,
President and CEO.

Mr. BRYAN. Mr. President, the NCAA has threatened for years to deny NCAA-sponsored tournament press credentials to newspapers that publish lines, but they have never done so. These hollow threats are further evidence of the futility of this exercise.

Secondly, we have been told that this legislation, while admittedly no panacea, will “send a message” to students and others that sports gambling is illegal. Again, there is a complete absence of any empirical evidence or fact-based testimony that America's college students, or adults for that matter, will heed such a so-called “message.” By this logic, we should reinstate Prohibition on serving alcohol to adults over the age of 21 to “send a message” to minors about drinking and to reduce binge drinking by underage students on college campuses. The absurdity of such an approach is self-evident, and it applies with equal force to this legislation.

The real message that this legislation will send is that shirking responsibility and pointing fingers at others is the appropriate manner in which to handle a serious national problem. Everyone should agree that a problem so pervasive on college campuses should

be addressed comprehensively and with a serious commitment from the NCAA and its member institutions, including federal requirements enshrined in appropriate legislation.

While we heard considerable rhetoric at our Commerce Committee hearing concerning what the NCAA intends to do about illegal gambling on college campuses, there was very little testimony concerning what concrete steps at NCAA has taken to date. For example, the chairman of the NCAA's executive committee testified that during the ten years he has served as president of his university, he could not recall a single case of a student being expelled or otherwise disciplined for illegal gambling, even though he acknowledged there are illegal student bookies on his campus.

We are repeatedly told by the sponsors of this legislation that the NCAA has plans to set up its anti-gambling initiatives. The facts belie the accuracy of those assurances. For example, the NCAA's total operating revenue for 1998-99 was \$283 million. Within the overall budget, there was a line item for "sports agents and gambling" that equaled \$64,000. Similarly, the line item for 1999-2000 is \$139,000 out of revenue of \$303 million. Only three of nearly 300 NCAA employees are assigned to gambling issues, and those persons have other responsibilities in addition to illegal sports gambling.

The NCAA's own presentations to the NGISC and in other venues indicate that there are many other important steps that should be taken, beyond what this legislation would do, to address the problem of illegal gambling on college campuses. The NCAA and its members have failed to follow through on the very steps they recommended to the commission just one year ago. For example, much was made at our hearing about the NCAA's use of a new public service announcement during the telecast of the men's basketball tournament. There was little evidence that this PSA was shown either frequently or during times of maximum audience exposure. Furthermore, there is no indication that the NCAA followed the recommendation of the NGISC and specifics PSA commitments be written into the NCAA's television contracts. A \$6 billion, 11-year deal for the television rights to the men's "March Madness" basketball tournament was signed by the NCAA with CBS Sports after the NGISC made this recommendation in its Final Report.

There is a serious need for a combination of enforcement, education, and counseling initiatives to address illegal gambling by high school and college students. Unfortunately, the Commerce Committee took no testimony from those individuals on campus, in our states, and at the Federal level who are charged with enforcing the laws that already make this activity illegal. Similarly, we heard very little from professionals whose job it is to educate students about the dangers of

gambling abuse and to counsel those who suffer from such problems.

Finally, while this bill directly impacts Nevada, let me suggest to my colleagues we should be alarmed by the precedent that would be established if this bill becomes law. For over 200 years the Federal Government has deferred to the State to determine the scope and type of gaming that should be permitted within their borders. The Professional and Amateur Sports Protection Act preempted that authority as it relates to sports wagering, but only prospectively. If Congress sees fit to overturn Nevada's sports wagering statutes that have been on the books for many decades, it sets a dangerous precedent that should be cause for concern for the other 47 States with some form of legal gaming operations.

We all agree as to the serious nature of the problem. Unfortunately, the legislative proposal will do nothing to address that issue.

As I have said during my testimony before the Commerce Committee, this legislation is an illegal bookie's dream. I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, before my friend from Nevada leaves the floor, I intend to make a couple of comments on his statement. One of the most valued members of the committee is Senator BRYAN from Nevada.

Senator REID and I came to the House of Representatives together many years ago. I consider us to have a very warm and excellent relationship over many years.

I will miss Senator BRYAN very much as he leaves—not only the Senate but as a much valued member of our committee. Coincidentally, on the issue of sports, Senator BRYAN and I were able to work together on a couple of boxing issues that a lot of our Members did not care much about. But hopefully we were able to assist some people who come from the lowest economic rung of our society and prevent, at least to some degree, the exploitation to which many of them are subjected.

I preface my comments with a brief response to both Senators from Nevada. Again, I say that with respect and affection.

I did not invent this legislation, nor did it come from any Member of this body. It came as a result of the National Gaming Impact Study Commission, a commission that met for a long time and came up with this strong recommendation. Then the issue was picked up by the NCAA coaches. Some of the most respected men and women in America, obviously, are our college coaches, people of the level of Dean Smith, Joe Paterno, Jim Calhoun, and so many others who have made this a high visibility and important issue, at least to them, including the presidents of the colleges and universities across the country.

I will not rebut their comments or try to respond to all the comments

made by Senator BRYAN, except to say I respect his view. But I do believe there is a compelling case that has been made, not by this Member but by the college coaches and the university presidents who say this is placing these young—as Coach Calhoun called them—kids in the path of temptation that is something that could be very unhealthy for them.

So I respect the views of my friends from Nevada. I hope we will have a vigorous debate on this issue, and hopefully we will be able to address it one way or another. But I do believe it is an issue of some importance, at least if you believe those who are closest to these young men and women, our college athletes.

Mr. BRYAN. Will the Senator yield for a moment?

Mr. MCCAIN. I am happy to yield.

Mr. BRYAN. I will just acknowledge his very generous comments. I appreciate that.

Let me respond in turn. I have been privileged and honored to serve in that committee with him as chairman. We have worked on many, many issues, not only the athletic issues which we have addressed, but both of our respective jurisdictions are going to enjoy expanded air service as a result of his leadership, providing nonstop service to the Nation's Capital from our respective States. So I assure him my comments are in no way intended to be personal to him. It is a difference of opinion. The Senator from Arizona, who is a tenacious advocate and fearless defender of his own State, can understand the Senator from Nevada obviously has serious concerns. They are honest differences of opinion with the Senator from Arizona. I wanted to state that for the RECORD.

Again, I thank him for his very generous comments.

Mr. MCCAIN. I thank Senator BRYAN. I will come to the floor sometime in September to chronicle his many accomplishments and the admiration and heartfelt affection I have for Senator BRYAN. But at the moment I say we will respectfully disagree. I think we will have both an interesting and, I hope, illuminating discussion of what has become, in the eyes of many, an important issue. I thank Senator BRYAN for his kind remarks. I will miss him, although I want to make it clear that he is not departing this Earth. In fact, he may be going to a much more rewarding and comfortable lifestyle.

THE SITUATION IN FIJI

Mr. MCCAIN. Mr. President, let us imagine for a moment that a ragtag group of armed rebels in Australia was able to infiltrate the parliament in Canberra and put a gun to the head of the Australian Prime Minister. Let us imagine that these rebels, led by a failed indigenous businessman who claimed to speak for the native people and against those of European descent who had "colonized" the island, held