that have other amendments not germane to the specific purpose of S. 2 to wait for the appropriate time so that we do not frustrate the will of the people expressed in the last election, and that we move forward with ending this special treatment of Capitol Hill to be exempted from 11 major pieces of legislation. Let us move on with this bill, get it to the President for signature—the President wants to sign it—and then take up the usual course of business and abide with faith in the promise of the distinguished majority leader that these issues will be brought up and bring them up at that appropriate time. We should not try to wreck a very good piece of legislation that passed the House unanimously and I will bet will almost pass this body unanimously as well.

I yield the floor and urge Senators on my side who want to debate Senator WELLSTONE's amendment to please come over here and do that, because we will not have rollcalls as long as there is a leadership meeting down at the White House.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not have a dog in this fight. I do not have an amendment that I am proposing here, but I cannot help but respond to the remarks of my distinguished colleague from Iowa. I will be very brief because I know Senator SIMON would like to make a statement here on the floor and I am happy to see him do that.

But this idea that somehow because there is a push on for something here that we can avoid having anyone put on amendments is wishful thinking. I need only go back in my mind's eye and remember what was happening about 60 days ago or 90 days ago here on floor when anything we put forth was subject to amendments, extraneous or not. It was delay for delay's sake and it was a scorched earth policy.

To say that we should let some piece of legislation, as much as I want it—and I am as big a backer on this piece of legislation on congressional accountability one could possibly be, but it is entirely within the right of any Senator who wants to offer an amendment. Although I do not have an amendment to offer, I do not want to let anything go by that would be critical of people who do have amendments to offer and are offering them in all good sincerity. They think it is right. If they want to attach it on by the rules of the Senate, we, obviously, can do that.

We had talk here yesterday about we should be giving the new majority a chance to govern. Well, we do not set aside all the Senate rules in giving anybody a chance to lead or a chance to govern. I am all for leadership having all the leadership prerogatives, but those prerogatives do not mean that we are able to set aside amendments that people may, in all sincerity, propose, whether I agree with them or not.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

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

THE STRIKE AT BRIDGESTONE/FIRESTONE

Mr. SIMON. Mr. President, on July 12, of last year, 4,200 members of the United Rubber Workers went on strike at Bridgestone/Firestone. The plants are in Decatur, IL; Des Moines, IA; Oklahoma City; Akron, OH; and Noblesville, IN. Negotiations had been going on for some time prior to that on the new contract. The United Rubber Workers had insisted on a similar contract to the contract they had with Goodyear. Bridgestone/Firestone, which is wholly owned by a Japanese company, insisted they could not do that, and then negotiations broke off.

The distinguished Senator from Ohio, as well as some of our colleagues, met with the Japanese Ambassador and urged that they renew negotiations. Unfortunately, the situation has deteriorated so that Bridgestone/Firestone has said they are going to permanently replace all these workers.

It is the first time in modern history that that has been done in a large scale, with the exception of the PATCO strike. And there, frankly, you had people who were breaking the Federal law, and President Reagan—and I think it could have been handled better—but President Reagan made the proper decision that you cannot violate the Federal law and he replaced the workers. This is an unusual situation. It is contrary to the traditions of labor-management relations in our country. Interestingly, it would be illegal in Japan.

Now, we have a situation where 2,000 or more workers are going to be permanently replaced. It is not going to be good for labor-management relations in those communities. It is not going to be good for United States-Japanese relations. It is just a bad situation all the way around. My hope is that we can urge our friends in Japan and urge the leaders of this company to recognize this is not wise.

Short-term may save a few bucks. I do not know any of the details of the negotiations. But I have been involved in labor-management negotiations often enough that I know if you sit around a table and try and work things out, generally you can work out a practical compromise. I urge they do that. That they not go ahead as they are now planning.

I will, later today, be contacting some of our colleagues in the affected States with a resolution that they may want to cosponsor, urging that they get back to the negotiating table and not have this permanent striker replacement. It is interesting that of the modern nations only Great Britain, Singapore, and Hong Kong permit permanent striker placement, plus the United States. But we have a tradition of not doing it. That tradition is occasionally violated by a very small company, but rarely by any company this large.

I hope we can have some common sense by the leaders of this industry. I hope the leaders of this industry and the United Rubber Workers can get together. I urge them not to proceed with the permanent replacement of these workers.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. THOMPSON. Mr. President, I ask unanimous consent that at 11:15 a.m. today the Senate resume consideration of the Wellstone amendment, No. 5, and at that point Senator MCCONNELL will be recognized to speak for not more than 10 minutes, to be followed by 20 minutes under the control of Senator WELLSTONE.

I further ask unanimous consent that at 11:45 a.m. the majority leader, or his designee, be recognized to make a motion to table the Wellstone amendment.

I further ask unanimous consent that if the Wellstone amendment is not tabled, Senator BROWN be recognized to offer a second-degree amendment.

Mr. President, I have also been informed that Senator COATS will be here presently and would like to speak briefly on the WELLSTONE amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. MCCONNELL. Mr. President, I want to ask my good friend from Minnesota if he was or had ever been a member of the American Civil Liberties Union?

Mr. WELLSTONE. Mr. President, I do not think that I am now. I make a lot of contributions to a lot of organizations and I cannot tell the gentleman for sure. If I had been a member, I would have been proud to do so. However, I cannot answer for sure because I cannot remember our previous records.

Mr. MCCONNELL. I thank my friend from Minnesota.

Mr. WELLSTONE. I would be pleased to call my wife, Sheila, and we will go over our records and be pleased to announce when we made a contribution, if we did.

Mr. MCCONNELL. I am sure my friend from Minnesota agrees with the Senator from Kentucky that the American Civil Liberties Union on many occasions has done fine work. Much of it I find myself in disagreement with. There have been those times, I think, clearly proving the objectivity of the ACLU when I find myself allied with them. The American Civil Liberties Union as earlier testified on the proposal that the Senator from Minnesota has offered, because it was as he indicated, a part of S. 3, an unfortunate measure that the Senate mercifully put to rest last year through some effort. The occupant of the chair participated in this effort, as well as the Senator from Kentucky, regarding the rights of people to participate in the political process.

Now, what the Senator from Minnesota has done is craft a measure which I am certain would be quite popular with the people of the United States since they have become convinced that lobbyists are odious folks who are up here buying influence and subverting the political process. Unless, of course, the lobbyists happens to be working for a cause they believe in, in which case they think the lobbyist is doing great work for America.

Regardless, this notion that this particular segment of our society should be singled out for unconstitutional treatment, it seems to me, is completely absurd. Maybe what we ought to do is introduce an amendment saying trial lawyers cannot contribute to a campaign, or maybe labor unions cannot contribute to campaign. How about bad lobbyists cannot contribute to campaigns? Surely there are good lobbyists and bad lobbyists. Maybe we would pick out the bad lobbyists and they cannot contribute.

Well, Mr. President, you get my drift. The Constitution clearly does not allow us to single out certain kinds of Americans because of their professions and take away their constitutional rights. It is simply impermissible. It might be popular.

Somebody told me, and I did not see the survey, somebody told me that in recent years many Americans indicated they do not support the Bill of Rights. I do not know whether that is true or not. Apparently some pollster asked a series of questions based upon the Bill of Rights and apparently many people did not support those items.

It would not surprise me that the amendment as crafted by the Senator from Minnesota would probably make for a terrific campaign commercial but the point is it trashes the Constitution. It absolutely trashes the Constitution. It is not even in the gray area.

Mr. President, I would like to take a moment to read from the testimony of the American Civil Liberties Union before the Senate Rules Committee, May 19, 1993, on this point, in testifying on the issue of prohibiting contributions from lobbyists. And the testimony said: ''Another clearly unconstitutional provision in the President's proposal''—this was in President Clinton's campaigning finance bill—''is the ban on political contributions by registered lobbyists (or alternatively, the ban on lobbying by political contributors). Lobbying is both the essence of political speech and association and is specifically protected under the first amendment as the right of the people 'to petition the Government for a redress of grievances.' The various expressive rights encompassed by that notion are considered indivisible. After all, the first amendment 'was fashioned to assure the unfettered interchange of ideas for the bringing about of legal and social change as desired by the people'. Lobbying is nothing more than a manifestation of this interchange,'' said the ACLU, ''because lobbying is designed to influence public policy, the speech that is burdened by this proposal is 'at the heart of the first amendment's protections'.'' Quoting the case of First National Bank of Boston versus Bellotti in 1978 and constitutes ''the essence of self-government,'' and CBS versus FCC, Garrison versus Louisiana.

''Moreover,'' the testimony said, ''it is wholly at odds with the guarantees of the first amendment to place legislative restrictions on those engaged in 'the discussion of political policy generally or advocacy of passage of defeat of legislation'.''

''The Court's decision'', the ACLU went on, ''make apparent that these activities involve the highest level of constitutional protection.''

The highest level of constitutional protection, Mr. President. We are not talking about an issue that is in the gray area. This is not a close call, Mr. President. The highest level of constitutional protection.

The ACLU went on,

Like other provisions in the proposal, the ban on making political contributions is an unconstitutional condition imposed because of the exercise of a constitutional right. It does not matter that it is primarily aimed at those who represented moneyed interests, because the provision will not affect those interests—only their registered lobbying representative.

Thus, it is both ineffective in accomplishing that goal and in preventing the appearance of corruption. Because the bill already establishes contribution limits in order to cabin the potential for corruption, that potential has been removed from the field of contention. There are no legitimate grounds——

I repeat, Mr. President, no legitimate grounds—

to believe that a lobbyist restricted to the same maximum contributions will have any more undue influence over a legislator's views than anyone else. Thus, the specially restrictive treatment of lobbyists can only be viewed as a penalty for their frequent and sustained exercise of their constitutional right to address public policy issues before the political branches of Government.

This is it, Mr. President. And I see my friend from Indiana is here. I am about to wrap it up.

The Constitution simply does not tolerate that result.

The Constitution does not tolerate that result.

Mr. President, I would like to ask unanimous consent——

Mr. WELLSTONE. Mr. President, will the Senator yield for some questions?

Mr. MCCONNELL. Just for a second.

I would like to ask unanimous consent, Mr. President, that a letter dated today from the American Civil Liberties Union legislative counsel, Robert S. Peck, on the amendment before us, appear in the RECORD at this point.

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

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, January 6, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: This morning, Senator Wellstone proposed an amendment to S. 2 that would prohibit political contributions to federal officeholders by registered lobbyists. The American Civil Liberties Union opposed the amendment as inconsistent with the guarantees of the First Amendment.

The amendment would prohibit lobbyists from making political contributions during a period of one year following a lobbying contact. Alternatively, if a lobbyist does make a political contribution, the lobbyist would be prohibited from making a lobbying that member of Congress or covered executive branch officers for a one-year period following the contact. Finally, it prohibits lobbyists from suggesting to clients possible recipients of their campaign contributions.

The First Amendment provides, among other things, broad guarantees of freedom of speech and the right to petition the government for redress of grievances. The Supreme Court, in the case of *Buckley* v. *Valeo*, 424 U.S. 1 (1976), held that campaign contributions are a form of free speech that is protected under the Constitution. The *Buckley* Court approved of a system of campaign contributions limitations that were designed to avoid the appearance of corruption as the least restrictive means of furthering an important governmental interest without unduly obviating a constitutional right. Because these contribution limits still stand, further restrictions on contribution rights, such as the limitation on contributions by

lobbyists, do not meet the constitutional requirements of the least-restrictive-means test.

Moreover, the First Amendment also the right to lobby, denominated in the Constitution as the right ''to petition.'' As the Court said in *Roth* v. *United States*, 354 U.S. 476, 484 (1957), the First Amendment ''was fashioned to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people.'' Lobbying is nothing more than a manifestation of this interchange. Because lobbying is designed to influence public policy, the speech that is burdened by this proposal is ''at the heart of the First Amendment's protection,'' *First National Bank of Boston* v. *Belloti*, 435 U.S. 765, 776 (1978), and constitutes ''the essence of self-government.'' *CBS, Inc.* v. *FCC*, 453 US. 367, 396 (1981) (quoting *Garrison* v. *Louisiana*, 379 U.S. 64, 75 (1964)). Moreover, it is '' 'wholly at odds with the guarantees of the First Amendment' '' to place legislative restrictions on those engaged in '' 'the discussion of political policy generally or advocacy of passage or defeat of legislation.' '' *Meyer* v. *Grant*, 486 U.S. 414, 428 (1988) (quoting *Buckley*, 424 U.S. at 50, 48 (1976)). The court's decision make apparent that these activities involve the highest level of constitutional protection.

The ban on making political contributions proposed by this amendment is an unconstitutional condition imposed because of the exercise of a constitutional right. It does not matter that it is primarily aimed at those who represent moneyed interests, because the provision will not affect those interests—only their registered lobbying representative. Thus, it is both ineffective in accomplishing that goal and in preventing the appearance of corruption. The existence of contribution limitations already cabins the potential for corruption. Thus, there are no legitimate grounds to believe that a lobbyist restricted to the same maximum contributions will have any more undue influence over a legislator's views than anyone else.

The ACLU urges the Senate to reject this amendment, as unconstitutional and ill-conceived.

Sincerely,

ROBERT S. PECK,
Legislative Counsel.

Mr. WELLSTONE. Actually, Mr. President, instead, the Senator from Indiana wants to speak to the same amendment. I wondered whether I could just respond for a moment first to the Senator from Kentucky, if the Senator from Indiana will give me that courtesy.

The PRESIDING OFFICER. Is the Senator from Minnesota objecting to the request of the Senator from Kentucky?

Mr. WELLSTONE. No.

Mr. MCCONNELL. Mr. President, I believe I have floor. I do not want to unduly detain the Senator from Indiana. I want to wrap it up.

Mr. COATS. Mr. President, if I may inquire of the Chair of the procedure here, it is my understanding that we will move to procedure under the unanimous-consent agreement. If that is the case, I will not be able to give my statement and I can give it later.

Mr. MCCONNELL. If the Senator will yield.

Mr. COATS. I will be happy to yield to the Senator.

Mr. MCCONNELL. I believe the vote will be at a quarter to 12. I will be through in a minute.

Mr. COATS. I thank the Senator.

Mr. MCCONNELL. I yield to the Senator from Minnesota.

Mr. WELLSTONE. Instead of asking a question, I wonder if I may have some time to respond. Then, of course, the Senator from Kentucky——

Mr. MCCONNELL. Why not have the Senator from Minnesota and myself simply enter into a colloquy and address the Chair?

Mr. President, I see the Senator from Minnesota is in the Chamber.

The PRESIDING OFFICER. Without objection, the colloquy is in order.

Mr. MCCONNELL. I am pleased to do so.

Mr. WELLSTONE. Mr. President, I have enjoyed having colloquies and discussion with the Senator from Kentucky in the past and always respect what he has to say.

Let me start out by saying that I just bet there is one thing the Senator from Kentucky and I will agree on, and what we will agree on is that the American Civil Liberties Union is not always right. Does the Senator from Kentucky agree with me on that?

Mr. MCCONNELL. I certainly agree with the Senator from Minnesota, Mr. President, that the ACLU is not always right. However, it certainly has been on the campaign finance issues, and I think they have been a lot right on constitutional questions.

This is an organization, Mr. President, we all know exists to help Americans enforce first amendment rights. And what the Senator from Minnesota is seeking to do here today is to set aside a type of American citizen and say that because you earn your income in this particular way, you do not have the constitutional rights that everybody else in America has. The ACLU said this is constitutionally impermissible. I hope that will be persuasive to my colleagues, and that is the reason I raised the point.

Mr. WELLSTONE. Mr. President, the reason I make this point is the American Civil Liberties Union is not always right, and I think all of my colleagues understand that. I do not think they are right on this issue. I do not think the American Civil Liberties Union was right on the lobbying disclosure. They take a certain position. I think my colleagues know, including, Mr. President, my colleague from Kentucky, that my record, my passion about the importance of first amendment rights is clear, very clear. But the American Civil Liberties Union is simply wrong again.

Mr. President, what the Supreme Court has said in Bellotti is that any significant infringement on first amendment speech rights has to be balanced against concerns about corruption or appearance of corruption.

Mr. President, understand what this is all about, this is trying to break this very clear nexus——

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

Mr. WELLSTONE. In just a moment. I would like to finish my analysis, if I may.

Mr. MCCONNELL. I thought we were in a colloquy here, and I would like the Senator to respond to a question, if he can.

Mr. WELLSTONE. We are in a colloquy, but I think the Senator will be better able to ask me a question if I can just finish my point.

Mr. MCCONNELL. All right.

Mr. WELLSTONE. So, Mr. President, the point is that we are talking about a very clear nexus here between lobbying and the giving of money. Just so my colleagues understand, this amendment is designed to prohibit lobbyists from making contributions to or soliciting contributions for Members of Congress whom they have lobbied within the preceding year—1 year, that is what we are talking about—and from lobbying Members of Congress to whom they have contributed or on whose behalf they have solicited funds within the previous year.

Now, Mr. President, this amendment was part of S. 3, which passed by a fairly significant margin in the Senate.

At the very end of the last session, we had a filibuster which prevented the campaign finance reform bill from going to conference committee, as I remember. But many Senators voted for this amendment. It was in the bill. And once again, Mr. President, I am just simply responding to the bill before us. I am trying to improve this bill. It is called congressional accountability.

Yesterday, Senators said they would not vote for the proposition that we should not take the gifts. Today, I am saying should we not at least go on record, if we are interested in a more accountable process, that we do not take these contributions within this 1-year period of time? I think this is, of course, open to a challenge, a constitutional challenge, as is much of the legislation that we pass. But with all due respect—I am not a lawyer, Mr. President, but I can just tell you that there are two sides to this question. The fact that the ACLU does not agree with this amendment does not mean, therefore, that this amendment, ipso facto, should be declared unconstitutional by my colleagues. That is simply not the case. I think it will withstand the scrutiny of the courts.

In any case, the real issue here is about reform, is about the influence of lobbyists, is about making sure that we make this process more accountable, and it is about breaking this connection between money and lobbying and at least having this 1-year window. That is what this is about.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

The Chair indicates that the Senator from Kentucky, under the previous order, is recognized until 11:25, and the

Senator from Minnesota is to be recognized from 11:25 to 11:45. You, by unanimous consent, are engaging in a colloquy, so it is your time.

Mr. MCCONNELL. Mr. President, I am just going to reclaim the floor very briefly, and then I am going to yield the remainder of my time to the Senator from Indiana.

The Senator from Minnesota cites no cases—because there are none—for the proposition that he suggests. I cited four or five. This is not in the gray area. This is clearly unconstitutional. The Senator argues that because of the perception problem, the rights of lobbyists should be taken away. My guess is there may be a perception that labor unions contribute to campaigns, too. Maybe we should take their rights away. Or others may think we ought not to have trial lawyers contribute to political campaigns and maybe we should take their rights away.

The Constitution does not make it possible to pick on people by taking rights away in legislation. This is not a close call, Mr. President. This is clearly, blatantly unconstitutional.

Mr. President, what time do I have remaining?

The PRESIDING OFFICER. The Chair indicates the Senator from Kentucky has 6 minutes and 20 seconds remaining.

Mr. MCCONNELL. I yield all of my time to the Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator for yielding. I do want to state I came to the floor to make a statement on the underlying bill and not on this particular amendment. If it would be more appropriate to make that statement at a different time, I will be happy to do that. The Senator may want to address the specifics of this amendment before he yields the time.

Mr. MCCONNELL. I say to the Senator from Indiana, I have said all I want to say about this and I am happy to yield the remainder of my time.

Mr. COATS. I thank the Senator.

Mr. President, 200 years ago, our Founding Fathers fought a revolution against what they saw as an imperial government, a government that taxed them to the point of despair and denied their freedom. From this revolution, they built a country on the idea that the preservation of the freedom and the integrity of the common man was the measure of good government.

Last year, on the 8th day of November, the American people rebelled once again, this time not against an imperial government but against an imperial Congress. They fought this revolution with the legacy of our Founding Fathers. They fought it with their vote.

The American people voted in November to overthrow an entrenched, distant Congress. They forcefully demonstrated that they were very deeply cynical about their Government and deeply skeptical about its ability to create sound public policy. They decided that an institution which could not govern itself could not govern the rest of us.

It was a sobering decision because it is impossible to be simultaneously held in contempt by the American public and to be viewed as an institution capable of providing leadership on the major problems facing our Nation.

And so the simple conclusion and the simple fact is this. We must restore the faith of the American people in their elected representatives if major problems are to be effectively addressed and endorsed and embraced by the American people. We need to create an environment in this body where we can focus on important problems. That is the mandate of the election and that requires major reform in the way that this institution conducts its business.

Four years ago I stood before this body to introduce four measures designed to rein in an out-of-touch Congress. These measures ensured that there would be an end to the midnight pay raises slipped in in the back rooms to an otherwise popular bill, hoping to slip it by the process that would expose it to debate and allow Members to vote up or down and have their constituents know what their vote was. I am pleased that this measure has now been adopted into law and is part of the Constitution of the United States so that no longer will we be allowed to raise or adjust our pay without exposing it to the light of debate and putting our yeas and nays in public for the public to judge us on.

I introduced a measure to reform the way in which we judge each other and I introduced a measure that would return this body from one of a professional body to a citizen legislature, which I believe our Founding Fathers intended.

Finally, I introduced a measure guaranteeing that the Congress would live under the same laws it passes for everyone else. Significantly, we are here today debating that fourth measure. It is the worst, most obvious hypocrisy, for the Senate to pass legislation that applies to every other American except for those who wrote the legislation. It sets the Congress apart as a privileged elite, unbound by normal rules and standards. And it protects the Congress from the consequences of its own failures and excessive burdens. This measure, this one that we are debating today and will vote on—this measure ensures that public laws would be applied to public servants. Anything less is a dangerous double standard.

From the Clean Air Act, which I supported, to the Americans With Disabilities Act, to OSHA regulations, to labor standards, to civil rights laws, Congress will be forced to come into compliance with the very laws that Congress has passed and imposed on the citizens Congress was elected to serve. Knowing that Congress must comply with laws that it considers, hopefully we will write better laws or perhaps maybe no law at all. I fully expect that we will be overwhelmed and in many cases simply unable to comply with the laws already on the books. The basement of the Capitol alone will be enough to employ a team of OSHA inspectors in perpetuity. Yet, if it is impossible for us to comply, perhaps we will finally understand the extent of the burden which we have placed on American citizens. Our citizens and families, small businesses, the lifeblood of jobs in America, are suffering under the weight of unprecedented Government intrusion into the very way they live their lives and do their work. The premise is simple enough. We will write better laws if we are forced to live under those laws. If it is impossible to comply with the law, we should not write it.

With a vote earned by the sacrifice of so many Americans, the American people have staged a second American revolution. The Congressional Accountability Act is the first measure in fulfilling the promise of that revolution for future generations of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired. Under the previous order, the Senator from Minnesota is recognized for up to 20 minutes.

Mr. WELLSTONE. Mr. President, first of all, let me be very clear. I said this yesterday and I want to say it again to my colleagues, I am very supportive of this Congressional Accountability Act. I think this piece of legislation should and must be passed. That is why I did not want this to be open-ended. I wanted this debate to be within a reasonable period of time.

But if we are going to say that we are trying to make the Congress—the Senate accountable, we can do much better. There is no reason why we cannot strengthen this piece of legislation. We do that all the time on the floor of the Senate. That is the very essence of our accountability. Senators come out with amendments to strengthen a piece of legislation and we vote on those amendments up or down and then we are held accountable for our votes.

This amendment was part of a campaign finance reform bill which was passed June 17, 1993, I guess at 2:11 p.m. This was the vote: 60 yeas, 38 nays. This amendment was part of this piece of legislation that was passed by many Senators who now still serve in this body. These arguments, and really they are smokescreen arguments, about the ACLU—colleagues come out and say, ''The ACLU said this, therefore we better not vote for it.'' I have to smile, because I have never in the past noticed that was the litmus test for my colleagues, that the ACLU took a position therefore that is our position. That is a smokescreen argument.

One more time, Mr. President. If we want to talk about, agree or disagree with one of the major Court decisions about this whole issue of campaign finance, it was Buckley versus Valeo. It was made crystal clear by the Court

that any potential infringement on first amendment speech rights has to be balanced against concerns about corruption or the appearance of corruption.

I want to say to my colleagues, I am not talking about corruption. I am talking about the appearance of corruption. What this amendment says—and I went over it very carefully this morning—is that if a lobbyist comes into your office to see you or staff, then at least a year ought to go by before that lobbyist contributes money to you or instructs a client to do so. Or if a lobbyist, or a client instructed by a lobbyist, a PAC instructed by a lobbyist, contributes money to you in your race—I say that to those Senators who have just come to the Senate—a year ought to go by before that lobbyist is allowed to come in and lobby you.

We voted for this before. There was strong support for it before. We are talking about congressional accountability. If my colleagues think they can hide behind a smokescreen argument—you know, different Senators have different views about how to interpret legislation. Of course someone can stand up and say the ACLU says it is not constitutional, therefore it is not constitutional. Many of us voted for it before. And I would think that many of my colleagues who ran on a reform agenda, who said they were interested in reform, would vote for it now. I do not think we should trivialize this issue. We are focusing on congressional accountability. We are focusing specifically on an essential problem with the way Government operates.

I have heard a lot about the way Government operates. If we want the Government to operate in such a way that the citizens we represent back in our States feel that Government is open and accountable and responsive to them, and not just those folks who march on Washington every day—that is to say who are here every day, well heeled, well oiled, well financed, with lobbyists, having way too much access and say—then certainly we can break this link.

This is an extremely modest amendment. I am astounded, frankly, that there is any real opposition to it. I really am.

Mr. President, yesterday I came out on the floor with Senator LEVIN, Senator FEINGOLD, and Senator LAUTENBERG. And we said at the very beginning of the session, let us send a strong message to the people we represent. As long as we are talking about congressional accountability, let us pass an amendment that focuses on prohibiting the taking of these gifts, trips to the Bahamas or Hawaii paid for by whomever; meals, tickets, you name it; not because we think that Senators or Representatives are corrupt—we do not believe that, we are proud of being in the Senate—but because we know that the people we represent—I have heard this standard over and over again; I have heard Senators announce this standard on the floor—we know that the people we represent do not receive those gifts and it is inappropriate. It is really unacceptable. Let it go.

Yesterday the vote was against that amendment. Really the only argument I heard was the control argument. We are in control. We are in control here, and therefore there are not going to be any amendments on this bill. It was not the merit of the amendment. It did not have anything to do with at the beginning of the session making it clear to people we were for reform. It was control. Well, Senators did not vote for that.

Today I have an amendment that says at the very minimum, if we are going to talk about reform and accountability, I urge my colleagues to vote for this amendment. I think it sends a very positive signal to the people we represent, which is we are not going to take one thing while we campaign, and then vote against it on the floor of the Senate. We are not going to hide behind the ACLU. We vote it up or down. We are not going to hide behind a control issue. Our party is in power; therefore, we are not accepting any amendments. I have even heard some of my colleagues say—I think, I do not have the particular day or time—that campaign finance reform is off the agenda this Congress. Mr. President, it is not off the agenda. The reason it is not off the agenda is that each and every Senator has a right to come to the floor with amendments that focus in on what a Senator believes are important issues to the people he or she represents.

I happen to believe that for Minnesotans this is an extremely important issue. By the way, not that polls always make the difference. I actually hope they do not because I hope every Senator votes his or her conscience when that is the case. But if you were to do a poll in the cafes of Minnesota as to whether or not we ought to vote for an amendment to put an end to this sort of insidious connection between the lobbying and the giving and the taking of money with at least a not outright prohibition but at least a 1-year moratorium, 99.9999 percent of the people in Minnesota would agree. What is the hesitation? Why would my colleagues be opposed to it?

Mr. President, I had actually looked forward to more debate on this. So far we have heard about the American Civil Liberties Union's position and that is it. So I have to assume that is the reason my colleagues are going to vote against this, if they are going to vote against this. I have not heard another Senator come to the floor with any other substantive reason given for voting against this amendment.

I can tell you, Mr. President, in the spirit of accountability—and we are talking a congressional accountability act—I would think Senators would be clear as to why they are opposed. I have not heard that. And in the absence of hearing that opposition, though one Senator, Mr. President, the Senator from Kentucky certainly spoke against it, I look forward to this vote and I believe that this amendment should be passed by the Senate. And certainly as to those Senators who voted for this campaign finance reform bill, which included this amendment before, I look forward to their support and the support of some of my colleagues who are new to this Senate whom I know are very strong reformers.

Mr. President, I conclude my remarks and yield the rest of my time. I think we are going to have a motion to table at 1:45.

So 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. WELLSTONE. 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. WELLSTONE. Mr. President, I would like to ask unanimous consent—if I have to and I am not sure I have to—that I reserve for myself the final 2 or 3 minutes before the vote, if I am so inclined, and before the motion to table.

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

Mr. WELLSTONE. I thank the Chair. For the moment, 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. WELLSTONE. 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. WELLSTONE. Mr. President, could I have order in the Chamber for a moment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. I thank the Chair.

Mr. President, before the vote on this amendment I just would like to be very direct with my colleagues. This amendment speaks to a very real problem.

Mr. President, this amendment is not an abstract amendment. It does speak to a very real problem. We are talking about part of the political culture in Washington. Let me lay it on the line at the very end, because that is what this amendment is about. I will just lay it on the line. It is not uncommon for a Senator to be lobbied by a registered lobbyist and a month later to get a $5,000 PAC check. It happens.

Let me just be very blunt and direct at the very end of this debate. The reason that I introduced this amendment as part of the campaign finance reform bill—and that bill got overwhelming support in the Senate—and the reason I bring this amendment today as part of the Congressional Accountability Act

is that this happens. Let us get away from all of the abstract arguments.

The fact of the matter is, Mr. President, that all too often lobbyists come in to see a Senator, and shortly thereafter the money flows in. All too often, lobby money flows into campaigns, and shortly thereafter lobbyists and groups and organizations represented by lobbyists appear. That is egregious. That does not give people confidence in this process. That does not make the Congress very accountable to the many. That is what this amendment is all about.

Mr. President, I simply say to my colleagues that if you are serious about reform, then this amendment is a test case of that commitment to reform. I do not know how any of us can go back to any of the cafes or restaurants in our own States and justify to people how we voted for the continuation of this practice. We ought to end it. It is a good Government reform. It is part of congressional accountability, and I urge my colleagues—urge my colleagues—to support this amendment. They have in the past. Many of my colleagues found this to be a compelling problem and issue in the past. It is just as compelling today.

I yield the remainder of my time.

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. FORD. 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. LAUTENBERG. Mr. President, I support campaign finance reform legislation and I have cosponsored it repeatedly over the years only to have it filibustered or vetoed by the other party.

For me, taken outside the context of campaign finance reform, this amendment is problematic. It would prohibit a Senator from receiving support from lobbyists but it would not prevent a challenger from receiving contributions from those very same lobbyists. Yet that challenger could be an incumbent—a Governor, a State legislator, a mayor—and not be subject to the same restrictions. In my most recent campaign, I was challenged by the speaker of the house in the New Jersey State Legislature. I can tell you that he had the ability, based on his contact with various groups and issues, to raise a lot of money from lobbyists and special interest groups. So, without a comprehensive campaign finance program in place, the prohibition in this amendment singles out incumbent Senators—not all incumbents—unfairly.

Further, comprehensive campaign finance reform set a limit on the total amount of money one could spend on a campaign. So even if a challenger could receive funds from lobbyists while an incumbent could not, the limit on total spending would not necessarily create an uneven playing field. In an environment of unlimited spending, however, denying one candidate resources which are available to another is not equitable.

I support the goal of the Wellstone amendment—to break the link between contributors and any real, or perceived, influence on public policy. We can best achieve that goal in the context of overall reform of our campaign finance system.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. On behalf of the distinguished majority leader, I move to table the Wellstone 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 yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Delaware [Mr. BIDEN] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

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

The result was announced—yeas 74, nays 17, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—74

Abraham	Dorgan	Mack
Akaka	Exon	McConnell
Ashcroft	Faircloth	Mikulski
Bennett	Frist	Murkowski
Bingaman	Glenn	Murray
Bond	Gorton	Nickles
Breaux	Graham	Nunn
Brown	Grams	Packwood
Bryan	Grassley	Pressler
Bumpers	Gregg	Pryor
Burns	Hatch	Reid
Byrd	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Sarbanes
Cochran	Inhofe	Shelby
Cohen	Inouye	Simpson
Conrad	Jeffords	Smith
Coverdell	Johnston	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
Daschle	Kyl	Thomas
DeWine	Lautenberg	Thompson
Dodd	Lieberman	Thurmond
Dole	Lott	Warner
Domenici	Lugar	

NAYS—17

Baucus	Feingold	Kennedy
Boxer	Feinstein	Kerry
Bradley	Ford	Kohl
Campbell	Harkin	
Levin	Moynihan	Simon
Moseley-Braun	Pell	Wellstone

NOT VOTING—9

Biden	Hollings	McCain
Gramm	Kerrey	Robb
Heflin	Leahy	Rockefeller

So the motion to lay on the table the amendment (No. 5) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE GIFT BAN AMENDMENT TO THE CONGRESSIONAL ACCOUNTABILITY ACT

Mr. CHAFEE. Mr. President, during the last session of Congress, I was a cosponsor of the gift ban bill and was among a handful of Republicans who voted for cloture on the conference report. Nevertheless, I voted to table the gift ban amendment to the Congressional Accountability Act.

Congress has been severely criticized for passing legislation that applies one set of rules to itself and a separate set of rules to the rest of the Nation. The Congressional Accountability Act changes that practice, once and for all. The House already has agreed to similar legislation and is expected to endorse the Senate version. Passage of the gift ban bill would delay final approval of this important measure.

Furthermore, passage of a ban on gifts from lobbyists prior to consideration and passage of strict lobbying disclosure requirements is, in my view, shortsighted. The majority leader clearly stated his intention to address the entire issue of how lobbyists interact with Members of Congress and their staffs. Banning gifts from lobbyists should be addressed in that context. To ban gifts from lobbyists under our present inadequate system of registering lobbyists could act as a disincentive to proper registration.

Mr. GLENN. 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. EXON. 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. EXON. Can we have order in the Senate, Mr. President?

The PRESIDING OFFICER. Will the Senate come to order?

Please proceed.

Mr. EXON. Mr. President, I ask unanimous consent that the pending Ford amendment be temporarily set aside for the purpose of the Senator from Nebraska offering an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.