

issue. The inference continues to be that our goal is just to block it. We do not intend to set a magic date, whether that date is May 1, April 15, or Labor Day, for that matter. That may be a good time to set up a magic date. But we should not get locked in on dates certain. Let us just do our job.

That is what I hope the Senate will do on this resolution. That is what we intend to do in the committee of the distinguished chairman from Virginia, to have hearings on campaign finance reform and look at all these questions in regard to how soft money is used, independent expenditures, and how labor union dues are used without labor union members' permission.

What is the situation with illegal foreign contributions? Do we, in fact, have in this case, as has been suggested, the possibility of even espionage? This is serious. What we need is for a committee of credibility and jurisdiction to get started with their work, and I hope that we can do that with as little rancor today as possible.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, a question of the majority leader, if I might. With the debate proceeding this morning on my amendment and the possibility that we may be able to complete that debate this morning and move on to discussion of another amendment and knowing the schedules of all the other Senators are very tight, too, and letting them plan their activities here in the Chamber as well as other places, would it be agreeable to put the vote off until after the caucus?

Mr. LOTT. It is our intent, and I believe the minority leader has no objection—I have not discussed that with him—to have our first votes at 2:15 after the conference and caucus.

Mr. GLENN. That would be fine. I would make that as a unanimous-consent agreement, that any votes that might normally occur this morning following debate on my amendment and other amendments that might be brought up at least be stacked until—the vote on my amendment be delayed until after the caucus this afternoon.

Mr. LOTT. I reserve the right to object, Mr. President. I would like, if I could, to ask the ranking member to defer in that request for a moment and allow us to have a chance to discuss it with him and with the Democratic leader. I think that is probably what we want to do, but I just want to make sure everybody is in tune with what we are doing here.

Mr. GLENN. I would be glad to do that. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 39) authorizing expenditures by the Committee on Governmental Affairs.

The Senate resumed consideration of the resolution.

Pending:

Glenn amendment No. 21, to clarify the scope of the investigation.

AMENDMENT NO. 22 TO AMENDMENT NO. 21

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. WARNER, proposes an amendment numbered 22 to amendment No. 21.

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

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

The amendment is as follows:

In the pending amendment, strike all after “(b)” and insert the following:

“(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

“(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction rule 25 over all proposed legislation and other matters relating to—

“(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

“(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a committee of the Senate revealed pursuant to the investigation authorized by subsection (b).”

Mr. LOTT. Mr. President, we will be working with the Democratic leadership to get a time agreement on the vote that will occur at 2:15, I presume, on this amendment. But we want to work through that and make sure we understand exactly what the voting sequence will be.

The purpose of this amendment is to reconfirm and beef up our commitment to the public and to our colleagues here in the Senate to insure that funds are authorized by this section for the sole purpose of conducting an investigation of illegal activities in connection with

the 1996 Federal election campaigns. It is also to make sure that the Rules Committee has the full authority, with the support of the Senate, to get into matters relating to Federal elections generally, including the President, the Vice President and Members of Congress, and corrupt practices.

The Governmental Affairs Committee, under this amendment, shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which require investigation of a committee of the Senate revealed pursuant to the investigation authorized under subsection (b).

The Rules Committee is going to be an active committee. The Rules Committee will look into any allegations of problems with existing campaign laws or campaign finance laws. They will have hearings, and they have the jurisdiction and the authority to move legislatively.

The Governmental Affairs Committee has a budget of \$4.53 million for its investigation, and it has very broad authority to conduct hearings on the 1996 Federal election campaigns. But it is the Rules Committee that has the jurisdiction to act legislatively on campaign reform.

So I emphasize, again, as I did earlier, it is our intent for the Rules Committee to act in this area. We have provided additional funding and, once again, rather than getting into a great big argument about scope, it is clear what should happen here.

First of all, there are lots of allegations of illegal activities, foreign contributions that may have come into campaigns—Presidential or congressional—the indications that maybe even a foreign government may have had an organized plan to be involved in campaigns. We know if these activities occurred, they would be illegal, but we don't know what happened. We need a process to look into these things. We need a focused investigation into these allegations.

Yet, there are those who say we need to broaden the scope widely, narrow the money, and limit the time. It is a prescription for not getting the job done. This investigation, with the additional authority that is being provided of \$4.53 million, is for illegal activities, and they are rampant in this city. As I said earlier, the city seems to be burning while we are fiddling around with the process.

The Rules Committee has jurisdiction that it will take advantage of. The Governmental Affairs Committee is getting additional authority to look into illegal activities. Ethics has its responsibilities. There is attempt to cover up or avoid our responsibilities. We are going to do that.

I think this amendment that we have offered here further clarifies our intent to look into illegal activities by the special committee investigation and then to have the Rules Committee look

into corrupt practices that may be involved that may not be necessarily illegal but may need to be looked at for the possibility of changing the current practices.

AMENDMENT NO. 22, AS MODIFIED

Mr. LOTT. Mr. President, with that, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 22), as modified, is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. We added only one word, I say to the distinguished ranking member. In section C "Referral to Committee on Rules and Administration," we add the word "under rule 25." We only added one word to make it grammatically correct—"under rule 25."

Mr. President, I yield the floor at this time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it is good to review how we got to the current situation we are in, because this was not our doing on Governmental Affairs. It was not our suggestion that we be given the duty of investigating campaign finance reform. It was not our suggestion that the jurisdictions of other committees that might have an interest in this be given to us.

What happened—and I am recounting this mainly from press reports of what happened, and I presume they are accurate—was that there were several committees who saw themselves as wanting part of this investigation into campaign finance reform.

You had the Commerce Committee because there were trade matters involved that there had been some allegations about. Senator MCCAIN, who has a big interest in campaign finance reform, chairs that committee and could take an active role in what might happen with campaign finance reform.

The Judiciary Committee was concerned about some of the legal matters

regarding elections, and they had some things they were going to look into.

The Foreign Relations Committee certainly had an interest in this because foreign money supposedly came back in to our election campaigns here. So they wanted to find out what happened to foreign relations and foreign policy and were any of those things altered as a result of money coming back in.

The Rules Committee, which has a jurisdiction over election law, certainly had an interest in this particular area.

The Governmental Affairs Committee, of which I am the ranking member, also had their own interest in this in that we are basically the investigative committee of the Senate. We have investigated such things as drugs and drugs coming into the country and organized crime and fraudulent health programs and nonproliferation around the world of nuclear weapons and terrorism and a whole host of things that we have a broad experience investigating. Our mandate to do investigations is the broadest on Capitol Hill. We have been accustomed to doing this through many, many decades.

The suggestion was not made from the Democratic side that all these conflicting jurisdictions be combined into the Governmental Affairs Committee. This was a suggestion that was made by the Republican leadership. In fact, it was not only a suggestion, it was decided by the Republican leadership on their side of the aisle that these other jurisdictions would not be exercised and that this investigation would be focused in the Governmental Affairs Committee.

This was not a suggestion made from the Democratic side. It was Republican leadership that decided this. And so to act now as though we were somehow usurping authority of another committee by proposing a broad investigation on the Governmental Affairs Committee just is not the case. That is just not the way it happened.

I can tell you exactly what happened. And once again, this has all been out in public print. This is not something I know from being in meetings because I have not been in meetings that were involved with any of these decisions to assign it to the Governmental Affairs Committee.

But what happened, when it got to the Governmental Affairs Committee, was this: Senator THOMPSON had an interest in a broad investigation. I had an interest in a broad investigation. We had some ideas on scope. We sat down in a couple of meetings, and we worked out an agreement that was broad in scope, as it should be, because this whole investigation into campaign finance reform does not involve only illegalities, those things that are against the law. It involves much more than that.

Any fair observer of the campaign finance system agrees that in addition to illegalities, there are many, many

things out there that are legal but probably should not be. All the abuses of soft money, as it is called, that came up in this last election, all those abuses were so onerous to most people across this country that they just want us to get into campaign finance reform.

Every single poll that has been done across this country shows that people want campaign finance reform. They also see that polling has been interesting in that it has indicated that they think both parties, both campaigns this last election cycle—the fault that can be pointed at one direction or another is not all one direction, it is bipartisan. We have a bipartisan problem here, and we need a bipartisan solution.

Part of it is looking into illegalities where the existing law was violated. There is no doubt that that has to be done. The other part of this problem is looking into the soft money in particular and independent expenditures that were so vile, so onerous in this last election.

So when Republican leadership assigned this overall investigation of campaign finance to the Governmental Affairs Committee, it was not at our request, but at his suggestion, at his direction, so that the responsibilities would not be in quite a number of different committees but would be centered in the basic investigative committee of the U.S. Senate.

Now what happened?

Senator THOMPSON and I, in the two meetings I mentioned, sat down and we drew out a broad scope in which we planned to look into not only illegalities but also into the equally disturbing areas of where campaign finance reform is needed that involve soft money and independent expenditures.

In this last election I remember reading a newspaper account of a Congressman who, after the election, said he wound up feeling like a ping pong ball in the middle of this and he had no control over it because there were so many outside influences coming in and putting ads on that he did not even know anything about that he felt like a ping pong ball in his own election and completely out of control of the situation.

Now, if we are going to take any fair look at campaign finance reform, it is going to have to involve illegalities, of course. We plan to look into those. But we got to have soft money. Our scope, as we had outlined it on that committee, was put out. It disturbed some people.

Let me say, when Senator THOMPSON and I agreed to the scope, it was then taken to the committee. The committee has three members on the Governmental Affairs Committee that are also members of the Rules Committee. When this was brought before them, after considerable debate, the committee agreed upon the scope of our investigation. They voted on that and approved it. It was agreed upon.

What happened when that got to the Rules Committee? The fact is that on

the Rules Committee some of the people that are the most adamant against any campaign reform consideration at all disagreed strongly with what was being done and that any look be taken into the soft money area. When it got to the Rules Committee with the request for the additional funding of the \$6.5 million that had gone over, that disturbed them very much.

So what happened? They delayed funding in the Rules Committee because of their objection to us looking into soft money and some of the things that are legal but probably should not be what we were going to look into. They wanted to protect their ability to raise soft money because they outdo the Democrats about two to one in soft money raising.

Obviously, it is a factor in not only having gained control of the Senate but in maintaining control of the Senate. They objected over on the Rules Committee to the funding that had to be approved by the Rules Committee for additional funding for investigations.

Now, at that point things were stymied. They dug in their heels over there and were not going to approve any money, as I understand it, for investigation unless our jurisdiction on the Governmental Affairs Committee was reduced and those jurisdictions involving things we were going to look into with regard to soft money were brought over to the Rules Committee where they obviously would have much more say in what happened to that than they would if the jurisdiction stayed with the Governmental Affairs Committee.

That is how we got to where we are. So a reduced amount was agreed upon over in the Rules Committee but with the proviso that the Governmental Affairs Committee could investigate only illegal activities. Only illegal. That took out any investigation, any investigation whatever of soft money, unless it proved to be illegal, only illegal. But most of the soft money problem is legal. I do not think it should be. Our investigations in that area were going to, I think, lay out a good case of why we need campaign finance reform changes.

That is how we got to where we are. It was at least implied here on the floor yesterday and even this morning I think it could be implied that we somehow had overextended our jurisdiction on the Governmental Affairs Committee. It was leadership on the Republican side that combined all these other committees' interest and assigned to the Governmental Affairs Committee the task of looking into all of this whole campaign finance reform area.

Now, what about the substitute amendment that is before the Senate now, the substitute to my amendment? What it does, as I see it, and I just got it a few minutes ago so I have not had a chance to look into it in that much detail, but what it does basically is say

that we are taking back the authority of the Governmental Affairs Committee that we were asked to do. We did not ask to do it, we were assigned that task. They are now taking back our authority to look into any of these matters, any of the matters relating to Federal elections generally, including the election of the President, the Vice President, Members of the Congress, and corrupt practices, as I understand it.

Let me read this through. It is a short amendment.

Strike all after "(b)" and insert the following:

"The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns."

Now, my amendment would change that and change the scope back to what it was originally in the Governmental Affairs Committee. So that refers back to what we were assigned to do.

It goes on with subsection (c):

REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b).

What we are being told then is we have to refer back, because the Committee on Rules and Administration has jurisdiction in these matters, which we never quarreled with. That was there going in. It was Republican leadership that wanted us to take the jurisdiction and run with it on campaign finance reform.

Now, because it has become objectionable to some Members on their side and they see we are going to get into soft money, what happens? They are proposing to take that authority back from us. It was at least implied yesterday afternoon on the floor and again this morning that we somehow were in error, I guess, in what we were doing, even though we had been asked to do it by leadership. I do not quarrel with the fact that Federal elections generally are looked at by the Rules Committee. That is in their jurisdiction. I do not disagree that they can look into corrupt practices. I think maybe this could be interpreted to say that the Governmental Affairs Committee is not permitted to look into corrupt practices, whatever the definition of that is. We will have to discuss that a little, I guess.

In any event, here we are with the situation where on our side of the aisle

we have been pushing for campaign finance reform this whole year. It has been brought up time and time and time again. We wanted to bring up the McCain-Feingold bill and get it voted on. There has been very little support for that on the other side of the aisle. In fact, none, practically. Senator MCCAIN and Senator THOMPSON probably are the only sponsors of that bill on the Republican side.

So the intent here is obvious. The intent is to squelch the broad-based investigation that we were going to have on the Governmental Affairs Committee and put it back in the Rules Committee where some of the Members that are most adamantly opposed to campaign finance reform are members.

So it is not a very pretty picture this morning. I was going to have a speech on the scope of my amendment this morning, and it might be good, still, to run through some of that. I hope people would see through what a subterfuge this is in trying to change the amendment that I had before us. I had not been given the opportunity yet this morning to make some comments on my amendment, the underlying amendment to this second degree. I believe I will make those comments now and then see what discussion we want to have beyond that.

The amendment I offered last evening, or laid down last evening, corrected what I saw as the legislation in Senate Resolution 39 where it is most deficient, and that is in the scope of our investigation. Let me first address Senate Resolution 39 as approved by the Rules Committee and is on the floor now as the underlying resolution to be considered.

Where campaign finance reform is concerned, the proposed legislation, as far as I am concerned, could be called coverup for Congress, coverup for Congress' legislation. I think that is what it is. It does not do this incidentally or accidentally. It is not a coverup that is incidental or accidental. It is deliberate, intentional, and I think cynical. It is specifically defined and worded to thwart and curtail much of the campaign finance investigation that was planned by the Governmental Affairs Committee this year. After much discussion with the belief that the proposed investigation and hearings could set the informational basis for much needed campaign finance reform, Chairman THOMPSON and I had agreed upon the scope of the investigation, all fully within Governmental Affairs Committee jurisdiction, I might add. We were given additional guidelines by the majority leader and on his part they would see that other committees were not delving into their individual interest areas. That scope was to include investigating allegations wherever they might lead and with nothing off limits with regard to Federal elections.

I want to point out that the agreement was approved unanimously by the Governmental Affairs Committee,

three members of which are also on the Rules Committee.

That greatly disturbed some Members of the Senate who do not favor us looking at campaign finance practices on Capitol Hill and, more specifically, in the Senate. They had to find a way to control the process. Why? Why would anyone want to interfere with investigating every facet of campaign finance? So we can correct the abuses that have plagued recent elections and nearly made a mockery out of election 1996, and will be even worse next time around, unless we act to correct some of these practices.

The resolution stands good Government on its head. The amendment I proposed would change that. Let me stress that this is the very first time in my 22 years in the Senate, and on the Governmental Affairs Committee, that I have ever seen any committee approve and bring to the floor a resolution prohibiting another committee from investigating improper, unethical, or wrongful behavior in any area, whether it was special investigative funding or not. That is what is involved here. They keep pointing out that this is only the additional money. We still could use basic funds out of our committee's normal yearly basic funds to do this kind of investigating. But that would mean we would have to lay down all the other jurisdictional oversight matters that normally come before that committee. So it is deadly serious for those of us who are interested in fairness in elections and stamping out the growing abuses that have grown apace around the body politic.

What I am saying the resolution would do is prohibit another committee from investigating improper, unethical, or wrongful behavior in any area, where it was special investigative funding. Granted, that was going to be the source of how we were going to do this investigation.

The proposed resolution says that with the money provided for the Governmental Affairs Committee investigation, it may look at illegal actions and illegal actions only. Now, that is a far tougher test of what we can put on the table to be looked at. Some of those campaign activities involving both parties in Federal campaigns has smelled to high heaven, in the eyes of most citizens, and they cry out for correction, but are legal under current law. It may be legal now, but should not be if we are going to clean out the political stables.

One example of such a subject, as I mentioned, is soft money—money which, due to loopholes in the law, can be given in unlimited amounts by wealthy individuals, corporations, and unions. That is legal. Soft money was obtained and used in the 1996 Federal election in ways that turned fairness upside down and corrupted our whole political system. Few political scientists would disagree that, if left unchecked to grow in the future at the

same rate as it has in the past, soft money can become an even more destructive and virulent cancer in the body politic.

I was reading a booklet yesterday entitled "A Bag of Tricks; Loopholes in the Campaign Finance System." The first sentence of chapter one reads:

The biggest loophole by far in our campaign finance laws is soft money.

They are right—but it's legal. And now, by S. 39, we are to be prohibited from investigating soft money abuses, unless we come across some that are definitely illegal. We could look at them. But if an area is improper, if it is unethical or just flat common sense that it is wrong, we cannot look at it, even though it may be crucial to real campaign finance reform, and even though the Governmental Affairs Committee has the jurisdiction and experience to investigate.

Why, then, are we being cut back in scope to the point where only illegalities will be on the Governmental Affairs table? Why is our investigation being limited to 1996 only? Why cause such a drastic change in addressing what is properly viewed as an expanding national scandal? The basic question, I guess, is: Who is afraid of what?

The answer is not very pleasant, but it is obvious. Why the change? Because bad as the money chase may be, correcting it would upset the apple cart for those in the Senate who have learned how to work the system for their own personal or party political benefit.

Under present law, does one party have an advantage over the other in fundraising, in particular, with regard to soft money? Yes. There is a substantial difference in the usual supporting donor bases. Both Democrats and Republicans have some wealthy individual donors. But the preponderance in that area is tilted heavily in favor of wealthy Republicans. Both parties have some support from corporations and labor. Again, the tilt from labor is on the Democratic side. But, again, balancing the Democratic labor support against the Republican corporate or wealthy individual support comes out heavily in favor of the Republicans.

Let me read a few figures reported by the Federal Election Commission regarding the 1996 elections. Of the total spent on the elections—everything, not just the Senate, but across the board in the last election—the Democrats are estimated to have spent \$332 million. Republicans spent \$548 million. Just in the Senate campaign committees, let's look at that. In hard dollars, Democrats raised \$30 million; Republicans raised \$62 million. In soft money, Democrats raised \$14 million; Republicans raised \$27 million. That comes down just with regard to the Senate as over a 2-to-1 advantage, with Democrats having been able to raise \$44 million and Republicans \$89 million. So, in summary, under current law, Republicans are able to raise at least double what Democrats raised to help fund Senate races.

Now, we all know that money is certainly ahead of whatever is in second place with regard to winning an election these days. Two-thirds of the money goes to TV and other things, and so on. But with money being the biggest single factor in political control, it is no wonder Republicans in the Senate do not want to change the system. It is the "goose laying golden eggs" that was crucial to gaining, and now to retaining, their majority control in the Senate.

So we need to change S. 39. That is what my amendment would have done. In deciding whether to change it, the choice is plain and simple: Party and personal interests of the moment versus cleaning up the system, making it proper and fair for all Americans, not just a special few, for the long-term future.

Initially, those who were adamantly opposed to campaign finance reform on the Republican side—on the Republican side of the Rules Committee, which must approve Governmental Affairs Committee investigative funding above the normal committee budget—were able to prevent funding to the Governmental Affairs Committee for the investigations. Had that position prevailed, it would have entirely scheduled the hearings, and because the tarnished Republican public image which that would evoke was unacceptable to Republican leadership, the proposed resolution—S. 39—deal was cut, whereby the Governmental Affairs Committee was stripped of its authority to use money provided directly for the investigation to look into improper, unethical, or wrongful matters, unless they met the far more difficult standard of being illegal. And those jurisdictions were specifically given to the Rules Committee.

Now, I have the utmost confidence in Senator WARNER, chairman of the Rules Committee. I think he will do his best to fulfill the responsibilities given to his committee with this resolution. But therein lies a problem. Several of the most vocal Republican opponents of campaign finance reform are on the Rules Committee. They are opponents, in particular, of including Congress in investigations of what may, at the same time, be legal, but also improper, unethical, or wrong by any fair standard. These are the same people who refuse to give the Governmental Affairs investigative funding to begin with.

Now, they will be the investigators of what they so adamantly oppose. They will be the investigators of what they so adamantly oppose. Foxes guarding hen houses is indeed a good analogy. They got their way. To me, it is a high price.

The amendment I had proposed would change all this. Very simple. All it does is restore the original Governmental Affairs Committee scope of this investigation. It restores the scope the committee voted on unanimously, with not one dissenting vote on the Governmental Affairs Committee, including

three members that are also members of the Rules Committee. The amendment would allow the committee to look into all sorts of campaign behavior, whether illegal, legal, improper or unethical. That is what the American people want, a complete look at this whole problem. Restoring this scope to our investigation would allow us to conduct a broad, far-reaching inquiry into our current campaign system.

I think it is a high price that Republican leadership has paid to assuage a few Members and to place them in what will probably turn out to be a controlling position of any investigation into other than just strict illegalities. The Rules Committee would be permitted to look at issues surrounding soft money and independent expenditures. Our Committee on Governmental Affairs would be permitted to look at issues surrounding soft money and independent expenditures, which are two of our biggest problems today, but in most cases our committee would only be able to look at those which are illegal, we believe are illegal going in. And the Rules Committee would have everything else except those matters which are completely illegal.

If we followed my resolution, we would restore the scope, allow us to follow the money trail, and let the chips fall where they may.

Mr. President, I am fully aware there are serious differences of opinion surrounding how this resolution, S. 39, came to the floor, and there are differences of opinion surrounding what is going to happen to it. But there are probably few minds undecided as to how they will vote on these amendments and, in particular, on my amendment before it was amended here by the majority leader. But before any votes are cast, I hope all Senators will take a long, hard look at what has been proposed by the Rules Committee in S. 39. I would ask you to look ahead, look ahead about 20 years when your kids have grown up. The majority leadership in the Senate may well have changed. It may be in different hands by that time. I am sure we would all hope that when our children and grandchildren have reached their adult years, the political system will have been improved and political fundraising will not be in the mess it is today.

One way to gain that end is to assure that investigations are carried out now without fear or favor and spotlighting the dark corners, whether illegal, legal, wrong, improper or unethical. The amendment I was proposing to S. 39 would take us in that direction. If the shoe is on the foot 20 years from now, would that change any Republican votes today? I don't know. Think about it. They have an advantage today; it is about a 2 to 1 advantage, and they are preventing us from really looking into any of these matters on a meaningful basis.

Mr. President, the substitute that was submitted by the majority leader

would once again stand on its head what I think to be fairness and what the American people want. It would restrict us on the Governmental Affairs Committee as to what we can do. And I repeat what I said going in. This was not something we asked for. It was something that the Republican leadership decided to give to that committee, and then, when it turns out that some of their own members do not want us looking into some of these dark corners, they say, OK, we are going to take that assignment back. And because we have the members who are most objecting to any campaign reform on the Rules Committee, they are now going to look into some of these other areas.

I am sure the chairman of that committee, Senator WARNER, my good friend across the aisle, will do everything he can, but knowing what the membership of the committee is and knowing the views of the membership on the Rules Committee with regard to campaign finance reform, he is going to have a herculean job to try and get out meaningful legislation, legislation that is going to do anything meaningful for campaign finance reform. I do not ever go around saying I feel sorry for other Senators, but as far as getting anything out of that committee that is going to have a title of campaign finance reform on it, it is going to be a very difficult job for him. He is being a good soldier in taking this thing on.

Senator THOMPSON has said, well, OK, I guess something is better than nothing, and so he has not been involved with the debate over on the floor, so far at least, but I just think this is wrong. I think what they are trying to do with this substitute amendment to my amendment this morning is wrong. It spells out that the Rules Committee will be even more direct in denying us what we thought our investigative scope was on the Governmental Affairs Committee, a task, I repeat for the third time, we did not ask to have. It was assigned to the committee.

I want to make one other statement, too, and then I will turn this over to other people who are waiting to make their statements.

Mr. President, yesterday the big thrust by the Republican Party by any observation was we have problems with China and we have problems with campaign financing coming in from China and whether it occurred, whether it was against the law, who did it, were there any favors given, and so on. And that was being used yesterday almost as if, although it wasn't so stated, they are for investigating that and we somehow are not just as much in full agreement of investigating that because it somehow involves the Democratic administration.

Nothing could be further from the truth. I am committed to looking into anything that happened in that area. The President has said he wants to look into that area. And I do not doubt

his sincerity in that. It is a blot on the whole body politic. Republican, Democrat, Senate, House, everybody else knows that has to be looked into.

So all the charts that were out on the floor yesterday showing Huang and Trie and all this and the subcategories and the fine print down here that implied there has to be some new look into that area as though we were opposing that on our side, they were for it and we were against it, that is wrong. I will borrow their charts and I will use them on the floor myself on the Democratic side if that is needed, and I am sure the President would like to have them down at the White House to show what has been dug out so far that is wrong, and he wants to correct it. So that is not one there is any difference on. Let us just make certain of that.

So for all those reasons I rise to oppose the proposal by the majority leader, the substitute amendment to the amendment that I had proposed. I will have other questions about some of the items in S. 39 as we go along.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Virginia.

Mr. WARNER. I first wish to thank my distinguished colleague for his references to the Senator from Virginia. And I wish to give him and all Members of the Senate my personal assurance that in my capacity as chairman, I will exercise due diligence, the fairest, most aggressive action by our committee in the areas delineated by the amendment that was sent to the desk here momentarily by the distinguished majority leader and joined in by myself.

We have clearly through the years—the Rules Committee—had jurisdiction in this area, and we will pursue it. I hasten to point out that the three members of the Rules Committee are members of the distinguished ranking member's committee, the Governmental Affairs Committee. Indeed, the past chairman, Senator STEVENS, has joined in supporting the amendment in the Rules Committee by the Senator from Virginia, which is now the underlying amendment here in the ardent debate this morning. To suggest that just one or two or three, or whatever it is, members of the Rules Committee can stop either the committee or the Senate from, at this juncture, a full and thorough investigation of all aspects of soft money, all aspects of other alleged areas of campaign finance or campaign reform that need to be addressed by the Senate I think is not a wise step to take at this point in time.

Mr. President, echoing, again, the very important message that the majority leader stated earlier today, we have to get on. This committee is ready to go to work. Reports are coming in that possible sources of evidence might be disappearing. I will leave that to others to discuss. But I do know that we are tied up here on process, and

I hope we can move at the earliest possible time to vote on the amendment of the Senator from Ohio, and the underlying amendment, and of course the amendment by the distinguished majority leader. That will be decided upon by the leadership.

But I urge all Senators to come to the floor now. Now is the opportunity to give your thoughts on this important matter. Let us get on with it so the committees as allocated under the resolutions here can get on with their business.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I have the honor of serving on both the Rules Committee, under the able leadership of the Senator from Virginia, and the honor and distinction of serving on Governmental Affairs Committee, under the leadership of Senator THOMPSON.

I witnessed, a month ago, a rare moment of bipartisanship. Democrats and Republicans came together in the Governmental Affairs Committee. We were apart from the glare of the television lights or the pressure of partisan leadership, and we reached what I think was a sound and a good judgment. Senator THOMPSON offered honest leadership, and he came to us with a proposed scope of investigation. Senator GLENN responded by not only accepting his scope of an investigation, but he expanded it. For several weeks, while we differed on the timing and the expense, we operated in a general belief that we had defined the parameters of a review of the 1996 Federal elections in the United States. That scope offered us a chance to not only look at specific misdeeds, but to inform this institution and to educate the American people generally about the need for general campaign finance reform and how individual parts of the system were now broken.

Our concern was that we learn, not only about the 1996 Presidential campaign, but that campaign be put in perspective in how previous Presidential campaigns operated so we could learn if there was a change, and if there was a change why it happened—both to find those who may have committed wrongful acts, but also how to improve the future process.

We also reflected, I think, the reality that Presidential campaigns do not take place in a vacuum. Indeed, there is no distinguishing line between where a Presidential campaign's financing operations stop and the congressional campaigns begin. The money, the advertising, the activities, are coordinated and intertwined. So our scope included both the Presidential campaigns and congressional campaign committees and those of individual Members. Our scope also reflected two other specific areas that probably represent the greatest change in electoral politics in the United States in 1996, the use of nonprofit organizations, often as surro-

gates for partisan political activity, and the use of independent expenditures, where soft money is used to influence Federal campaigns.

This scope was broad, it was comprehensive, it is what this institution and the country requires. And only a month after reaching this agreement, before the first hearing is held, the first witness notified, the first lesson learned, it is being put to a premature death. There is enough cynicism in America about our electoral system. The system has already convinced enough Americans that it does not operate and it does not reflect their needs or provide room for their concerns. We risk, today, adding one more pile of dirt on this mountain of doubt. The resolution that now comes before the Senate is an extraordinary departure from the bipartisan scope that Senator GLENN and Senator THOMPSON reached previously. It has become, in my judgment, a proxy fight in the larger battle for campaign finance reform, a cynical effort that the Nation, and the Senate as an institution, can be focused on a few narrow problems so the underlying deterioration of the Nation's system of campaign finance laws will not be noticed or exposed, the pressure building in the Nation to change the laws generally will be avoided.

So, in place of this bipartisan scope for what hopefully could have been meaningful hearings, the Senate, instead, is given a new scope of activities for the Governmental Affairs Committee. It differs in several important ways, but none more significant than that it identifies the scope of these hearings not as the Presidential campaign of the last two cycles generally, the operations of congressional campaign finance or nonprofits or independent expenditures—the new standard is illegal activities.

If illegal activities are to operate as the scope of the Governmental Affairs hearings, we are then establishing a committee with sufficient money, enough time, but no purpose. Illegal activities in our system would have to be defined by the standards as a people we have come to recognize would constitute an illegal act. Illegal acts in our country are defined by a system of justice. They require a burden of proof and a requisite state of mind. Indeed, in our system of justice, we have the highest levels of establishing illegal activity, perhaps, of any nation on Earth.

During the hearings in the Rules Committee last week, I asked Senator THOMPSON whether illegal activities in his mind were synonymous with a criminal act. Indeed, we were assured that this was the purpose and illegal activity was, by definition, it appeared, a criminal act. The Senate needs to consider this definition before it accepts this scope, because a violation of the campaign finance laws by the President of the United States, or Senator Dole, or any Member of the House or Senate is not a criminal act unless there was a willful intent. Indeed, vir-

tually none of the allegations raised in the popular press regarding the financing of congressional and Presidential campaigns would appear willful or potentially to meet the standard required to even be the subject of these hearings.

In the other body there were serious questions raised about the operation of tax-exempt foundations; whether or not the tax laws had been violated in order to engage in influencing political activity.

The operations of a tax-exempt foundation are not a criminal act unless there was a willful intent, which appears to be missing in the allegations made to date with regard to tax-exempt organizations.

Finally, there is the question of the operation of independent expenditures generally. The most significant change in the political culture in the United States in 1996 has been the operation of independent expenditures by philosophical or issue-oriented or partisan organizations to use soft money to enter the system. And yet, both that soft money and the operation of these independent expenditures would not rightfully be within the jurisdiction of this committee if we maintain the standard of illegal or criminal act.

The Senate, therefore, Mr. President, is left with a broad question of policy as we approach these hearings. If it is our intention to find specific criminal activity in the 1996 Federal campaign system, then I believe Members can rest assured that the Federal Bureau of Investigation and the Justice Department will find those acts and people will be brought to justice.

But Democrats and Republicans in the Governmental Affairs Committee began these discussions and the planning of this investigation with a different purpose. It was our goal to assure the American people that we would find not only those acts that were illegal but those that were improper. We would disclose to the American people those activities which do not belong in our system of electoral politics, expose them to the light of day in the hope that the net result would be a change of the law and a rising standard for operating political campaigns in the United States, while reassuring the American public of the integrity of the system.

That, Mr. President, is the question before the Senate: a narrow hearing, cynically designed to focus attention on one campaign of the President of the United States, or an honest conversation about the state of electoral politics in the United States today and what we can do to change it and be part of a rising standard. The vote on this resolution, on the amendments that follow, is a vote on that question.

Mr. President, there is, finally, the additional issue of the date for concluding the committee's work that needs to be part of this discussion and fully explained. While Democrats and Republicans in the Governmental Affairs Committee had generally agreed

to a scope, there was always disagreement about a concluding date. I believe that Senator THOMPSON came to the Senate with the best of intentions and good purpose in his belief that there should be no concluding date for the fear that witnesses would withhold information if they knew they could wait until the committee concluded its work. But there is another competing purpose, I believe, that requires the Senate to establish a concluding date, which I now believe both Democrats and Republicans accept.

These hearings are about educating the American people and ourselves about our system of campaign finance. These hearings are about finding specific misdeeds or illegalities, but they are also about something much more practical and immediate.

Within a year, the United States will begin a system of a general Federal election. With all that we now know about the breakdown of the campaign finance laws in the United States in 1996, it is inexcusable and inexplicable if the U.S. Senate were to allow this country to proceed to another general election in 1998 without a change in how this Nation governs its laws, governs these campaigns and finances this electoral system. It is imperative that the Senate retain a concluding date for these hearings so that the U.S. Congress and the American people have the benefit of everything that is learned to proceed to reform.

It is also, I believe, Mr. President, necessary to note that while specific changes in the law may follow the conclusions of these hearings, it is generally not necessary to wait for these hearings to conclude or, indeed, even to begin to proceed generally with campaign finance reform.

The hearings by the Governmental Affairs Committee may teach us a great deal about specific misdeeds or problems in the system, but every Member of this Senate already knows enough about the breakdown of the campaign finance laws in this country to proceed immediately for a review and a change in comprehensive campaign finance reform.

And so, Mr. President, I conclude with the hope that partisanship for a moment could be set aside for a review of the 1996 elections and our campaign finance system; that this country, through the voices of this Senate, could have an honest conversation about the health of our democracy and the operations of our democratic elections. That will require a standard far different than illegal activities. It will have to be far more general in focus than the Presidential campaign of 1996. It will require a conclusion at a date certain so that we can proceed to changes in the law, and it will require that, through the exercise of honest leadership, we begin the process of campaign finance reform, even as we learn new and troubling problems about the operation of the system.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

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

Mr. LEVIN. Mr. President, I wonder, while my good friend from Virginia is on the floor, if he would comment on a statement which he made yesterday and which the Senator from New Jersey made reference to indirectly, and that is the question as to whether or not the word "illegal" is broader than the word "criminal."

Yesterday, the good chairman of the Rules Committee said the following, and I am wondering if the Senator from New Jersey might also listen to this, because it gets to the very critical point which was raised by his comments. The chairman of the Rules Committee said yesterday that the Rules Committee gave "the Governmental Affairs Committee a scope of the investigation and illegal," he said, "illegal is a very broad scope." He added, "It goes beyond. And I will at a later time today put in the RECORD the definitions of illegal."

But this is now the key sentence from my good friend from Virginia: "But it goes beyond just criminal assertions of allegations of criminal violations. It goes beyond that."

That is at the bottom of page 2057.

The chairman of the Rules Committee is assuring the Senate that the definition of "illegal" goes beyond "criminal," and that is in keeping with, I think, a common understanding of the word "illegal."

I don't know whether the chairman put the definitions of "illegal" into the RECORD. We were unable to find them.

So my first question of the chairman of the Rules Committee would be whether or not those definitions have now been put into the RECORD.

Mr. WARNER. Mr. President, we did discuss this in our hearing. We discussed it yesterday and essentially this is a matter that is going to be placed directly before the chairman, the distinguished ranking member, my good friend from Ohio, Mr. GLENN, and the members of the committee.

I hope, in the context of their deliberations on what they define as "illegal," they will refer to traditional sources. I have here the dictionary definition of "illegal," which I will read. We, of course, recognize it as being an adjective. It means, "not legal, contrary to existing statutes, regulations, et cetera, unauthorized."

Then I went to Black's Law Dictionary, which all of us had in law school—at least I did. That is the first book I bought. As a matter of fact, I still have it. I really have coveted that little personal item. So I went back and read in that, and I cite that. "Illegal," "against or not authorized by law." "Illegal contract." "A contract is illegal where its formation of performance is expressly forbidden by civil or criminal statute or where penalty is imposed for doing an act agreed upon."

So I say to my colleagues, there seems to be not what I would call a

great wealth of debate. It is interesting we went back to examine court opinions. I would have thought in the history of our country someone would have argued that, but I am not sure that anything we found in the course of our research shed a great deal of light. Perhaps my distinguished colleague from Michigan, who is a student in many areas, could refer to some source that he has broader than what the Senator from Virginia has provided this morning.

Mr. LEVIN. No. I am happy with that assurance from the Senator.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. In just a minute.

I am very glad to hear that assurance from the Senator, that the intention of this resolution which he offered, that "illegal" includes violations of law, including civil law or other law, and goes beyond violations of criminal law. That gets us a little bit further towards what this committee ought to be doing. But nonetheless, it is an important clarification for the committee.

I would be happy to yield.

Mr. WARNER. Mr. President, if I might just reply to my good friend.

There is documentation. I examined both of those precedents at the time that I drafted the resolution.

Mr. President, the Senate is now working its will on the resolution that was proposed by the Rules Committee. This body eventually will vote and decide the issue. But I suggest, with all due respect to my colleague from Michigan and the distinguished chairman of the Committee on Governmental Affairs, the ranking member, and others, that we are making sort of legislative history as to what we think is the meaning of the term "illegal" and what we think this committee should do.

I hope that that legislative history that we are making for ourselves as a body will be the guidepost for that committee and that they will not continually be searching as to how to get around or evade what is the will of the Senate. That will be expressed eventually through a series of votes and the passage of some document in the form of a resolution. It is my hope that the resolution of the Rules Committee remains intact, but that is yet to be seen. So that will be the guidepost, the beacon.

I am confident that the chairman and the ranking member and the other members of that committee will in turn be guided by this very important debate on the scope of the jurisdiction.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. I will be happy to yield for a question.

Mr. TORRICELLI. I want to thank the Senator from Michigan for raising this issue because it appears to me we have come to the heart of the matter.

The Senate has given conflicting interpretations that make all the difference in the scope of these hearings

potentially. Senator WARNER's views, as the author of the legislation, should be controlling. But it is important to note that they are in direct contradiction with testimony given to the Rules Committee by Senator THOMPSON.

Senator THOMPSON's interpretation of "illegal" is that they had to constitute a criminal act. I am very reassured by Chairman WARNER's interpretation that "illegal act" would include a violation of a civil code. I assume, therefore, that the Senate could conclude that a violation of the campaign finance laws, even if it did not include a criminal penalty, is included in Senator WARNER's definition.

I am also seeking his reassurance, through the Senator from Michigan, that a violation of the Tax Code, though perhaps not sufficiently willful to involve a criminal penalty, would be an illegal act and, therefore, part of the investigation.

Indeed, I am hoping that we can be reassured that any violation of the regulations of the U.S. Government or any of its departments or agencies, any violation of the civil or criminal law, of which there is specific information that is sufficiently credible to warrant the attention of the committee, would be the subject of these investigations—meaning, that it does not require that a member of the committee have definitive proof to establish a criminal level of culpability and it does not have to relate specifically to a criminal penalty for violation.

I was hoping to receive his assurance, as a member of both the Rules Committee and the Governmental Affairs Committee, that if I come before this committee with a specific act, based on a broad but credible allegation, for violation of code or regulation, that will be sufficient for the scope of this investigation.

Through the Senator from Michigan, that is the assurance that I am seeking.

Mr. WARNER. Mr. President, at the present time I have stated my views as to the word "illegal" and its interpretation and its breadth. I predicated that interpretation carefully upon a dictionary definition as well as one citation from Black's Law Dictionary, which is somewhat broader.

But I want to make certain that my distinguished colleague from New Jersey pauses for a moment to go back and look at the RECORD as to exactly what Chairman THOMPSON said. And, if it is agreeable—I do not want to interrupt the distinguished Senator from Michigan.

Mr. LEVIN. I will be happy to yield.

Mr. WARNER. I read from page 74 of the transcript of the hearing of the Rules Committee on March 6.

The distinguished Senator from New Jersey was speaking.

Senator TORRICELLI. Mr. Chairman, if I could just for a moment—I do not want to delay the committee, but when the hearing began, I expressed concern, Senator Thompson, that the standard was being set extraor-

dinarily high in order to address any campaign abuses because of the "illegal" language that is used.

Do I understand that when I was absent from the room for a moment, in answer to Senator Ford's question, you have equated "illegal" with "criminal" and that in your mind they are relatively indistinguishable as the standard you are going to use in deciding which campaign activities are within our jurisdiction?

I will digress to go back to the colloquy with Senator FORD. I now read from page 65.

Senator FORD. Understand that. And we are used to that. But am I correct that violations of Federal campaign laws are not criminal?

Senator THOMPSON. Senator, I would rather not try to give you a legal opinion off the top of my head.

Then the colloquy went on, in which Senator THOMPSON further said:

Well, my idea, campaign finance reform does not have much to do with the statutory regulatory framework that you are referring to.

So at that point it seems to me that Senator THOMPSON was not definitive on this issue.

Now I return to page 74 where the distinguished Senator from New Jersey had posed the question, and I shall read Senator THOMPSON's reply:

Senator THOMPSON: Senator, I cannot say that in all respects, in every situation, that they are exactly the same, and I would rather not try to give you a precise legal opinion that will stay with me for the rest of the year. I think you are entitled to look into that if you want to do that, certainly. The illegal standard has been used time and time again with regard to other investigations. You allude to the high standard. It just goes to show whose ox is being gored, I suppose, in these matters, because I have been spending a lot of time answering some of my colleagues' questions about how can you subpoena somebody just on public information. You are tying up their lives. They are having to hire attorneys and all of that, and now others have a concern that we are not, it is not easy enough to get to them. In other words, the standard is too high. So those are all the things that we are going to have to balance out, but I am not sure that my top of the head legal opinion on the intricacies on the difference between illegal and criminal are as good as what you might be able to get from somebody who has got the books in front of him and can look it up.

I believe that is somewhat different from what my distinguished colleague said in his earlier comments as to the position taken by Chairman THOMPSON.

Mr. TORRICELLI. If the Senator from Michigan would yield.

Mr. LEVIN. I yield.

Mr. TORRICELLI. The discussion comes down to the phrase of Senator THOMPSON, saying that criminal and illegal may not in every situation be exactly the same.

For purposes of these hearings, if we were to do justice to what we want to achieve, it needs to be established that they specifically are not the same. It is not sufficient for the Senate to know that there may be some circumstances where illegal does not mean criminal. The point is illegal is not criminal. We seek civil jurisdiction, we seek viola-

tions of regulations, and we seek here on the floor to disassociate the two words.

I believe, for the record, the Senator from Virginia has done a great deal in allaying my fears, and I think we have separated permanently, irrevocably the two words. For purposes of this investigation they are unrelated, they are unconnected and never the two shall meet again.

I think, therefore, this discussion has been helpful.

UNANIMOUS CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask the indulgence of my colleagues to pose on behalf of the majority leader a unanimous consent.

On behalf of Leader LOTT I ask unanimous consent that the time between now and 12:30 be equally divided for debate between Senator WARNER and Senator GLENN, and further when the Senate reconvenes today at 2:15 there be an additional 15 minutes of debate equally divided between the two leaders or their designees, and immediately following that debate the Senate proceed to a vote on or in relation to the Lott Amendment No. 22, and no amendments be in order prior to the vote in relation to amendment 22.

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

Mr. WARNER. I thank the Chair.

Mr. LEVIN. Mr. President, are we under control time?

The PRESIDING OFFICER. Between now and 12:30 the time will be equally divided.

Mr. WARNER. We are under control starting now.

Mr. LEVIN. Can I ask the Senator from Ohio to yield 5 minutes.

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the question that I put to the Senator from Virginia is very important in terms of the future of this investigation, and his answer reasserting today what he said yesterday, which is that the jurisdiction of the Governmental Affairs Committee will go beyond criminal assertions and goes to civil violations of law as well as criminal violations of law, will help clarify a very important question for the committee down the road. I thank him for that.

It leaves open a huge question as to whether we ought to be able to look into improper practices, corrupt practices that are not technically violations of law, but nonetheless it is helpful, and I want to thank my friend from Virginia for that. I want to get to this question next.

Mr. WARNER. If the Senator will yield on my time, I was very careful to say I was speaking for myself, and I used precise language from the dictionary and one legal reference. That decision as to the experience of illegal, again, is to be left to the combined judgment, hopefully, of all members of the Governmental Affairs Committee, and using as a precedent that document that will be finally agreed upon by the U.S. Senate today or tomorrow.

Now, that is the response that I gave very carefully.

Mr. LEVIN. I thank the Senator for that response, and I also point out that response comes from the chairman of the Rules Committee, who is a sponsor of the pending resolution. This Senate, I think, has a right to traditionally place great stock in the sponsors' interpretation of his own resolution. That is precisely what I believe the Senate will be doing when we vote, because even though we differ as to whether or not the scope should get to practices which should be made illegal, practices which are offensive, or practices which violate what the public wants us to be doing, nonetheless the fact that the chairman of the Rules Committee is asserting to the Senate that the word illegal in his judgment and his intention as the drafter of this resolution goes to both—goes to any violation of law, not just a criminal violation, is a very important statement for the Senate and for the future of this investigation.

Following that statement, I ask my good friend from Virginia the following: That under his interpretation, therefore, would the Governmental Affairs Committee be able to investigate violations of the Federal Elections Campaign Act?

Mr. WARNER. Mr. President, at this time I reserve the timing of my response to that question. I have very carefully laid down what I believe is the definition of illegal but I am not prepared at this time to give you a response to that question.

Mr. LEVIN. Would that be true with other specific questions?

So that what we will have when we vote will be the assurance of the chairman of the Rules Committee as to what his interpretation of the word illegal is in a general way but not a specific application.

Mr. WARNER. Mr. President, that is correct.

I hasten to point out while I am privileged to be the chairman, I am not so sure the total weight of this debate would shift to what this Senator has to say.

I come back again, the Senate will work its will. This resolution that I offered which is the underlying matter before the Senate could well be amended. I hope not, but it could be. So I want to await the final decision of the Senate before I make any further comment as to what my response will be to the question.

Mr. LEVIN. I thank my friend.

I have a parliamentary inquiry. Under the pending amendment to the amendment, the language in subsection (c) says that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—"

And then No. 2 is "corrupt practices."

Now, my parliamentary inquiry is this: Under Senate Resolution 54, does

the Governmental Affairs Committee have jurisdiction as of this moment to study and investigate corruption or unethical practices and improper practices between Government personnel and corporations, individuals, companies, et cetera?

As of this moment, my parliamentary inquiry is, under Senate Resolution 54, does the Governmental Affairs Committee have jurisdiction to investigate corruption, unethical practices, and any and all improper practices, as I previously read?

The PRESIDING OFFICER. The jurisdiction of a committee is set out by rule XXV. Neither this resolution or rule XXV can explicitly change or alter without an explicit change in language.

Mr. LEVIN. Does the Governmental Affairs Committee, as of this moment, have jurisdiction, as set forth in Senate Resolution 54, to investigate corruption, unethical practices, and any and all improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, et cetera? That is my parliamentary inquiry.

The PRESIDING OFFICER. Committees, historically, have investigated areas within their jurisdiction under rule XXV. The jurisdiction of a committee is normally based on what is referred to that committee and its jurisdiction.

Mr. LEVIN. My parliamentary inquiry is, Does Senate Resolution 54 refer that subject to this Governmental Affairs Committee? That is my parliamentary inquiry.

The PRESIDING OFFICER. Matters are not referred by resolution. Matters are referred by the Presiding Officer of the Senate.

Mr. LEVIN. Mr. President, what we have here is, I believe, the first time that the U.S. Senate is going to remove from a committee of jurisdiction its right to investigate something that has been within its jurisdiction traditionally, as has corruption and improper practices. They have been looked into by the Governmental Affairs Committee over the decades. They are specifically referred, in Senate Resolution 54, to the Governmental Affairs Committee.

I don't think there is any doubt in anybody's mind—and I will ask the question again—that the Governmental Affairs Committee has jurisdiction to investigate improper practices. Now, that doesn't mean the Rules Committee doesn't have jurisdiction to legislate. It does. But it means that the committee of jurisdiction—this is one of the great investigatory committees of this body, traditionally, which has looked into illegal practices, and legal practices which should be made illegal—is being taken off the case, is being told that what is within its jurisdiction cannot be investigated, even though the unanimous vote of the Governmental Affairs Committee was to investigate improper practices.

There is no doubt, I don't think, in anybody's mind that we have that jurisdiction, which is the reason why this amendment is before us, which is to remove the jurisdiction of the committee into improper and corrupt practices with respect to the 1996 Federal elections. That is what we will be voting on today—whether or not the U.S. Senate wants to take that power away from a committee that has jurisdiction to look into and investigate improper and corrupt practices. It is unprecedented.

Now, does the Rules Committee have legislative jurisdiction? Yes. But the Governmental Affairs Committee has investigative jurisdiction. I don't think anybody doubts that we have investigative jurisdiction, should we seek to exercise it and look into improper and corrupt practices. I haven't heard anybody allege that. As a matter of fact, the reason the amendment is pending before us is to remove that jurisdiction from us when it comes to campaign finance reform. I wonder if the Senator from Ohio would yield 3 additional minutes to me.

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

Mr. LEVIN. This is an unprecedented removal of jurisdiction from a Senate committee that is seeking to exercise what is within its jurisdiction by Senate rule, by Senate resolution—Senate Resolution 54—which specifically refers to improper and corrupt practices, and by precedent.

Now, why are we doing this? Why is the majority about to tell a committee that has jurisdiction to investigate that it may not do so? The answer is, the fear that there will be momentum given to campaign finance reform. That is the issue. It is that fear that so terrorizes, apparently, some in the majority of this body that if there is an investigation carried out by the Governmental Affairs Committee, which it now has jurisdiction to carry out, it will somehow or other give momentum to something which, apparently, a majority of the majority does not want.

But this is unprecedented, and we are skating now out on a pond which this Senate, I don't believe, has done before. I have heard my good friend from Virginia say, "Well, there is no legislative authority in Governmental Affairs in the area of campaign finance reform." That's true. But we have investigative authority. There is no authority in the Governmental Affairs Committee to get involved in recommending changes in the criminal law. We don't have jurisdiction to legislate in the area of the criminal law, generally. That is in the area of the Judiciary Committee. Yet, we are left with the jurisdiction here to investigate illegal activities, even though we don't have legislative jurisdiction, for the most part, in the area of criminal law.

Where is the logic here? We are told you can't legislate in the area of campaign finance reform. Therefore, we are not going to let you investigate, even

though you otherwise would have jurisdiction to do so.

(Mr. INHOFE assumed the chair.)

Mr. WARNER. Mr. President, if the Senator will entertain a comment, which I hope is constructive and helpful to my good friend and colleague, you are talking about the actual Rules Committee as if we just took everything away from them. Let's go back and take a moment to see exactly what happened, because I know, having worked these 18 years with my good friend—this is on my time—that he deals in precision. We have served together side by side these many years on the Armed Services Committee.

Now, let me walk my colleague through exactly what happened. First, we have the Standing Rules of the Senate, which defines the basic parameters of the authority of the Governmental Affairs Committee. Each year, Mr. President—and it is rather interesting—the chairman of Governmental Affairs comes to the Rules Committee with a twofold request: first, for a sum of money to operate the committee for the coming fiscal year, and then a request to enlarge the jurisdiction as set forth in the Standing Rules of the Senate. That was done this year. I hasten to point out to my good friend—

Mr. FORD. Mr. President, can I get into this for a minute? I don't think we accepted the enlargement of it. It was more to carry it out than to enlarge it.

Mr. WARNER. Mr. President, I disagree with my distinguished colleague and ranking member. I would like to engage him in the colloquy at the proper time. I want to refer to Senate Resolution 54, which was passed by this body upon the recommendation of the chairman and ranking member of the Rules Committee. All I have to say to my good friend from Kentucky—and we welcome him back this morning—

Mr. FORD. You went back to the rules.

Mr. WARNER. The Rules Committee issued Senate Resolution 54, which was voted on by the Senate.

Any reading of Senate Resolution 54 shows a considerable broadening and enlargement beyond the scope of the authority vested in that committee under the Standing Rules of the Senate. That is my point. And it is, I say to my friend from Kentucky and my friend from Michigan, an enlargement. Let me read the language as recommended by the chairman and presumably the ranking member and the Rules Committee accepted it.

Mr. LEVIN. I wonder if the Senator would tell us what he is reading from.

Mr. WARNER. Yes. I am reading from Senate Resolution 54 which is that document voted on in the Senate to give \$4.53 million to the committee to conduct its affairs, and this is the language of the charter.

Mr. LEVIN. On page 16?

Mr. WARNER. Page 18 of Senate Resolution 54. I will pause for a moment until my colleague has it. Section (d)(1).

The committee or any duly authorized subcommittee thereof is authorized to study or investigate—

(A) The efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

That is your language. It is broad. It includes the word "corruption," which is not in the standing rules for the Governmental Affairs Committee, which is, Mr. President, of course, in the standing rules for the Rules Committee.

So the Senator made the statement that we had taken it all away.

Mr. LEVIN. Senate Resolution 54 now is governing.

Mr. WARNER. Senate Resolution 54 governs the expenditure of \$4.53 million.

Mr. LEVIN. The Senator agrees with me.

Mr. WARNER. Beg pardon?

Mr. LEVIN. Senate Resolution 54 is what is currently in effect.

Mr. WARNER. That is correct.

Mr. LEVIN. What is in effect gives the Governmental Affairs Committee the power to look at corrupt practices, just as I read—I read from the exact same Senate Resolution that the good Senator from Virginia read that we have jurisdiction in Governmental Affairs to look at corruption, unethical practices, and improper practices. That is what is in effect now and that is what would be changed by the pending resolution before us.

Mr. WARNER. Mr. President, what the Senator said, as I understood him to say, we took away all your jurisdiction. That is not correct. As to the \$4.53 million, it is there. As to the second allocation of funds in the nature of a supplemental, it is quite true the Rules Committee laid down in the resolution a more precise definition as to what you do with the second allocation of funding and that is restricted to illegal activities in the 1996 campaigns, Presidential and congressional. But the Senator made the statement that it took it all away. I am pointing out the distinction. No, no, it relates to the second allocation of funding.

Mr. LEVIN. Is the Senator from Virginia saying today that relative to the allocation of funds in Senate Resolution 54, the committee is then free to look at improper practices in the area of campaign financing? Is that what the Senator is saying today? Because I thought I heard something different.

Mr. WARNER. What I am saying is the language sets forth the definition, and it is up to the chairman and ranking member and the Governmental Affairs members to decide for themselves.

Mr. LEVIN. My question—

Mr. WARNER. What I am saying for great clarity, for the second allocation, supplemental funding, the Rules Committee exercised what I regard as its authority to restrict the use of those funds to the clause "illegal" for 1996.

Mr. LEVIN. Is my friend, however, saying as to the original allocation of funds that the committee may exercise jurisdiction to look into improper practices or practices which should be made illegal? Is that what my friend from Virginia is saying?

Mr. WARNER. Mr. President, my response to that question is that the use of the first allocation of funds pursuant to this resolution is limited to this, and it is up to the Members to interpret it. And, second, it would be my hope that the members would interpret this language in accordance with whatever resolution is finally passed by the Senate today because I view that as an expression by the Senate as to what the scope should be of activities of the Governmental Affairs Committee with regard to both the underlying \$4.53 million and the additional funds.

Mr. LEVIN. I want to be real clear at this point. What the Senator, the chairman of the Rules Committee, is telling us is that technically we can spend the first pot of money as we determine to do so within our jurisdiction and within Senate Resolution 54, but as to the supplemental funds, that would be governed by the pending amendment, if it passes. Is that correct?

Mr. WARNER. Not necessarily the pending amendment. The ultimate resolution passed by the Senate.

Mr. LEVIN. Ultimate resolution.

Mr. WARNER. I simply say, going back to the underlying rules of the Senate, it was enlarged in Senate Resolution 54. You can decide for yourself, but I hope you will decide within the framework of this debate and the ultimate resolution, which resolution applies to the second allocation of funds.

Mr. LEVIN. Mr. President, then if I could conclude, let me reiterate what I said as I think it is still accurate. If we adopt this resolution today, we will be removing from the Governmental Affairs Committee a jurisdiction which it now has to investigate corrupt practices, improper practices, practices which should be made illegal, practices which we could investigate within the Senate Resolution 54 jurisdiction of our committee—the current jurisdiction of our committee would allow us to look at improper practices, but what the pending resolution tells us, if it is adopted and becomes the final expression of this body's will, what the pending resolution tells us is Governmental Affairs, with this special fund which we are providing you to look into the 1996

election, you may not do what you otherwise can. You may not look into improper practices with this fund, although you could normally look into improper practices with the funds that we provide to you.

Now, why the difference? Why are we told when it comes to look at the 1996 election that we cannot exercise the same jurisdiction, look into the same type of practices, corrupt, improper practices that have an odor, why are we being told we cannot do that with the funds that are given to us specially to look into the 1996 election?

The answer is very obvious. The answer is that there is a fear on the part of a majority of the majority that such an investigation will get into the area of soft money, which is legal—part of it we believe is illegal, but most of it is probably legal. And so we are being told that with this sum of money being given specially to look at the 1996 election, we cannot look at what is legal in the area of soft money, even though it has an odor to it, even though its purpose is to evade the current law, even though it allows corporations to give millions of dollars to campaigns when the clear purpose of current law is that corporations not give money to candidates in elections.

That is the purpose of the pending amendment from the Rules Committee. We should have no doubt about what its purpose is. It is to restrict the investigation so that the Governmental Affairs Committee cannot do with this money that is given to us to look into the 1996 elections, cannot do what we have traditionally done with all other funds given to the Governmental Affairs Committee, which is to look into improper practices or unethical practices or practices which should be made illegal.

We are told that with this funding that we are being given to look into the 1996 election, that we cannot do what we could do with the funds that were given to us under Senate Resolution 54, and which have traditionally been part of the jurisdiction of the Governmental Affairs Committee.

I am going to close by reading this resolution language again because it is so important. Senate Resolution 54 is what gives the Governmental Affairs Committee its mandate. It is now the law. It is what is in place. It is what we are operating under in Governmental Affairs. And Senate Resolution 54 says, on page 16 and 17 that:

The committee, or any duly authorized subcommittee thereof, is authorized to * * * investigate—* * * corruption * * * unethical practices * * * and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government* * *.

That authority given to us in Senate Resolution 54 to look into corruption and unethical practices and improper practices, we will not be allowed to exercise when it comes to the use of this special fund that is given to us for the purpose of looking into the 1996 elections.

The argument technically is: But you don't have legislative authority in campaign finance reform. That is true. We don't have legislative authority to amend the criminal laws either, but we are allowed to look into illegal practices. There is utterly no logic in this.

The argument which was used to restrict this funding to illegal practices was: Governmental Affairs doesn't have legislative authority—which is true—to legislate in the area of campaign finance reform. But we do not have legislative authority to legislate relative to illegal practices either, but we are allowed, in fact we are restricted, in terms of our investigation, to the area of illegal practices. So the logic for this restriction is not there. What is there, and I think a number of Members of the majority have been very open about this, is that they do not want us to give any momentum to the reform movement in the area of campaign finance. And the fear is there, that if the Governmental Affairs Committee investigates within the area of its traditional jurisdiction, improper practices, unethical practices, and corruption as we have in Senate Resolution 54—if we do that, the fear is that we will somehow or other give a boost to campaign finance reform. And to that I say: Amen, it is long overdue.

And what is unprecedented, unprecedented, is the restriction of a fund to prevent a committee from looking into an area which it has traditionally looked into. That is what is unprecedented. It is something which the public, I believe, will totally disagree with. I believe this institution will regret doing it, because it sets a precedent for this institution which is not a wise precedent. And I do not think it will withstand the scrutiny, either of the public or of the media.

What we are left with will be this. If this resolution passes in the form that it is now in from the Rules Committee, or something like it, we will then be limited to illegal, which I am happy to hear, at least in the opinion of the chairman of the Rules Committee, includes both civil as well as criminal illegality. And I presume we will do the best that we can with that. But we all ought to realize that what is off the table, as far as this investigation is concerned, by Governmental Affairs Committee—what has been removed, taken away from us, restricted, is the bright light of day into what is currently legal but which should be, at least arguably, made illegal.

I thank the Chair and I also thank my friend from Virginia. As always, he has shown great courtesy in terms of attempting to respond to inquiries on the floor, and to helping this institution work its way through some very difficult issues.

I yield the floor.

Mr. WARNER. Mr. President, I thank my colleague. But just before he departs, I hope he would recognize that, while he uses the phrase "taken it off the table," it is the jurisdiction of the

Rules Committee. And I hope that you, as a colleague, will give us the benefit of the doubt, that the Rules Committee will diligently—certainly speaking for myself, and I think for many members of that committee, if not all—will diligently pursue the issues that are of great importance. I share your concern over the importance of both independent expenditures and soft money. The phrase "soft money" must be terribly complex to the American public. What is soft money? I guess we are going to get a tight definition of that at some point. But we will pursue it with diligence. And I hope you acknowledge that fact.

Mr. LEVIN. If the Senator will yield?

Mr. WARNER. Yes.

Mr. LEVIN. I thank him for that. Soft money is most of the money that is out there. It is the unregulated money. It is the millions.

As it turns out, under the current definition, if I could just ask my good friend to yield for 1 more minute, under the current definition by the Attorney General and Boyden Gray—who was the counsel for President Bush, they both agree on this—I cannot use my phone, even a cell phone, at my own expense in my office, to solicit a contribution to my campaign for \$100. I cannot do that, even using my own cell phone in my office. But I can use my Government phone to solicit \$1 million for the Democratic National Committee, right from my office. That is the current state of the law. That is the soft money "exception," which is really the rule, because it is most of the money which is now received.

But to answer my friend's question, I was very careful saying what is off the table, as far as the Governmental Affairs Committee investigation is concerned, if this resolution is adopted in its current form, will be the investigation into what is currently legal in the area of soft money, independent expenditures. I did not comment on what the Rules Committee might or might not do, and that is going to be in the good judgment of the Rules Committee and its chairman and ranking member.

Mr. WARNER. Mr. President, I hope the Senator will give us the benefit of the doubt that we as Senators will pursue that with equal vigor.

I thank my colleague. It was a very profitable exchange.

Mr. AKAKA. Mr. President, as a member of the Senate Governmental Affairs Committee, I am naturally interested in this debate over Senate Resolution 39—a funding resolution for the Senate Governmental Affairs Committee special investigation, as amended by the Senate Rules Committee. I object to the action taken by the Rules Committee on Thursday that forces the Governmental Affairs Committee to limit its investigation solely to illegal activities related to the 1996 elections.

I object because the Governmental Affairs Committee had a bipartisan agreement on a broad scope for this fundraising investigation. However, in

an effort to appease those opposed to reforming our campaign finance laws, the Rules Committee overrode the agreement unanimously adopted by the Governmental Affairs Committee on January 30, 1997. The scope of the investigation is now so narrow that we are being forced to operate with blinders. If a fundraising activity is improper—we cannot look at it. If the activity occurred prior to 1996—we cannot look at it. If the activity involves soft money or questionable use of tax-exempt organizations—we cannot look at that, unless it is clearly illegal.

The Rules Committee resolution narrows the definition of illegal so that the Governmental Affairs Committee would have to show evidence of criminal activity beyond a reasonable doubt before an activity or individual can be investigated. Is there anyone who does not believe that there are some serious allegations that are improper rather than illegal? How can we legislate changes in our campaign finance laws if we cannot look into activities that are not currently illegal, but should be illegal?

Mr. President, I am proud to be a member of the Governmental Affairs Committee because it is one committee that continually operates in a bipartisan and fair manner. We hammered out the scope of our investigation over a period of several days and it received support from Democrats and Republicans alike.

Last Friday, I participated in a press conference called by the ranking member of the Governmental Affairs Committee, Mr. GLENN, to express concern with the newly amended funding resolution that came out of the Rules Committee. At that news conference, I said that the committee had taken the high ground by unanimously agreeing to a resolution setting forth the scope of its investigation.

Back on January 30, 1997, the committee agreed on a number of issues relating to illegal or improper fundraising and spending practices which would lead to a consensus of how to best consider the issues at hand. Regretfully, since the adoption of that agreement, there has been discord, insinuations, accusations, and other obstacles to resolving the impasse over the committee's special investigatory funding.

I object to the revision of the scope previously agreed upon by the Governmental Affairs Committee because past investigations into allegations of misconduct examined improper and unethical conduct as well as illegal conduct. Moreover, if the funding resolution before us today is adopted, we will limit the scope of the investigation to only the 1996 election cycle, thereby eliminating the possibility of looking into the issue of soft money, issue advocacy, and possible illegal use of tax-exempt organizations.

Under the amended resolution, the Governmental Affairs Committee investigation would be precluded from

investigating allegations that may be embarrassing to Congress, and potential problems related to individual members would be referred to the Senate Ethics Committee. I know that most Members of Congress are honest; however, if our citizenry believes that money buys access, then we must look into allegations that point to improper use of office.

The statement of purpose of the Governmental Affairs special investigation, as amended by the Rules Committee last Thursday, authorizes funds for "the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns." We have been told that the scope agreed to in the resolution before us was patterned after the Watergate resolution. However, the omission of two key words from that original Watergate resolution—unethical and improper—will undermine any investigation into the influence of money on Federal elections.

Mr. President, I shall not belabor this issue as I know there are other Members who wish to speak. I want to reiterate, however, that the scope agreed to on January 30, 1997, was very inclusive—it would provide for an investigation into the business of fundraising by both parties. The purpose of our inquiry was to examine all aspects of campaign fundraising—both Presidential and congressional—with the eventual outcome to be substantive and effective campaign finance reform legislation. I fear that without ensuring that improper fundraising practices are included in the investigation that this may never come about. We cannot deny the public a full and thorough inquiry into allegations that may eventually lead to tough campaign finance laws.

Mr. WARNER. Mr. President, will the Chair kindly advise the Senator from Virginia and the Senator from Ohio as to the remainder of the time?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes, 14 seconds; the Senator from Ohio, 3 minutes and 17 seconds.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I offer my sincere appreciation to my distinguished friend, the chairman of the committee.

Mr. WARNER. Mr. President, I am happy to do it. It is a very important matter, and I was quite interested in what the Senator from Missouri had to say.

The Senator from Virginia yields back such time as he has remaining, and I understand my colleague from Ohio will have further remarks, at the conclusion of which we will stand in recess until the reconvening hour of 2:15.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, this debate comes down to a simple choice: You are in favor of campaign finance reform or you are opposed to campaign finance reform, and that is what the argument is all about. I believe both sides of the aisle want to correct things as far as illegalities are concerned, I don't have any question of that. But the other area that is so big is the area of independent expenditures, soft money and all the other practices that grew up and came to a peak in the 1996 election.

There was no doubt that the public was demanding that we look into this, and there were various committees that wanted a part of that activity. There was the Commerce Committee, Judiciary Committee, Foreign Relations Committee, Rules Committee, and Governmental Affairs Committee. The Republican leadership decided to talk the other committees into not exercising their jurisdictions they normally would have in this area and assign that to the Governmental Affairs Committee, which has the broadest investigative authority on Capitol Hill.

My friend, the Senator from Virginia, read into the RECORD a little while ago the Governmental Affairs Committee's jurisdiction out of Senate Resolution 54, which details what we are to look into with the money that comes out and we are given each year. It involves the whole gamut of anything to do with the Federal Government in any way, shape, or form, any type of corruption, anything we want to look into on that. We have exercised that jurisdiction through the years.

It was assigned to the committee. Senator THOMPSON, chairman of the Governmental Affairs Committee, and I worked out an agreement on what the scope of this investigation would be. We didn't have agreement on the money yet or some other things like that, but we at least had the \$1.8 million we agreed to. Today, we are going up to the \$4.5 million that was stated, but we object strongly to cutting back on our normal jurisdiction of what we can look into.

Why is this being cut back? Because a few members on the Rules Committee that has to pass on our additional money for investigative activity over and above our normal committee budget dug in their heels, the people who are publicly outspoken against any campaign finance reform, and they are the ones who, on the Rules Committee, were able to stop that type funding, unless they got an agreement, unless a deal was cut.

So a deal was cut that we would not be able to look into any of the things involved that we wanted to look into with regard to soft money and independent expenditures with regard to Capitol Hill, with regard to congressional campaigns, Senate or the House. They were dead set against that. They didn't want that looked into. The reason, I guess, is because Republicans

outdo the Democrats about 2 to 1 in this fundraising area and particularly in the area of soft money. It was crucial, as we see it, a couple of years ago in changing the majority in the Senate, because money is the mother's milk of politics. It is really what has more impact than anything else. So they objected to any changes or to any investigation in those areas.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GLENN. I ask unanimous consent to finish my statement.

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

Mr. GLENN. Mr. President, they wanted to cut out any investigation of Capitol Hill. That is the reason we came to this situation. It was not that most Members don't want to correct campaign finance reform on our side. We asked for campaign finance reform legislation to be brought to the floor all this year. We would like to see the McCain-Feingold proposal voted on.

But regardless of that, we think that an airing of everything to do with what happened in campaign financing over the past several elections, really, as this has built up to a crescendo that just inundated us in 1996, we think that should be looked into to lay the base for real campaign finance reform and give us that kind of educational base.

What happened? Those who were against this got a deal cut, and instead, all the things we were going to look into which was submitted as the original part of Senate Resolution 39 from the Governmental Affairs Committee to the Rules Committee for approval were all struck, the total language, and the additional funds in the last part of this that are operable in Senate Resolution 39 as brought to the floor state that funds can only be used for the sole purpose of conducting an investigation of illegal activities. That takes out all those other areas of soft money that we wanted to look into.

The amendment I proposed would restore the scope of the investigation, as the chairman and I and as all members of the Governmental Affairs Committee, including those who are on the Rules Committee, voted out of committee. They voted for these things to go into this type of scope. They did not disagree with it then. But as part of the deal that was cut then, that kind of scope was taken away from us. Now I would propose, with my amendment, to restore that.

What has happened this morning is now the majority leader has proposed an amendment to my amendment, a second-degree amendment in the nature of a substitute, that would again say that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—(1) Federal elections generally * * * [and] (2) corrupt practices * * * [and] the Committee on Governmental Affairs shall refer to the Committee on Rules

and Administration any evidence of activities * * * [that] are not illegal but which may require investigation * * *". In other words, this takes us back where we were. It second-degrees my amendment and takes us back to the intent of Senate Resolution 39, which cut back the authority on the committee.

There has been a good discussion of this this morning. But to my way of thinking, this boils down, very, very simply, to one area. And one thing that is correct is, it is a choice. Do we want campaign finance reform or do we not?

We want the broadest possible investigation so we can come out with good campaign finance reform that I think will be follow on to McCain-Feingold if we are ever able to get it to a vote. On the other side, they do not want any investigation in this area and are opposed to campaign finance reform. That is the bottom-line choice we are talking about here.

I will end with that because my good friend from Virginia has been very kind in granting me extra time here. I have run over several minutes, I know. I thank him very much.

Mr. WARNER. I thank my colleague. I would have to say to my good friend and colleague, we will have more debate on this as the day goes on and perhaps tomorrow. Hopefully, we can finish tonight, but I will be ready to take the floor tomorrow again.

Mr. President, he misstates the case. This Senator is for campaign finance reform of some measure. I am not able to give the parameters in totality now. The distinguished majority leader sat here and opened this debate this morning indicating what is taking place. He, together with Senator NICKLES, is conducting a task force on this side of the aisle which meets on a regular basis to examine those provisions, which, hopefully, we will insert at some point in time in a bill which is clearly campaign finance reform. So, I have to strongly disagree with my good friend and colleague on that point.

Now, Mr. President, we shall stand in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15.

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWNBACK).

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. There are 15 minutes equally divided to each side.

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

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

Mr. WARNER. Mr. President, in the absence of anyone on this side of the aisle, I suggest a quorum be reinstated and that the time not be counted against either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, we have a unanimous consent process that we will go through here that would allow for the withdrawal of the pending second-degree amendment and the offering of a new amendment. We are very close to an agreement on not only this procedure, but a number of other aspects of how we will deal with this pending resolution this afternoon.

We would like to get this consent agreed to, and then we will take a few minutes more to make sure everybody understands exactly what we are proposing to agree to, and we will come back and go through that process. It could lead to our having perhaps just one more recorded vote and final passage. But we want to make sure everybody understands and is comfortable with what we are doing to the maximum degree possible.

I ask unanimous consent, Mr. President, notwithstanding the consent agreement, that it be in order for me to withdraw amendment No. 22 in order to offer a separate amendment, and the amendment be in order notwithstanding the fact that it hits the resolution in more than one place.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Glenn amendment be laid aside in order for me to offer an amendment, and no further amendments be in order prior to the vote on or in relation to my amendment.

Mr. SPECTER. Mr. President, reserving the right to object, I ask whether that is intended to preclude any further amendments on the resolution.

Mr. LOTT. At this point it is just no further amendments in order to my amendment. We are discussing the possibility of an agreement that would not provide for additional amendments, but we have not reached a final agreement on that at this point. So we would have to just talk that through with you and