

votes. However, the majority apparently anticipated this emergency because they exempted defense spending from the point of order.

My third major concern is what we call the top-line, though most Americans would call it the bottom line. This bill weighs in at \$263 billion in new budget authority. That is over \$3 billion more than the Defense Appropriations bill passed by the Senate and over \$17 billion more than we spent on defense last year. These numbers come straight out of the conference report.

I would not deny that we need to address readiness concerns and modernize our armed forces. We live in an uncertain world, a world which has become more dangerous through this body's rejection of the Comprehensive Test Ban Treaty last night.

Can the dramatic increase in defense spending stand at this level while we starve other pressing needs in education, crime prevention, health care, and so many other areas?

I am not sure we can. So while I am prepared to vote for this bill today, I would urge President Clinton not to sign it into law until and unless other appropriations bills have reached his desk with sufficient funding levels to meet America's needs.

If this can be accomplished without simply resorting to more budgetary sleight-of-hand—and I sincerely hope we can do this—then I hope this bill will become law.

Mr. STEVENS. Mr. President, to my knowledge, there is no further Senator seeking time on the bill. I ask that we have a quorum call for a slight period to confirm the report that there are no other Senators wishing to speak. But if there are none within the next 5 or 6 minutes, I will ask the Senate to defer this matter according to the previous order. I will do that at 10:30, unless someone seeks time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, I want to join my good friend from Hawaii in thanking our staff. Again, I can't remember in the time that I have served on the Appropriations Committee a more difficult period in terms of getting this bill to where it is in order to send it to the President. We fully expect it to be signed.

Without Steven Cortese and Charlie Houy and the people who work with them, both Republican and Democratic staffs on our committee, this would not have been possible. They have worked weekends. They have worked into the night. They have been on call at the oddest hours I think we have ever had in terms of dealing with this bill.

I sincerely want to thank them all and tell the Senate that this staff is

primarily responsible for this bill being before the Senate today because of their hard work and their determination to make it come out right.

I thank them all.

I am now told that it has been confirmed there are no requests for time; therefore, I ask unanimous consent that there be no further time on this bill until the matter is called up for a vote by the leader according to the previous order.

The PRESIDING OFFICER. Without objection, the time is yielded.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. All time on H.R. 2561 having been yielded back, the Senate will now return to the pending business, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign finance reform.

Mr. MCCAIN. Mr. President, we now begin debate again on an issue which is important to the American people. Before I begin my opening statement, it is my understanding that the Senator from Kentucky will manage on his side and I will manage on this side, along with the Senator from Wisconsin; is that correct?

Mr. REID. What is the request? Our side will be managed by the ranking member of the Rules Committee.

Mr. MCCAIN. In support or opposition?

Mr. REID. We have the bill up and we are going to be managing for the minority, the ranking member of the Rules Committee.

Mr. MCCAIN. Mr. President, it is customary with a piece of legislation when the sponsors of the bill are on the floor they manage the conduct of the legislation and the opposition manages the other. If the Senator from Nevada has other desires, I guess we can worry about it later on, but that is the way it has been in this debate.

Before I begin my remarks, I recognize a very unusual, incredible and great American, a true patriot, an incredible woman who is 89 years of age, named Doris Haddock.

Doris, known to all of us, and now millions of Americans, as "Granny D," began her walk months ago, beginning in the State of California. She has now arrived in the State of Tennessee. I believe she represents all that is good in America. She, at the age of 89, has

taken up this struggle to clean up American politics. We are honored by her presence. She is in the gallery today, and we thank her for her commitment to open, honest government of which the American people can be proud.

So, "Granny D," you exceed any small, modest contributions those of us who have labored in the vineyards of reform have made to this Earth. We are grateful for you. We ask you not to give up this struggle because we know that we will prevail.

Mr. President, on December 6, 1904, Theodore Roosevelt, addressing the people of the United States, said:

The power of the government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. The details of such law may be safely left to the wise discretion of the Congress.

So said President Theodore Roosevelt in his fourth annual message delivered from the White House on December 6, 1904.

On August 31, 1910, Theodore Roosevelt said:

Now this means that our government, national and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics.

That is one of our tasks today.

And he goes on.

Some things obviously never change, such as the cycles of American politics. In 1907, thanks to the efforts of Theodore Roosevelt, a law was passed in Congress that banned corporate contributions to American political campaigns. I do not pretend to be as eloquent as Theodore Roosevelt was in that campaign against the influences of special interests on American politics. Suffice it to say, he succeeded. He succeeded in getting through Congress a law, which still remains on the statutes, that outlaws corporate contributions to American political campaigns.

In 1947, the Republican-controlled Congress of the United States outlawed union contributions to American political campaigns. And after the Watergate scandal of 1974, further limitations were placed on the influence of special interests in American political campaigns.

It is now legal in America for a People's Liberation Army-owned corporation in China, with a subsidiary in the United States of America, to give unlimited amounts of money to an American political campaign. That is wrong. It is wrong and it needs to be fixed.

The pending legislation is very simple. It does only two things: first, it bans Federal soft money and, second, it

codifies the Beck decision. Soft money is the unlimited 6- and 7-figure contributions that now go into American political campaigns.

In the past, my colleague from Wisconsin and I have offered comprehensive campaign finance legislation. That measure was widely debated and many on this side of the aisle expressed criticism of certain provisions in the bill. As a result, we have taken a new approach, a simpler approach. We only seek to ban soft money, those big checks of ten thousand, one hundred thousand, and even one million dollars that powerful special interests use like clubs to make their narrow voices heard so loudly in the great chamber, and to codify the Beck decision. We leave all other issues off the table and instead would hope such matters could be dealt with in the amending process. And as such I implore my colleagues to come down to the floor, debate and offer amendments, and let us move forward on this simple, common sense and urgently needed reform.

I want to express my sincere hope that before this debate is over that we will have either passed this measure or will have come to agreement on how to move forward constructively on this very important subject.

Before I go on, I want to assure the Senator from Kentucky that I respect his opposition. I neither question his motives nor his integrity. He is a man who is willing to stand up and fight for what he believes in. The conduct of the debate in previous years has been characterized by mutual respect for the ideas and proposals of either side. I know I speak for the Senator from Wisconsin. I think it is important we maintain this debate on that level. I know we will do so as we have in the past.

Mr. President, will the banning of soft money clean up our elections completely? Of course not. But it is an important first step. Should more be done? Absolutely. For that reason, I hope we can engage in a constructive debate that addresses the concerns of senators from both parties who are sincerely interested in achieving genuine reform. We have an obligation—a duty—to at least close the most politically pernicious loophole in campaign finance law.

Let me stress at the outset, before reform opponents falsely charge proponents with an assault on the first amendment, that this legislation does not ban political speech, it is in truth about saving it. I want to protect the hard earned \$100 contribution given by the small town business owner or union machinist to his or her Congressman. I want to protect the contribution of the local supporter, the little guy. The hard earned contribution given to a candidate by a voter, with a firm handshake and an honest look right in the eye and the expectation of good government, not a special corporate tax loophole or million dollar IOU to a union boss.

What this fight is all about is taking the \$100,000 check out of American politics for good. It's about putting the little guy back in charge, and freeing our system from the corrupting power of the special interests bottomless wallet. It's about forcing our government to pay attention to the little guy, those people who actually cast votes to elect us, and not just to the richest in corporate America or the powerful union bosses.

We are blessed to be Americans, not just in times of prosperity, but at all times. We are a part of something noble; a great experiment to prove to the world that democracy is not only the most effective form of government, but the only moral government. And, at least in years past, we felt more than lucky to be Americans. We felt proud.

But, today, we confront a very serious challenge to our political system, as dangerous in its debasing effect on our democracy as war and depression have been in the past. And it will take the best efforts of every public-spirited American to defeat it.

The threat that concerns me is the pervasive public cynicism that is debilitating our democracy. When the people come to believe that government is so corrupt that it no longer serves their ends, basic civil consensus will deteriorate as people seek substitutes for the unifying values of patriotism.

A poll taken this July found that more than twice as many Americans—64 percent—feel disconnected from government as compared to those who feel connected to it. More than half of Americans—55 percent—refer to “the government” rather than “our government.” Mr. President, as elected officials, we should find this trend alarming.

We are a prosperous country, but many Americans, particularly the young, can't see beyond the veil of their cynicism and indifference to imagine themselves as part of a cause greater than their self-interest. This cynicism in younger Americans is particularly acute. Among younger Americans—those 18–34—69 percent feel disconnected from the government with one in three of that 69 percent feeling “very disconnected.”

This country has survived many difficult challenges: a civil war, world war, depression, the civil rights struggle, a cold war. All were just causes. They were good fights. They were patriotic challenges.

We have a new patriotic challenge for a new century: declaring war on the cynicism that threatens our public institutions, our culture, and, ultimately, our private happiness. It is a great and just cause, worthy of our best service. It should not, and neither I nor my friend from Wisconsin will allow it to, be casually dismissed with parliamentary tactics.

Those of us privileged to hold public office have ourselves to blame for the

sickness in American public life today. It is we who have squandered the public trust. We who have, time and again, in full public view placed our personal and partisan interests before the national interest, earning the public's contempt for our poll-driven policies, our phony posturing, the lies we call spin and the damage control we substitute for progress. It is we who are the defenders of a campaign finance system that is nothing less than an elaborate influence peddling scheme in which both parties conspire to stay in office by selling the country to the highest bidder.

All of us are tainted by this system, myself included. I do not make any claims of piety. I have personally experienced the pull from campaign staff alerting me to a call from a large donor. I do not believe that any of us privileged enough to serve in this body would ever automatically do the bidding of those who give. I do not believe that contributions are corrupting in that manner. But I do believe they buy access. I do believe they distort the system. And I do believe, as I noted, that all of us, including myself, have been affected by this system.

The opponents of campaign finance reform will tell you the voters do not care. They are wrong. Most Americans care very much that it is now legal for a subsidiary of a corporation owned by the Chinese Army to give unlimited amounts of money to American political campaigns. Most Americans care very much when the Lincoln bedroom is rented out to the highest bidder. Most Americans care very much when impoverished Indian tribes must pay large sums of money to have their voice heard in Washington. If their outrage seems muted, it is only because they have resigned themselves to the sad conclusion that this cancer on the body politic is incurable.

I think most Americans understand that soft money—the enormous sums of money given to both parties by just about every special interest in the country—corrupts both politics and government whether it comes from big business or from labor bosses and trial lawyers. It seizes the attention of elected officials who then neglect problems that directly affect the lives of every American. That is something about which each of us should care deeply.

Americans care deeply about reforming our Tax Code, improving education, reducing the size of Government, about improving our national security, and many other pressing national issues. But, fundamental reform is not possible when soft money and special interests demand a higher return on their political investments.

Most Americans believe we conspire to hold on to every political advantage we have, lest we jeopardize our incumbency by a single lost vote. Most Americans believe we would pay any price, bear any burden to ensure the success of our personal ambitions—no matter

how injurious the effect might be to the national interest. And who can blame them when the wealthiest Americans and richest organized interests can make six figure donations to political parties and gain the special access to power such generosity confers on the donor.

The special interests will tell you that the fight to limit soft money is an attack on the first amendment. They are wrong. They are entirely wrong. The courts have long held that Congress may constitutionally limit contributions to campaigns and political parties.

In the 1976 Supreme Court case *Buckley versus Valeo* the Justices affirmed Congress' right to uphold contribution limits in the name of preventing, and I quote, "corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and their actions."

The Roger Tamrazes of the world, big tobacco, the labor unions, the trial lawyers, the corporate giants, and the endless number of special interests that grease their agenda with soft money know precisely what the court was saying.

Stopping corruption and the appearance of corruption was why in 1907, under the leadership of Republican President Teddy Roosevelt, corporations were barred from giving directly to political campaigns. Labor unions were similarly bound in 1947. Both of these bans have survived all court challenges and remain the law of the land—which is why claims that corporate and labor soft money is constitutionally protected are so absurd.

Stopping corruption and the appearance of corruption was why, in 1974, individual political action committee donations were limited. Should these amounts—and those limits on individual donors—be raised 25 years after they were enacted? Yes, they probably should. But that is reason for us not to engage in filibuster and obstruction and instead engage in constructive dialogue and the normal amendment process.

Stopping corruption and the appearance of corruption is why we must now close the loophole that allows unlimited amounts of soft money to overflow political coffers. Without the big dollar "quid" of soft money in the electoral process, there can be no legislative "pro quo" that neglects the national interest in favor of big donors. That is precisely what the Supreme Court had in mind in *Buckley versus Valeo*.

Some of my fellow Republicans have criticized my campaign finance reform proposals because they believe it leaves unaddressed the problem of union dues being used for political purposes against the wish of individual workers. I agree this is a problem that should be addressed, just as we should address the issue of corporate money being used for political purposes against the wish of stockholders. This legislation

does seek to address that issue. First, as I have noted, the legislation codifies the Beck decision. And second, when we ban soft money, we are also banning union soft money. Let me emphasize this point. When we ban soft money, we are also banning union soft money spending which will have a dramatic effect on union influence in elections. Unions spend a great deal of soft money, most of it directed to elect Democrats and defeat Republicans. This bill will reduce that spending.

I have advocated codifying the Supreme Court's landmark Beck decision in which the court affirmed the right of nonunion workers to bar union dues they are forced to pay from being used for political purposes and to have that money returned to them. The Clinton administration has issued regulations that emasculate this rule. I believe it should be codified and enforced.

What could be more un-American, what could be more antithetical to the tenets of free political speech, than forcing workers to pay dues for election and political activities they oppose. The Beck decision should be codified, enforced, and even expanded. I would strongly support a commonsense expansion of Beck. And at the same time, we should find some mechanism to ensure that corporate contributions reflect the wishes of individual stockholders in a manner that mirrors what we do for unions.

If we can come to an agreement regarding the consideration of campaign finance reform in a fair manner, I am confident we could do much more to address the problems associated with labor union involvement in the political process.

If my colleagues believe more needs to be done, I would be pleased to entertain any legitimate ideas. However, to be clear, I will oppose any ideas that are meant merely to poison—or kill—any real possibility of enacting into law election reforms.

The sponsors of this legislation claim no exclusive right to propose campaign finance reform. We have offered good, fair, necessary reform but certainly not a perfect remedy. We welcome good faith amendments intended to improve the legislation.

But I beg my colleagues not to propose amendments designed to kill this bill by provoking a filibuster from one party or the other. If we cannot agree on every aspect of reform; if we have differences about what constitutes genuine reform, and we hold those differences honestly—so be it. Let us try to come to terms with those differences fairly. Let us find common ground and work together to adopt those basic reforms we can all agree on. That is what the sponsors of this legislation have attempted to do, and we welcome anyone's help to improve upon our proposal as long as that help is sincere and intended to reach the common goal of genuine campaign finance reform.

In closing, I reiterate that I believe we can work together. I believe the ma-

jority of the Members of this body realize that reform is necessary. I think we now have an opportunity to amend, to debate, and to come together. I hope we can achieve that goal.

In closing, I again thank my friend from the State of Wisconsin. My friend from the State of Wisconsin recently has felt a certain sense of loneliness because he has attempted to move this process forward in a fair, equitable, and reasonable fashion. The Senator from Wisconsin has shown his political courage. It has been a great honor and privilege for me to have the opportunity of working with him, and many others, in the cause of campaign reform.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am very pleased the Senate is once again going to consider campaign finance reform.

I thank the senior Senator from Arizona. We have been at this effort now for almost 5 years. He has done so much, particularly in the last year, to raise this issue, not only within this body but throughout America. It has made an incredible difference in terms of the public's understanding, particularly of the problem soft money causes.

I also take note of one other Senator. There are many who have worked so hard on this, but I simply have to note the extreme dedication, hard work, and effectiveness of the Senator from Maine, SUSAN COLLINS, who has devoted herself to this cause as well.

This is not only a crucial issue to the health and future of the Congress but also for our democracy itself. My colleagues know it is my strong belief that this issue affects virtually everything we do in this Chamber.

I have spoken about the need for reform numerous times this year—15 times. Today is the 16th—on the Department of Defense appropriations bill. I call this the "calling of the bankroll" on specific campaign contributors with an interest in the bills we have considered.

Now the Senate has finally a chance to act. I am hopeful, as we begin this debate, that we can reach a consensus during the next few days and pass a campaign finance reform bill the House can accept and the President can sign.

This debate will undoubtedly be difficult and unpredictable. Unlike in past years, though, I hope this will not be a scripted debate where everyone basically knows the outcome in advance. We do not know exactly what is going to happen. We apparently are going to have the opportunity to offer and vote on amendments. We are going to legislate, not just make speeches for a couple of days and use parliamentary tactics to block reform. We are going to actually try to pass a bill.

I urge my colleagues, on both sides of the aisle, to keep an open mind and remember that what we are doing here

will affect all Americans. Every one of our constituents, every citizen in this country, has an interest in the health of our democracy. We have a great responsibility here, and I hope we are up to it.

There are many things wrong with our current campaign financing system. I hope this body will grapple with that system in a comprehensive way at some point—sooner rather than later.

For me—and I do not speak for anyone else—I believe ultimately we should move to a system of public financing of elections to free candidates from the demands of fundraising and free the legislative process from the influence of special interests.

I favor giving candidates more access to the airwaves at reduced cost so they can get their messages out to the public without having to spend all this time raising money. I believe the groups that run ads that attack candidates within a month or even a few days of an election should have to report their contributors and their expenditures, just as a campaign committee has to do.

This is the key point: It is clear that this Senate—I emphasize, this Senate—will not pass a comprehensive bill to deal with all or even most of the problems with the current system. We have known this for some time. In fact, the bill we considered in the last Congress was even significantly narrower than the comprehensive bill Senator MCCAIN and I first introduced in 1995. But during our 5-year effort, it has become more and more clear that soft money is the biggest loophole in this system and perhaps the most corrupting aspect of the system.

Soft money has exploded during those 5 years to the point where many Americans believe—and I share their belief—that the loophole has swallowed the election laws. In fact, the best statement I have heard on this was by the third cosponsor of the original McCain-Feingold bill, the Senator from Tennessee, the chairman of the Governmental Affairs Committee, FRED THOMPSON, who said plainly, without any legal jargon and all the other language we tend to use out here: Mr. President, we really don't have a campaign finance system anymore. That said it all. That captured the impact of soft money on our system.

So the bill that Senator MCCAIN and I have introduced and that we consider today essentially asks a very simple question: Will the Senate ban political party soft money or not? It is that simple.

This bill is a soft money ban, pure and simple. At this point it says nothing—nothing—about issue ads, nothing about disclosure or even enforcement. It does codify the Beck decision on union dues. It has minor changes with regard to certain aggregate limits on hard money contributions. But otherwise it leaves the status quo intact, except for one simple and crucial reform: This bill prohibits the political parties

from accepting unlimited contributions from corporations, unions, and wealthy individuals.

This is what it says to the political parties: Stop the charade. Forget about the loophole that has swallowed the law. Live under the law Congress passed in 1974. Raise your money primarily from individuals, not corporations or unions, in amounts of \$20,000 per year or less.

It is soft money that brought us the scandals of 1996—the selling of access and influence in the White House and the Congress, the use of the Lincoln Bedroom and Air Force One to reward contributors, the White House coffees. All of this came from soft money because, without soft money, the parties would not have been tempted to come up with ever more enticing offers to get the big contributors to open their checkbooks. It just would not be worth it to do all of that under the hard money limits. It is only the unlimited opportunity for the unlimited check that creates that kind of a temptation.

But today, both parties aggressively engage in this big money auction. It is an arms race where the losers are the American people. Soft money causes Americans, time and time again, to question the integrity and impartiality of the legislative process. Everything we do is under scrutiny and subject to suspicion because major industries and labor organizations are giving our political parties such big piles of money. Whether it is the telecommunications legislation, Y2K liability, the bankruptcy bill, defense spending, or health care, someone out there is telling the public, often with justification, in my view, that the Congress cannot be trusted to do what is best for the public interest because the major affected industries are giving us money while those bills are pending in committee or debated on the floor. I have tried, over the past few months, to highlight the influence of money on the legislative process through the calling of the bankroll. Time and time again, I have found that increasingly, the really big money, the money that many believe now has the biggest influence here, is soft money.

We have to clean our campaign finance house, and the best way to start is to get rid of soft money. Let us make rules that protect the people again in this country. With soft money, there are essentially no rules and no limits. With this bill, we can begin to restore some sanity to our campaign finance system.

To be candid—I don't like to admit it—when I came to the Senate, I wasn't even sure what soft money was, or at least I didn't know everything that could be done with it. After a tough race in 1992 against a well-financed incumbent opponent who spent twice as much as I did, I was mostly concerned with the difficulties of people who are not wealthy in running for office. My commitment to campaign finance reform was honestly forged from that experience.

But something has happened since I got here. Soft money has exploded, with far-reaching consequences for our elections and the functioning of Congress. I truly believe—and I didn't necessarily feel this way 3 or 4 years ago—if we can do nothing else on campaign finance reform in this Congress, we must stop the cancerous growth of soft money before it consumes us and ultimately the remaining credibility of our system.

I want to take a few minutes to describe to my colleagues in concrete terms, instead of talking about large sums of money in general, the growth of soft money over the past 6 years, all since I first came to the Senate not so long ago. It is a frightening story. I hope my colleagues, staff, and people watching will listen to these numbers because they are staggering.

As this chart shows, soft money first arrived on the scene of our national elections in the 1980 election, after a 1978 FEC ruling opened the door for parties to accept contributions from corporations and unions that are barred from contributing to Federal elections. The best available estimate is that parties raised, in that 1980 cycle, that first cycle, under \$20 million in soft money. By the 1992 election, the year I was elected to this body, soft money fundraising by the parties had gone from under \$20 million to \$86 million.

Obviously, \$86 million already was a lot of money. It was nearly as much as the \$110 million the two Presidential candidates were given in 1992 in public financing from the U.S. Treasury. There was already real concern about how that money was spent. Despite the FEC decision that soft money could be used for activities such as get-out-the-vote and voter registration campaigns without violating the Federal election law's prohibition on corporate and union contributions in connection with Federal elections, the parties sent much of their soft money to be spent in States where the Presidential election between George Bush and Bill Clinton was close or where there were key contested Senate races, not necessarily connected to the purposes for which that money was supposedly allowed to be used.

Still, soft money, in 1992, was far from the central issue in our debate over campaign finance reform in 1993 and 1994. Then in 1995, when Senator MCCAIN and I first introduced the McCain-Feingold bill, our bill did include a ban on soft money, but it wasn't even close to being the most controversial or important provision of our bill. As far as we knew, no one paid any attention to it. I have my own original summary of our first bill. It is numbered 9 out of 12 items. We mentioned all other kinds of things first. It is just above "ban on personal use of campaign funds," which was already essentially required by the FEC anyway. I am saying, I didn't realize, when I introduced this bill with Senator MCCAIN, what was about to happen.

Indeed, the Republican campaign finance bill introduced in the Senate in 1993, cosponsored by the Senator from Kentucky and many other opponents of reform on the Republican side, actually contained a ban on soft money. In 1993, they were very comfortable with the implications, constitutional issues and others, connected with stopping soft money. Apparently not today.

Then came the 1996 election and the enormous explosion of soft money fueled by the parties' decision to use the money on phony issue ads supporting their Presidential candidates. Remember those ads that everybody thought were Clinton and Dole ads but were really run by the parties? I remember seeing them for the first time in the Cloakroom. That was the moment when soft money began to achieve its full corrupting potential on the national scene.

As you can see on this chart, again, total soft money fundraising skyrocketed as a result. Three times as much soft money was raised in 1996 as in 1992. Let me say that again. Soft money tripled in one Presidential election cycle. What was the effect of this explosion of soft money, other than millions of dollars available for ads supporting Presidential candidates who had agreed to run their campaign on equal and limited grants from Federal taxpayers? The total dollars raised, as shown on this chart, don't tell the whole story. This talks about the total amounts. This talks about the campaign side of this problem of soft money. There is a whole other story, and that is the impact of these contributions on what we do here.

Soft money is raised primarily from corporate interests that have a legislative ax to grind. So the explosion of soft money brought another explosion—an explosion of influence and access in this Congress and in this administration. Consider these statistics on this chart. I hope people will note these figures. They amaze me. As long as I have been involved with this issue, they have amazed me.

In 1992, there were a total of 52 donors who gave over a total of \$200,000 to political parties. In 1996, just 4 years later, 219 donors gave that much soft money. Over 20 donors gave over \$300,000 in soft money contributions during the 1992 cycle. But in 1996, 120 donors gave contributions totaling \$300,000 or more. What about over 400,000? In 1992, 13 donors gave that much soft money. But in 1996, it was all the way up to 79 donors giving \$400,000 per person or interest. Whereas only 9 donors in 1992 gave \$500,000—a half million dollars, Mr. President; people giving a half million dollars—by 1996, 50 donors gave a half million dollars.

Does anyone think those donors expect nothing for this act of generosity? Does anyone think those donors get nothing for their generosity? Does anyone think the principle of one person/one vote means anything to anyone anymore if somebody can give a half million dollars?

Here is another amazing statistic: This is even worse, to me. In 1992, only 7 companies gave over \$150,000 to each of the political parties—double givers, we call them, who made contributions to both parties. In 1996, the number of these double givers was up to 43: Forty-three companies or associations gave \$150,000 or more to both the Democrat and the Republican Party. I would suggest there is no ideological motive. This is not about their passion for good government. These donors are playing both sides of the fence. They don't care about who is in power. They want to get their hooks into whoever is controlling the legislative agenda.

Here are some of the companies in this rather exclusive group. We know they have a big interest in what Congress does: Philip Morris, Joseph Seagram & Sons, RJR Nabisco, Walt Disney, Atlantic Richfield, AT&T, Federal Express, MCI, the Association of Trial Lawyers, the National Education Association, Lazard Freres & Co., Anheuser Busch, Eli Lilly, Time Warner, Chevron Corp., Archer Daniel's Midland, NYNEX, Textron Inc., Northwest Airlines. Mr. President, it is a who's who of corporate America. These are the big investors in the U.S. Congress, and no one can convince the American people that these companies get no return on their investment. So we have an ever-increasing number of companies that are participating in this system, trying to make sure their interests are protected and their lobbyists' calls returned.

There is another effect of this explosion of soft money, and that is the increasing participation of Members of this body in raising it.

I do not know how many of my colleagues are actually picking up the phones across the street in our party committee headquarters to ask corporate CEOs for soft money contributions. But no one here can deny that our parties are asking us to do this. It is now simply expected that United States Senators will be soft money fundraisers.

Consider the soft money raised in recent off-year elections. In 1994, the parties raised a total of \$101.7 million dollars. Only about \$18.5 million of that amount was raised by the congressional and senatorial campaign committees. In 1998, the most recent election, soft money fundraising more than doubled to \$224.4 million. And \$107 million of that total was raised by the congressional and senatorial campaign committees. That's nearly half of the total soft money raised by the parties.

Half the soft money that the parties raised in the last election went to the several party campaign committees for members of Congress, as opposed to the national party committees.

When you hear all this talk about how the parties need this money generally, that is why they need soft money, and an awful lot is not going to the parties generally. And I and many of my colleagues know from

painful experience that much of that money ended up being spent on phony issue ads in Senate races. The direct contribution of corporate money to federal candidates has been banned in federal elections since 1907, but that money is now being raised by Senators as soft money and spent to try to influence the election of Senators. To me, this is a complete obliteration of the spirit of the law. It is wrong. It must be stopped.

The growth of soft money has made a mockery of our campaign finance laws. It has turned Senators into panhandlers for huge contributions from corporate patrons. And it has multiplied the number of corporate interests that have a claim on the attention of members and the work of this institution.

Mr. President, there is broad and bipartisan support for banning soft money. Former Presidents Bush, Carter, and Ford believe that soft money must be eliminated, as does a large and distinguished bipartisan group of former Members of Congress, organized last year by former Senator and Vice President Walter Mondale, a Democrat, and former Senator Nancy Kassebaum Baker, a Republican. Their effort has been joined at last count by 216 former members of the House and Senate. Senators Mondale and Kassebaum published an opinion piece in the Washington Post that eloquently spells out the rationale and the critical need to enact this reform.

They state that a ban on soft money would "restore a sound principle long held to be essential. That bedrock principle, developed step by step through measures signed into law by presidents from Theodore Roosevelt to Gerald Ford, is that federal elections campaigns should be financed by limited contributions from individuals and not by either corporate or union treasuries. Neither candidates for federal office, nor the national political party committees whose primary mission is to elect them, should be dependent on the treasuries of corporations or unions that have strong economic interests in the decisions of the federal government."

Mr. President, I ask unanimous consent that the full article by these two very distinguished former members of this body be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. FEINGOLD. As I mentioned, Mr. President, Senators Mondale and Kassebaum Baker put together a group of former members 216 strong who want to end soft money. One of those is former Senator Bill Brock, who also served as Chairman of the Republican Party. In an op-ed last year, Senator Brock dispelled the myth that the parties cannot survive without soft money. He stated: "In truth, the parties were stronger and closer to their

roots before the advent of this loophole than they are today." He adds: "Far from reinvigorating the parties themselves, soft money has simply strengthened certain specific candidates and the few donors who can make huge contributions while distracting parties from traditional grassroots work."

Those are not just my sentiments; they are the sentiments of former Senator Brock, and he has it exactly right.

Our national political parties should be the engines of democracy, the organizers of individual donors and volunteers who care about big ideas and are willing to work for them. Instead they have become fundraising behemoths, obsessed with extorting the biggest chunks of cash that they can from corporate and wealthy donors. This is not what the two great political parties should be about Mr. President. Soft money has changed our politics for the worse Mr. President. And I think everyone in this body knows that.

Mr. President, I ask unanimous consent that a statement from Senators Mondale and Kassebaum-Baker that contains excerpts from a number of articles written by former Members of Congress on the topic of banning soft money be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 2.)

Mr. FEINGOLD. Mr. President, the bill the Senate is now considering accomplishes a ban on soft money in four simple ways. First, and most important, it prohibits the national political parties from raising or spending money that is not subject to the limits of the federal election laws. Second, it prohibits federal officeholders and candidates from raising money that is not subject to the election laws, except for appearing as a speaker at a fundraising event sponsored by a state or local political party. Third, to prevent soft money from being laundered through state parties and making its way back into federal elections, it requires state and local parties that spend money on certain federal election activities to use only money that is subject to the federal election laws. And finally, it prohibits the parties from soliciting money for or contributing money to outside organizations.

The amendment also makes some changes in the contribution limits of current law in a recognition of the new difficulties that parties may face as they are forced to go "cold turkey" in giving up soft money. It increases the amount that individuals can legally give to state party committees from \$5,000 per year to \$10,000 per year. And it increases the amount that an individual can give to all parties, PACs, and candidates combined in a year from \$25,000 to \$30,000.

This provision is tough, but it is fair. It allows federal candidates to continue to help raise money for their state parties by appearing at fundraisers. It permits the state parties until four

months before an election to use non-federal money to conduct voter registration drives that will obviously benefit federal candidates as well.

Mr. President, I truly believe that we must do much more than ban soft money to fix our campaign finance system. But if there is one thing more than any other that must be done now it is to ban soft money. Otherwise the soft money loophole will completely obliterate the Presidential public funding system, and lead to scandals that will make what we saw in 1996 seem quaint. And the number of investors in this body will continue to skyrocket, with untold consequences on the work of this body and the confidence of the American people in their government.

Mr. President, we have some momentum. I was delighted this week to have us get another cosponsor on this bill, the Senator from Kansas, SAM BROWNBACK, and to also have the endorsement of one of the leaders from the other body, Congressman ASA HUTCHINSON. So we have had good momentum this week. I am pleased with that. I especially felt the momentum when last Friday I had a chance to go to Nashville, Tennessee, and I had the good fortune to meet an extraordinary woman, who is in Washington today. I'm speaking of Doris Haddock, from Dublin, New Hampshire. Doris has become known to many people throughout the country and around the world as "Granny D."

She is 89 years old. On January 1st of this year, she set out to walk across this country to call attention to the need for campaign finance reform and call on this body to pass the McCain-Feingold bill. As she said last week, voting for McCain-Feingold is something our mothers and grandmothers would want us to do. And coming from Granny D, this is not just a polite request—it is a challenge and a demand from one of the toughest and bravest advocates of reform I have ever had the pleasure to know.

I joined Granny D on the road last week, and as we walked together through the streets of Nashville, shouts of "Go Granny Go" came from every corner—from drivers in their cars, pedestrians on the sidewalk and construction workers on the job.

The response she got that day, and the support she gets every day on her walk across America, speak volumes about where the American people stand on this issue. They are fed up with a campaign finance system so clogged with cash that it has essentially ceased to function; they are frustrated by a Congress that has stood by and watched our democracy deteriorate; and today they are demanding that the U.S. Senate join Granny D on the road to reform by passing the McCain-Feingold bill.

Granny D and countless Americans like her are demanding, here and now, that this body act to ban soft money and begin to clean up our campaign finance mess. Granny has been walking

across this country for more than nine months now—from California to Tennessee, in the sweltering heat and now in the growing cold, over mountains and across a desert. At age 89, she has braved all of this. And all she is asking U.S. Senators to do in return one simple thing.

What she's asking is not anywhere near as strenuous, and it won't take anywhere near as much time as what she has endured.

All she is asking the members of this body to do is lift their arm to cast one vote—a vote to ban soft money.

That's what she's asking, and I urge my colleagues not let her down. The time has past for the excuses, equivocations and evasions that members of this body have employed time and again to avoid passing campaign finance reform legislation. The time has come to put partisanship aside, to put our own ideal reform bills aside and finally put our democracy first—let's join Granny D on the road to reform.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Aug. 17, 1998]

CAMPAIGN REFORM: FINISH THE JOB

(By Nancy Kassebaum Baker and Walter F. Mondale)

The House's finest moment of this Congress will soon become the Senate's great opportunity. The House's action on campaign finance reform is a demonstration of courage, conviction and bipartisanship. It shows that clear majorities of both houses, when permitted to vote, want to remove the blight of soft money from our national politics. Now it's up to the Senate to complete the job.

Soft money, the flood of corporate and union treasury funds and unlimited donations from individuals to national political committees that swamped the 1991 elections with a quarter-billion dollars, undermines protections built by the Congress over the course of a century. Each major safeguard skirted by soft money, beginning with the 1907 ban on corporate treasury donations, resulted from efforts to protect the integrity of American elections.

No less is at stake now. The significant House vote cannot be allowed to become just a gesture. The Senate's task—supported by principle and an appreciation of experience, priority and responsibility, is to ensure that this singular achievement of the House becomes a large stride toward enactment of campaign finance reform in this Congress.

Principle. A ban on soft money would not introduce any new principle into the law. It would, instead, restore sound principle, long held to be essential. That bedrock principle, developed step by step through measures signed into law by presidents from Theodore Roosevelt to Gerald Ford, is that federal election campaigns should be financed by limited contributions from individuals and not by either corporate or union treasuries. Neither candidates for federal office nor the national political party committees whose primary mission is to elect them, should be dependent on the treasuries of corporations or unions that have strong economic interests in the decisions of the federal government. As for individuals, who should always be the center piece of our national politics, the law should encourage the broadest participation possible, while establishing reasonable limits to avoid disproportionate power by those who can write the biggest checks.

Experience. Nearly every major controversy and excess of the last election was related to soft money. If earlier Congresses were unaware of the full consequences of the soft-money loophole, our experience in 1996 and the investigations by this Congress have removed ignorance as a defense for inaction. Legislators are often challenged by the uncertainty of future developments. But to see the future of American elections, one only needs to look at the present and multiply. Soft money in the first year after the 1996 election was raised at twice the rate it was raised four years ago. We are on the way to a half-billion dollars or more in soft money in the 2000 elections.

Priority. The urgency of action is clear. Congress should use the shrinking window of time this year to safeguard the next presidential election. In response to the trauma of a president's fall in Watergate, this country struck a bargain with its presidential candidates. Accept public funding in the general election and forgo private fund-raising. Three presidential elections—in 1976, 1980 and 1984—were faithful to that bargain. Now the American taxpayer provides public funding while presidential candidates and their parties engage in an unlimited soft-money arms race. No matter who wins, the country will be diminished if this continues to be the way our presidents are elected.

Responsibility. Without authorization by Congress, the Federal Election Commission cracked open the door through which corporate, union and unlimited individual soft-money contributions have poured. But Congress can no longer avoid the responsibility for making the fundamental choice about the basic rules that should govern the financing of federal election campaigns. It should vote to either approve the soft-money system or end it. Either way, to borrow Harry Truman's phrase, Congress must know that the public understands that the buck, literally, stops on Capitol Hill.

In sum, this is a time for the Senate to recognize the force of the observation of one of its noted leaders, Everett McKinley Dirksen, who opened the path to enactment of the Civil Rights Act of 1964 by reminding senators of the strength of an idea whose time has come. The time has come—as former presidents Ford, Carter and Bush, hundreds of former members of both parties and majorities in both Houses firmly believe—for Congress to protect the integrity of our national elections. Our common purpose should be no less than to allow the nation to look forward with pride to the character of the new century's first presidential election.

EXHIBIT 2

CAMPAIGN FINANCE REFORM—A STATEMENT
BY NANCY KASSEBAUM BAKER AND WALTER
MONDALE

June 15, 1998

A year ago, we released an open letter to the President and Congress calling on the Executive and Legislative Branches to debate and act on meaningful campaign finance reform. We included in the open letter our initial recommendation for several reforms—beginning with an end to “soft money” contributions to the national parties and their campaign organizations—on which agreement, in our view, could be attained.

Now, thanks to the extraordinary efforts of supporters of reform within and outside of the Congress, the House stands at the threshold of an important opportunity. And no one should underestimate how important and urgent its task is.

The issue of reform goes to the very heart of American democracy—to the trust and respect citizens can have in elections. Removing soft money will help restore the letter

and spirit of existing campaign laws and reassure voters that they can again be the most important participants in elections.

Without action by this Congress on soft money, at the current fundraising rate, the 2000 presidential election will have more than a half billion dollars in soft money, double the amount of 1996.

Since our June 1997 open letter, we have been joined by hundreds of distinguished Americans who have helped to bring us all to this juncture. Foremost among them are former Presidents Bush, Carter and Ford, and also the 216 former Members of Congress who have signed a joint statement calling for reform.

Beyond lending their names to this effort, the former Presidents and former Members, in letters, guest editorials, and statements, have convincingly set forth the urgency and case for reform. The following brings together some of the main ideas that we and others have shared over the last year.

THE PRIMACY OF INDIVIDUAL VOTERS AND THEIR CONFIDENCE IN GOVERNMENT

As we wrote in the *Los Angeles Times* (September 22, 1997), “Progress on reform is perhaps the most important step that can be taken to restore voter confidence in the ability of all citizens, regardless of wealth, to participate fully in elections. The failure of Congress to act will only deepen voter despair about politics.”

In a letter last June, former President Bush said, “We must encourage the broadest possible participation by individuals in financing elections.” Former Presidents Carter and Ford, in a joint article in *The Washington Post* (October 5, 1997) said, “We must redouble our efforts to assure voters that public policy is determined by the checks on their ballots, rather than the checks from powerful interests.”

Former Senator and Republican National Committee Chairman Bill Brock underscored that point in a guest editorial in the *Hill* (April 29, 1998). “The basic intent of the campaign finance laws that Congress enacted in the past is quite clear,” he wrote, “It is that campaigns should be funded by individuals (not corporations and unions). . . . Because Americans have long believed in individual responsibility as the best antidote to the threats of excesses of wealth and institutional power.” And, as former Republican Senator Mark Hatfield wrote in the *Washington Times* (March 26, 1998), “These prohibitions on corporate and union contributions reflect a basic idea: Individuals should be the dominant force in our political process.”

Writing in the *Chicago Sun-Times* (March 24, 1998), former House Republican Leader Bob Michel and former Representative, Judge, and White House Counsel Abner Mikya, made the point that “[t]he cost to confidence in government of this breakdown in campaign finance regulation is high.” Raising soft money, they explained, “requires the sustained effort of elected and party officials, often one-on-one with donors, to raise—indeed, wrest—the large sums involved in soft money contributions. The entities and people from whom soft money is sought often have enormous economic stakes in government decisions. Corporate and other soft money donors frankly say they feel shaken down.”

Former Presidents Ford and Carter forcefully noted that soft money “is one of the most corrupting influences in modern elections because there is no limit on the size of donations—thus giving disproportionate influence to those with the deepest pockets.”

IMPACT ON THE PRESIDENCY

As former Presidents Gerald Ford and Jimmy Carter expressed, it is vital for Congress “to seize this opportunity for reform

now so it can improve the next presidential election.”

Writing last week in the *San Francisco Chronicle* (June 3, 1998), former Representative and White House Chief of Staff Leon Panetta described the bargain the nation struck with its presidential candidates in 1974: in return for public financing of presidential elections, candidates would forego fundraising in general elections. “. . . the elections of 1976, 1980 and 1984 elections showed that national elections could be run with fidelity to that bargain.”

Time is of the essence. As Leon Panetta observed, “As difficult as the chances may seem, this Congress remains the best hope for enabling the nation to begin the new century with a presidential election of which it can be proud.”

As former Reps. Bob Michel and Abner Mikva observed about the coming House debate, “Either [the House] will act to end the scourge of soft money” or it “will do nothing about letting the next presidential election become the biggest auction the country ever has known.”

RESTORING CONGRESSIONAL INTENT

“Congress never authorized soft money. ‘Bill Brock wrote as he called on Congress to ‘restore the spirit and the letter of election laws dating back decades,’ Reps. Michel and Mikva said, ‘Congress never agreed to the creation of soft money. The loophole is a product of exceptions allowed by the Federal Election Commission that were expanded by aggressive fund-raising by both parties.’”

Congress should decide whether it supports reforms dating back to the beginning of the Century. “It’s time for lawmakers to say whether soft money is good or bad for the system,” Brock said.

STRENGTHENING PARTIES

Bill Brock, writing from the perspective of a former party chairman, dispelled the myth that soft money strengthens parties. “In truth, parties were strongest and closer to their roots before the advent of this loophole than they are today.” Far from reinvigorating the parties themselves,” he observed, “soft money has simply strengthened certain specific candidates and the few donors who can make huge contributions, while distracting parties from traditional grassroots work.”

Or, as we wrote in *Roll Call* (February 26, 1998), “no one can seriously say more people vote or participate because of soft money. In fact, as soft money has skyrocketed, voter turnout has continued to decline.”

“Without soft money,” we continued, “the parties will have to work harder to raise money. But the benefits gained—by increasing the public’s faith in democracy and reducing the arms race for cash—will far outweigh the cost.”

FOCUSING ON PRIORITIES

A consistent theme of our efforts, together with the former Presidents and other former Members, is that it is essential to take a first step toward reform, even while recognizing that further steps will need to be taken in the years ahead. Thus, as we wrote last July in *The Washington Post* (July 18, 1997), Congress “should not delay action on those measures that can pass now.” Or, as former Senator Al Simpson wrote in *The Boston Globe* (February 24, 1998), “[Banning soft money] won’t solve all the problems, but it sure will be a start, and it may even provide a sensible and responsible foundation on which many additional thoughtful reforms can be built. . . .”

And as the statement of more than 200 former members elaborates, “we believe it is time to test the merits of different or competing ideas through debate and votes, but

that any disagreement over further reforms should not delay enactment of essential measures, beginning with a ban on soft money, where agreement is within reach."

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, here we are again. I think it is appropriate to say that campaign finance is a clinical term for "constitutional freedom."

Make no mistake, the essence of this debate is indeed freedom—fundamental first amendment freedom of speech and association guaranteed to every American, citizen group, candidate, and party. That is the view of the U.S. Supreme Court, the view of the American Civil Liberties Union, and the view of most Republicans. Soft money, issue advocacy, express advocacy, PACs, and all the rest are nothing more than euphemisms for first-amendment-protected political speech and association means of amplifying one's voice in this vast Nation of 270 million people.

It is important to remember that Dan Rather and Peter Jennings have a lot of speech, and the editorial page of the New York Times has a big audience. But the typical American citizen and the typical candidate, unless he or she can amass the resources to project their voices to a larger audience, just simply doesn't have as much speech as the press. So the means to amplify one's voice in this vast Nation of 270 million people is critical and constitutionally protected. It is no more complicated than that and no less vital to our democracy than the freedom of the press, which has taken a great interest in this issue.

Just thinking of the New York Times editorial page, for example, I think they have had 113 editorials on this subject since the beginning of 1997. That is an average of about one every nine days—issue advocacy, if you will, paid for by corporate soft money, expressing their view, which they have a right to do, on this important issue before us.

But as we look at this long odyssey of campaign finance reform, we have come a long way in the last decade, those of us who see through the reform patina—from the push 10 years ago for taxpayer financing of congressional campaigns and spending limits, and even such lunacy as taxpayer-financed entitlement programs for candidates to counteract independent expenditures, a truly bizarre scheme long gone from the congressional proposals but now echoed, interestingly enough, in the campaign reform platform of Presidential candidate Bill Bradley, who advocates a 100-percent tax—a 100-percent tax on issue advocacy. So if you were so audacious as to go out and want to express yourself on an issue, the Government would levy a 100-percent tax on your expression and give the money to whoever the Government thought was entitled to respond to it—a truly loony idea.

That was actually in the campaign finance bills we used to debate in the

late 1980s and early 1990s and now is in the platform of one of the candidates for President of the United States, believe it or not.

So it was just 2 years ago that spending limits were thrown overboard from the McCain-Feingold bill and that the PAC and bundling bans were thrown overboard as well. Now the focus becomes solely directed at citizens groups and parties, which is the form McCain-Feingold took last year. Now, this month, the McCain-Feingold odyssey has arrived at the point that if it were whittled down any further, only the effective date would remain. As it is, McCain-Feingold now amounts to an effective date on an ineffectual provision.

Obviously, it is not surprising that that is my view. But it is also the view of the League of Women Voters, which opposes the current version of McCain-Feingold.

To achieve what proponents of this legislation profess to want to achieve—a reduction of special interest influence—if you want to do that, I think that is not a good idea at all, it is blatantly unconstitutional and the wrong thing to do. But if you wanted to do it, you would certainly have to deal with all the avenues of participation, not just political parties. Nonparty soft money as well as party soft money, independent expenditures, candidate spending—all of the gimmicks advanced through the years in the guise of reform—all would have to be treated, if you truly wanted to quiet the voices of all of these citizens, which is what the reformers initially sought to do.

The latest and leanest version of McCain-Feingold falls far short of that which would be needed if you were inclined to want to do this sort of thing to limit special interest influence. As the League of Women Voters contends—mind you, there is the first time I have ever agreed with them on anything—as they contend, you would have to treat all of the special interests if you were truly interested in quieting the voices of all of these Americans who belong to groups.

It could not be more clear that this sort of McCain-Feingold-light that is currently before us is designed only to penalize the parties and to shift the influence to other avenues. That is precisely what it would do. It could not be more clear. Prohibiting only party soft money accomplishes absolutely nothing. It is only fodder for press releases and would make the present system worse and not better.

That is quite aside from the matter of unconstitutionality and whether the parties have less first amendment rights to engage in soft money activities than other groups. If this were to be enacted, that issue would surely be settled by the Supreme Court, which is, of course, the Catch-22 of the reformers. The choice is between the ineffectual unconstitutional and the comprehensively unconstitutional. A

younger generation would call that a choice between "dumb and dumber."

For reality ever to square with reformer rhetoric, the Constitution would have to be amended and political speech specifically carved out of the first amendment scope of protection.

There are those in this body who have actually proposed amending the Constitution. We had that debate in March of 1997. And, believe it or not, 38 Senators out of 100 voted to do just that—to amend the first amendment for the first time in 200 years to give the Government the power to restrict all spending, and in support of or in opposition to candidates. The ACLU calls that a "recipe for repression." But that got 38 votes. You could at least give those people credit for honesty. They understand that in order to do what the reformers seek to do, you really would have to change the first amendment for the first time in 200 years.

So what the McCain-Feingold saga comes down to is an effort to have the Government control all spending by, in support of, or in opposition to candidates, with a little loophole carving out the media's own spending, of course.

That this effort is allowed to be advanced as reform is one of the tragedies of our time. Fortunately, enough Senators on this side of the aisle have had the courage to forestall this assault on freedom for the past decade and have proven by example that there is a constituency for protecting constitutional freedom.

Let me just say there is an excellent letter from the American Civil Liberties Union—a group that is an equal opportunity defender for an awful lot of Americans but is truly America's experts on the first amendment—to me, which I just got yesterday, which I ask unanimous consent to be printed in the RECORD.

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

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC.

Hon. MITCH McCONNELL,
Senate Office Building, Washington, DC.

DEAR SENATOR McCONNELL: The ACLU is writing to express its opposition to the new, seemingly watered-down McCain-Feingold bill. While it is true that the most obvious direct legislative attacks on issue advocacy have been removed from this bill, S. 1593 continues to abridge the First Amendment rights of those who want to support party issue advocacy. The soft money restrictions proposed in S. 1593 are just another, less direct way to restrain issue advocacy and should therefore be opposed.

CONCERNS ABOUT SOFT MONEY RESTRICTIONS IN
S. 1593

Soft money is funding that does not support express advocacy of the election or defeat of federal candidates, even though it may exert an attenuated influence on the outcome of a federal election. In other words, everything that is not hard money (express advocacy dollars) is soft money. Thus, soft money includes party funds and issue advocacy dollars.

Party soft money sustains primary political activity such as candidate recruitment,

get-out-the-vote drives and issue advertising. While candidate-focused contributions and expenditures and "express advocacy" can be subject to various restrictions or regulations, the Supreme Court in *Buckley v. Valeo*, 424 U.S. 1 (1976) held that all speech which does not "in express terms advocate the election or defeat of a clearly identified candidate" shall remain free from the same regulations that apply to hard money. "So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views." 424 U.S. at 45 (emphasis supplied).

Indeed, the unrestricted use of soft money by political parties and non-party organizations like labor unions has been invited by *Buckley* and acknowledged by the Supreme Court. In *Colorado Republican Federal Campaign Committee v. Federal Election Commission*, 116 S.Ct. 2309 (1996), the Court upheld unlimited "hard money" independent expenditures by political parties on behalf of their candidates.

In *Colorado*, the Brennan Center provided the Court extensive charts and graphs detailing large individual and corporate soft money contributions to the two major parties that they asserted threatened the integrity of the FECA's federal contribution restrictions. (Brief, p. 8) Notwithstanding this "evidence," the Court stated:

"We recognize that FECA permits individuals to contribute more money (\$20,000) to a party than to a candidate (\$1,000) or to other political committees (\$5,000). . . . We also recognize that FECA permits unregulated "soft money" contributions to a party for certain activities, such as electing candidates for state office . . . or for voter registration and "get out the vote" drives. . . . But the opportunity for corruption posed by these greater opportunities for contributions is, at best, attenuated." *Id.* at 2316.

Restricting soft money contributions alone will only force more dollars into other forms of speech beyond the reach of campaign finance laws. Soft money restrictions also give even more power to the media to influence voters' choices and to characterize candidate records. If S. 1593 is adopted, less money will be available to parties to assert the platform embraced by candidates and non-candidate party members. A soft money ban will not solve the problem that candidates now have, which is the dearth of hard dollars available to run competitive campaigns. Because contribution limits have remained unchanged since the 1970's it is no wonder that other avenues (party soft money and issue advocacy soft money) have been exploited to influence the outcome of elections.

The goal of the Common Cause-type reform advocates is to find all sources of money that may conceivably influence the outcome of elections and place them under the control of the Federal Election Commission. It is not possible within our constitutional framework to limit and regulate all forms of political speech. Further, it seems rather arrogant that some members of Congress believe that the candidates and the press alone should have unlimited power to characterize the candidates and their records. The rest of us must be silent bystanders denied our First Amendment rights to have our voices amplified by funding issue and party speech. Disclosure, rather than limitation, of large soft money contributions of political parties, is the more appropriate and less restrictive alternative.

Rather than assess how the limit driven approach caused our current campaign finance woes, we are asked to believe the fiction that the incremental limits approach in

S. 1593 is the solution. The ACLU is forced to agree with the League of Women Voters who wisely withdrew their support for this legislation (albeit for different reasons) and asserted, ". . . the overall system may actually be made worse by this bill."

CONCERNS ABOUT POTENTIAL AMENDMENTS

Issue advocacy restrictions

Because issue ads generated from party and non-party sources have provoked the consternation of many members of Congress and so-called reform groups, it is likely that Senators will have the opportunity to vote on amendments that restrict issue advocacy. We urge the Senate to reject restrictions on issue advocacy because they violate the Constitution.

The Supreme Court in *Buckley v. Valeo* well understood the risks that overly broad campaign finance regulations could pose to electoral democracy. The Court said, "[d]iscussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution." 424 U.S. at 14. The Court recognized that "the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." 424 U.S. at 43. If any discussion of a candidate in the context of discussion of an issue rendered the speaker subject to campaign finance controls, the consequences for free discussion would be intolerable and speakers would be compelled "to hedge and trim." *Id.*, quoting *Thomas v. Collins*, 323 U.S. 516, 535 (1945).

The Court fashioned the express advocacy doctrine to safeguard issue advocacy from campaign finance controls, even though such discussion might influence the outcome of an election. The doctrine provides a hard, bright-line, objective test that protects political speech and association by focusing solely on the content of the speaker's words, not the motive in the speaker's mind or the impact of the speaker's opinions, or the proximity to an election, or the phase of the moon. The doctrine marks the boundary of permissible regulation and frees issue advocacy from any permissible restraint.

The *Buckley* Court could not have been more clear about the need for that bright line test which focuses solely on the speaker's words and which is now an integral part of settled First Amendment doctrine. It was designed to protect issue discussion and advocacy by allowing independent groups of citizens to comment on and criticize the performance of elected officials without becoming ensnared in the federal campaign finance laws. And it permits issue discussion to go forward at the time that it is most vital in a democracy: during an election season.

Although not as sweeping as other proposals, we believe that the Snowe-Jeffords amendment restricting issue advocacy should be opposed for the reasons stated above.

Specific Problems with the Shays-Meehan Substitute

It is our understanding the Sen. Tom Daschle (D, SD) and Sen. Robert Torricelli (D, NJ) will offer the House passed version of Shays-Meehan, H.R. 417. We urge Senators to vote against this measure. Shays-Meehan has a chilling affect on issue group speech that is essential in a democracy. H.R. 417 contains the harshest and most unconstitutional controls on issue advocacy groups.

This bill contains a permanent year-round restriction on issue advocacy achieved through redefining express advocacy in an unconstitutionally vague and over-broad manner. The Supreme Court has held that only express advocacy, narrowly defined, can be subject to campaign finance controls. The key to the existing definition of express advocacy is the inclusion of an explicit directive to vote for or vote against a candidate. Minus the explicit directive or so-called "bright-line" test, what will constitute express advocacy will be in the eye of the beholder, in this case the Federal Election Commission (FEC). Few non-profit issue groups will want to risk their tax status or incur legal expenses to engage in speech that could be interpreted by the FEC to have an influence on the outcome of an election.

It requires a two-month black-out on all television and radio issue advertising before the primary and general elections. The bill's statutory limitations on issue advocacy would force groups that now engage in issue advocacy—501(c)(3)s and 501(c)(4)s—to create new institutional entities—PACs—in order to "legally" speak within 60 days before an election. Groups would also be forced to disclose or identify all contributors to the new PAC. For organizations like the ACLU, this will mean individuals will stop contributing rather than risk publicity about their gift. The opportunities that donors now have to contribute anonymously to our efforts to highlight issues during elections would be eliminated. (This is a special concern for groups that advocate unpopular or divisive causes. See *NAACP v. Alabama* 357 U.S. 449(1958).) For many non-profits, being forced to establish PACs entails a significant and costly burden, one that can change the very character of the organization. Separate accounting procedures, new legal compliance costs and separate administrative processes would be imposed on these groups—a high price to exercise their First Amendment rights to comment on candidate records. It is very likely that some groups will remain silent rather than risk violating this new requirement or absorbing the attendant cost of compliance. The only entities that will be able to characterize a candidate's record on radio and television during this 60-day period will be the candidates, PACs and the media. Yet, the period when non-PAC issue groups are locked out is the very time when everyone is paying attention! Further, members of Congress need only wait until the last 60 days before an election (as it often does now) to vote for legislation or engage in controversial behavior, so that their actions are beyond the reach of public comment and, therefore, effectively immune from citizen criticism.

Shays-Meehan contains a misleading exception for candidate voting records. The voting records that would be permitted under this new statute would be stripped of any advocacy-like commentary. For example, depending on its wording, the ACLU might be banned from distributing a voting guide that highlights members of Congress who have a 100 percent ACLU voting records as members of an "ACLU Honor Role." Unless the ACLU chose to create a PAC to publish such guides, we would be barred by this statute even though we do not expressly advocate the election or defeat of a candidate. Courts have clearly held that such a result is an unacceptable or unconstitutional restraint on issue-oriented speech.

It redefines "expenditure," "contribution" and "coordination with a candidate" so that heretofore legal and constitutionally protected activities of issue advocacy groups would become illegal. Let's say, for example, that the ACLU decided to place an ad

lauding, by name, Representatives or Senators for the effective advocacy of constitutional campaign finance reform. That ad would be counted as express advocacy on behalf of the named Congresspersons under H.R. 417 and would be effectively prohibited. If the ACLU checked with key congressional offices to determine when this reform measure was coming to the floor so the placement of the ad would be timely—that would be an “expenditure” counted as a “contribution” to the named officials and it would be deemed “coordinated with the candidate.” An expanded definition of coordination chills legal and appropriate issue group-candidate discussion.

If these very same restrictions outlined above were imposed on the media, we would have a national First Amendment crisis of huge proportions. Yet, newspapers such as the Washington Post, the New York Times, the Los Angeles Times and other media outlets relentlessly editorialize in favor of Shays-Meehan—a proposal that blatantly chills free speech rights of others, but not their own. Let's suppose Congress constrained editorial boards in a similar fashion. Any time news outlets ran an editorial—60 days before an election or otherwise—mentioned the name of a candidate, the law now required them to disclose the author of the editorial, the amount of money spent to distribute the editorial and the names of the owners of the newspaper of the FEC, or risk prosecution. The media powerhouses would engage in a frenzy of protest, and you could count on the ACLU challenging such restraints on free speech. Yet, the press has as much if not more influence on the outcome of elections as all issue advocacy groups combined. Some voters are more likely to go to the polls with their newspaper's candidate endorsements wrapped under their arm than carrying other issue group literature into the voting booth.

The Shays-Meehan bill contains misguided and unconstitutional restrictions on issue group speech and only works to further empower the media to influence the outcome of elections. None of the proposals seek to regulate the ability of the media—print, electronic, broadcast or cable—to exercise its enormous power to direct news coverage and editorialize in favor or against candidates. This would be clearly unconstitutional. It is equally unconstitutional to effectively chill and eliminate citizen group advocacy. It is scandalous that Congress would muzzle issue groups in such a fashion.

Finally, the ACLU has to be especially watchful of the Federal Elections Commission because it is a federal agency whose primary purpose is to monitor political speech. If Congress gives the FEC the authority to decide what constitutes “true” issue advocacy versus “sham” issue advocacy, the FEC is then empowered to become “Big Brother” of the worst kind. Already, it has been, far too often, an agency in the business of investigating and prosecuting political speech. The FEC would have to develop a huge apparatus that would be in the full-time business of determining which communications are considered unlawful “electioneering” by citizens and non-profit groups. Further, Shays-Meehan contains harsh penalties for failure to comply with the new laws.

Restrictions on the First Amendment Rights of Legal Permanent Residents (LPRs)

Lawful permanent residents are stakeholders in our society. They send their children to our schools, pay taxes on their worldwide income, and like citizens, must register for the draft and serve if the draft is re-instituted. In fact, nearly 20,000 lawful permanent residents now serve voluntarily in the military. By no stretch of the imagination is

their money “foreign money.” Lawful permanent residents must reside in the U.S. or they forfeit their green cards and right to remain. Moreover, the courts have repeatedly held that non-citizens in the United States have First Amendment rights, and this should include the right to make campaign contributions.

The Shays-Meehan campaign finance bill was amended to bar campaign contributions and expenditures from lawful permanent residents. It virtually guarantees that candidates and their campaign organizations will discriminate against new Americans because it threatens them with substantial penalties if they accept a donation they “should have known” came from a non-citizen. We urge you to reject any amendment to the McCain-Feingold bill that would bar such contributions.

Internet Political Speech Restrictions

We urge the Senate to support an amendment by Senator Robert Bennett (R, UT) that would prohibit the FEC from imposing restrictions on Internet commentary on candidates and their positions on issues. Attached is an ACLU press release that illustrates the draconian nature of FEC restrictions on free expression on the Internet.

Our Proposed Solutions

The ACLU believes that there is a less drastic and constitutionally offensive way to achieve reform: public financing.

If you believe that the public policy process is distorted by candidates' growing dependence on large contributions then you should help qualified candidates mount competitive campaigns—especially if they lack personal wealth or cannot privately raise large sums of money. Difficult questions have to be resolved about how to deal with soft money and independent expenditures. Some of these outcomes are constrained by constitutionally based court decisions.

But notwithstanding the nay-sayers who say public financing is dead on arrival, we should remember that we once had a system where private citizens and political parties printed their own ballots. It later became clear that to protect the integrity of the electoral process ballots had to be printed and paid for by the government. For the same reason the public treasury pays for voting machines, polling booths and registrars and the salaries of elected officials. In conclusion, we take it as a fundamental premise that elections are a public not a private process—a process at the very heart of democracy. If we are fed up with a system that allows too much private influence and personal and corporate wealth to prevail then we should complete the task by making public elections publicly financed.

Sincerely

LAURA W. MURPHY,
*Director, Washington
Office.*

JOEL GORA,
*Professor of Law,
Brooklyn Law
School and Counsel
to the ACLU.*

GREGORY NOJEIM,
Legislative Counsel.

Mr. MCCONNELL. Let me read some of the letter.

The AFL-CIO is writing to express its opposition to the new seemingly watered down McCain-Feingold bill. While it is true that the most obvious direct legislative attacks on issue advocacy have been removed from the bill, S. 1593 continues to abridge the first amendment rights of those who want to support party issue advocacy. The soft money restrictions proposed in S. 1593 are just another less direct way to restrain issue advocacy and therefore should be opposed.

I think that, plus the balance of the letter, sums up the constitutional arguments against the latest version of McCain-Feingold.

Earlier it had been my hope there would be an amendment offered by the other side. Seeing that is not the case, I am prepared to move forward and lay down the first amendment of this debate in which we are engaged.

AMENDMENT NO. 2293

(Purpose: To require Senators to report credible information of corruption to the Select Committee on Ethics and amend title 18, United States Code, to provide for mandatory minimum bribery penalties for public officials)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2293.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

“RULE XLIV

“REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

“(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

“(1) violated the Senate Code of Office Conduct;

“(2) violated a law; or

“(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

“(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.”.

SEC. ____ BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: “, except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than \$100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States”.

Mr. MCCONNELL. Mr. President, the Senator from Wisconsin is here. We want to talk a little bit in the course of this debate on the amendment that I sent to the desk about the issue of corruption. There have been a lot of charges of corruption both on and off the floor. I think these are very serious charges and I think they warrant some discussion, not only for our colleagues but for the members of the public who are interested in this issue.

My colleague from Arizona gave a moving speech in Bedford, NH, a few months ago to kick off his Presidential campaign. In that speech, my friend from Arizona laid out his vision of America with strong, and I must say, compelling statements about what he firmly believes to be corruption in American politics. If there is one thing that is often said about our colleague from Arizona, it is that he is a straight shooter and that he calls it as he sees it. I certainly wouldn't argue with that.

Based on the Senator's speech in New Hampshire and his remarks about his legislation, I assume I am correct in inferring that the Senator from Arizona believes the legislative process has been corrupted. I think he said that in the Wall Street Journal today. I don't believe I am misquoting him. I hope I am not. I see his staffer on the floor. I don't want to be talking about your boss in his absence, and I hope I am not misquoting him. I certainly hope he will come back to the floor for this debate.

What I will do is run through a few of the recent statements of the Senator from Arizona about corruption to be sure that the Senate fully understands his strongly held views on this subject.

Again, I encourage my friend from Arizona to come back to the floor because I certainly don't want to be talking about him in his absence, although I will say these quotes are quite precise and I assure him that I am not misquoting his observations in any way.

The Senator from Arizona, in discussing the subject of campaign finance reform in Bedford, NH, on June 30 of this year said:

I think most Republicans understand that soft money, the enormous sums of money given to both parties by just about every special interest in the country, corrupts our political ideals, whether it comes from big business or from labor bosses and trial lawyers.

Quoting further from my friend from Arizona, he says:

In truth, we are all shortchanged by soft money, liberal and conservative alike. All of our ideals are sacrificed. We are all corrupted. I know this is a harsh judgment, [says Senator McCain] but it is, I'm sorry to say, a fair one.

So the principal quote from my friend from Arizona is that "We are all corrupted."

He goes on to say:

Pork barrel spending is a direct result of unlimited contributions from special interests.

My friend from Arizona, also on CNN Early Edition, July 1 of this year, said:

We have seen debasement of the institutions of government, including the corruption of Congress because of the influence of special interests.

Further, my friend from Arizona said:

Soft money is corrupting the process.

Then on Fox News, Sunday, on June 27 of this year, my friend from Arizona said:

I talked to Republicans all over America, including up here in New Hampshire, and when I tell them about the corruption that exists they nod their heads.

My friend from Arizona goes on:

I think that Americans don't hold us in the esteem and with the respect that the profession deserves and that's because the profession has become permeated with special interests, which have caused corruption, which have then caused them to lose confidence in government.

And the Senator from Arizona went on:

I'm trying to eliminate the soft money which has corrupted our legislative process, and I think soft money has permeated American politics. It has corrupted the process and it has to be eliminated.

And then in New Hampshire on July 3:

Young people think politicians are corrupt. Know what? We are [said the Senator from Arizona] all corrupt.

Then on This Week on ABC, October 3, 1999, George Will said to the Senator from Arizona:

Have you ever been or can you name a Republican who has ever been corrupted by the Republican National Committee?

The Senator from Arizona said:

Not by the Republican National Committee, but all of us have been corrupted by the process where big money and big influence—and you can include me in the list where big money has bought access which has bought influence. Anybody who glances at the so-called 1996 Telecommunications Reform Act and then looks at the results—which is an increase in cable rates, phone rates, mergers, and lack of competition—clearly knows that the special interests are protected in Washington at the public. And the public interest is submerged.

George Will said:

This is soft money to parties, that itself leads to corruption of Republicans?

And the Senator from Arizona says:

Of course it does, George, and you work there and you see it.

Now my colleague from Arizona, on the Telecommunications Act of 1996, said:

During hearings for the 1996 Telecommunications Act, every company affected by the legislation had purchased a seat at the table with soft money.

Now that was in a Bedford, NH, speech of June 30 of this year.

Referring now to the web site of my colleague from Arizona, there are charts that list accusations and lists of projects. Let me quote from the web site:

In the last several years while Republicans have controlled Congress, special interest earmarks in appropriations bills have dramatically increased. The rise in pork barrel spending is directly related to the rise of soft money, as Republicans and Democrats scramble to reward major donors to our campaigns.

Straight from the web site, "It's Your Country." And then there are projects listed as examples of projects presumably inserted into bills as a result of soft money contributions.

There is \$26 million to compensate fishermen, fish processors, and fishing

crews negatively affected by restrictions on fishing in Glacier Bay National Park, and \$70 million for expanding a livestock assistance program to include reindeer, both those projects in Alaska, projects which—I assume the allegation is—were inserted in a bill as a result of a soft money contribution, which, as we all know, can only go to political parties.

In the State of Utah, the site lists \$2.2 million for sewer infrastructure associated with the 2002 winter games in Utah as an example of an appropriations insertion, presumably as a result of some soft money contribution to a political party.

Then it lists the State of Washington, \$1.3 million for the WTO Ministerial Meeting in Seattle, WA, and an exemption for the Crown Jewel Mine, in Washington, to deposit mining waste on land adjacent to the mine.

Further, on September 26, 1999, the Daily Outrage from the web site says:

The largest producer of ethanol, Archer-Daniels-Midland Corporation, who gave lavishly to both political parties—for their contribution, ADM recently received an extension of ethanol subsidies totaling \$75 million. It also suggested that ADM also benefits from sugar support programs that keep the price of corn syrup artificially high. This sweetheart deal gets ADM another \$200 million a year.

Then today in the Wall Street Journal, the Senator from Arizona says:

In the past several years, while Republicans controlled Congress, earmarks in appropriations bills have dramatically increased. The reason for this pork barrel spending is that Republicans and Democrats are scrambling to reward major donors to their campaigns.

The Senator from Arizona, I see, is on the floor. I am just interested in engaging in some discussion here about what specifically—which specific Senators he believes have been engaged in corruption.

I know he said from time to time the process is corrupted. But I think it is important to note, for there to be corruption, someone must be corrupt. Someone must be corrupt for there to be corruption.

So I just ask my friend from Arizona what he has in mind here, in suggesting that corruption is permeating our body and listing these projects for the benefit of several States as examples.

Mr. MCCAIN. Does the Senator yield the floor?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Arizona.

Mr. MCCAIN. Recently there was a book written by Elizabeth Drew called "The Corruption of American Politics." I commend it to the reading of the Senator from Kentucky. In chapter 4 titled "The Money Culture," she says:

Indisputably, the greatest change in Washington over the past twenty-five years—in its culture, in the way it does business, and the ever-burgeoning amount of business transactions that go on here—has been in the preoccupation with money.

Striving for and obtaining money has become the predominant activity—and not just in electoral politics—and its effects are pernicious. The culture of money dominates Washington as never before; money now rivals or even exceeds power as the preeminent goal. It affects the issues raised and their outcome; it has changed employment patterns in Washington; it has transformed politics; and it has subverted values. It has led good people to do things that are morally questionable, if not reprehensible. It has cut a deep gash, if not inflicted a mortal wound, in the concept of public service.

That is basically what Elizabeth Drew, who has been around this town for many years, said in her book. She states:

Private interests have tried to influence legislative and administrative outcomes through the use of money for a long time. The great Daniel Webster was on retainer from the Bank of the United States and at the same time was one of its greatest defenders in the Congress. But never before in the modern age has political money played the pervasive role that it does now. By comparison, the Watergate period seems almost quaint.

There was a time when people came to Washington out of a spirit of public service and idealism. Engendering this spirit was one of John F. Kennedy's most important contributions. Then Richard Nixon, picking up from George Wallace, and then Ronald Reagan, in particular, derided "federal bureaucrats." The spirit of public service was stepped on, but not entirely extinguished.

But more than ever, Washington has become a place where people come or remain in order to benefit financially from their government service. (A similar thing could be said of journalists—and nonjournalists fresh out of government service—who package themselves as writers, television performers, and highly paid speakers at conventions.)

I have for many years had a set of criteria indicating that which I have said we cannot, should not, abide. Perhaps a lot of it is because I am a member of authorizing committees. I took the floor here just a couple of hours ago to talk about \$6.4 billion that was added to the Defense appropriations bill. I will have to get the statement again to refresh myself with the specific numbers, but \$92 million was for military construction projects which had not been authorized—no hearing, nothing whatsoever that had to do with the authorizing followed by the appropriating process.

I worked with a number of organizations: Citizens Against Government Waste, Citizens For A Sound Economy, and other organizations in Washington that are watchdog organizations. We developed a set of criteria. Those criteria have to do with: Whether it was requested in the President's budget, whether there was an authorization, whether there was a hearing, et cetera. There are a number. They are on their way over, the criteria I have used for many years.

Because when you bypass the authorizing and appropriating process, you obviously do not, No. 1, abide by the prescribed way we are supposed to do business around here; but then it opens up to improper procedures.

We have 12,000 enlisted families on food stamps. Yet we will spend \$92 mil-

lion, and other funds, on programs that the Secretary of Defense says specifically are not of the priority on which to be spending money:

I have said for 10 years I have reviewed annual appropriations bills to determine whether they contain items that are low priority, unnecessary, or wasteful spending. In this process I have used five objective criteria to identify programs and projects that have not been appropriately reviewed in the normal merit-based prioritization process.

These criteria are: Unauthorized appropriations, unrequested locality-specific earmarks, research-facility-specific earmarks, and other earmarks that would circumvent the formal competitive award process, budget add-ons that would be subject to a budget point of order, transfer or disposal of Federal property or items under terms that circumvent existing law, and new items that were added in conference that were never considered in either bill in either House.

The web site goes on to say:

Senator McCain's criteria are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been considered in an appropriate merit-based prioritization process.

I do not intend to let this debate, which is about banning soft money, get into some kind of personal discussion here. I simply will not do it, except to say that Elizabeth Drew has it right. Many other people who judge this town have it right. The fact is, there is a pernicious effect of money on the legislative process.

I refuse to, and would not in any way, say that any individual or person is guilty of corruption in a specific way, nor identify them, because that would defeat—

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

Mr. McCain. I would like to finish.

That would defeat the purpose because, as I have said many times before, this system makes good people do bad things. It makes good people do bad things. That is to go around the process which is prescribed for the Senate—the Congress of the United States—to operate under.

When I go to San Diego and I meet enlisted people who are on active duty who are required to stand in line for food, for charity, and we are spending money on projects and programs that are unwarranted, unnecessary, and unauthorized, I will tell my friend from Kentucky, I get angry.

I do not know much about the background of the Senator from Kentucky or his priorities, but I have mine. One is that I am not going to stand by without getting very upset when young Americans who are serving this country are on food stamps while we are wasting \$6.4 billion in pork barrel projects.

All I can say to the Senator from Kentucky, if he wants to engage in this kind of debate, I think it will be a waste of our 5 days of time. But I believe, as Elizabeth Drew has said, this system is wrong, it needs to be fixed, and the influence of special interests has a pernicious effect on the legislative process.

The Senator from Kentucky is entitled to his view that he does not agree with that, or obviously the Senator from Utah. That is my considered opinion. But I will state to the Senator from Kentucky now, I am not in the business of identifying individuals or attacking individuals. I am attacking a system. I am attacking a system that has to be fixed and that has caused 69 percent of young Americans between 18 and 35 to say they are disconnected from their Government, that caused in the 1998 election the lowest voter turnout in history of 18- to 26-year-olds. Those 18- to 26-year-olds were asked: Why didn't you vote? And they said they believe we do not represent them anymore, because they have lost confidence. They say they will not run for public office, that they believe we are corrupt.

It is the appearance of corruption that is causing young Americans to divorce themselves from the political process, refuse to run for public office, and there is poll after poll and data that will so reflect.

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

Mr. McCain. I will be glad to yield for question.

Mr. McCONNELL. By the way, I only quoted the Senator's comments and everything was quoted accurately. I raised the Senator's own words in the debate, words he has used as a justification for this bill that is currently before us.

I ask the Senator from Arizona, how can it be corruption if no one is corrupt? That is like saying the gang is corrupt but none of the gangsters are. If there is corruption, someone must be corrupt.

On the Senator's web site, he names some projects that he specifically says are in these bills as a result of soft money contributions which, of course, as we all know, cannot be received by anybody who votes anyway; they are given to a party.

I repeat my question to the Senator from Arizona: Who is corrupt?

Mr. McCain. First of all, I have already responded to the Senator that I will not get into people's names. I will, indeed, repeat, again, to the Senator from the web site from which he is quoting. Here it is:

For 10 years, Senator McCain has reviewed the annual appropriations bills to determine whether they contain items that are low priority, unnecessary, or wasteful spending. In this process, he has used five objective criteria.

And I go on to list them. That is why—

Mr. McCONNELL. Does that equal corruption though?

Mr. McCain. If the Senator from Kentucky will not accept that answer, there is no point in me continuing to answer. I have already answered.

Mr. McCONNELL. I heard the answer, but the answer, I gather, deleted the word "corruption." The suggestion is that these were inserted as a result

of some corrupt act by someone; is that right?

Mr. MCCAIN. No, that is not right. It is a system. It is a system that has violated the process and has therefore caused the American people to lose confidence and trust in the Government.

Mr. MCCONNELL. The Senator agrees "corruption" may not be appropriate. If there is no individual he can name who is corrupt, then "corruption" may not be the appropriate word; would the Senator agree?

Mr. MCCAIN. I would not, I say to the Senator from Kentucky. He is entitled to his views, his opinions, and his conclusions. I am entitled to mine.

Mr. MCCONNELL. I see the Senator from Utah.

Mr. BENNETT. I ask if the Senator from Arizona will yield further for a question?

Mr. MCCAIN. Yes, I will be glad to.

Mr. BENNETT. I am holding a copy of the web site in which the Senator from Arizona is quoted as follows:

In the last several years, while Republicans controlled Congress, special interest earmarks in appropriations bills have dramatically increased. The rise in pork barrel spending is directly related to the rise of soft money, as Republicans and Democrats scramble to reward major donors to our campaigns.

Immediately adjacent to that statement, as an example which "will give you an idea of what laced this most recent trichinosis attack," again a direct quote from the web site:

... \$2.2 million for sewer infrastructure needs associated with the 2002 Winter Olympics in Utah.

I plead guilty. I am the Senator who approached the Appropriations Committee to ask for that earmark.

I ask the Senator from Arizona if he can identify for me from the words he has used in the web site, "the rise of soft money" that came to me that caused me to approach the Appropriations Committee to ask for that money; specifically, I am going to ask the Senator from Arizona to identify the source of the money, the amount of the money, the recipient of the money that produced that which he describes on his web site as a direct result of, presumably, the money that was received.

Mr. MCCAIN. I will be glad to respond to the Senator from Utah. In September 19, 1997, I wrote a letter to the Senator from Utah. I never received an answer. A year later, I came to the Senator from Utah and handed him a copy of the letter. The Senator from Utah never answered.

Let me read parts from the letter to the Senator from Utah to remind him because he never answered the letter:

September 19, 1997, Honorable Robert F. Bennett, United States Senate, Washington, DC.

Dear Bob: I am writing about the recent efforts to add funds to appropriations measure for the 2002 Winter Olympics in Salt Lake City. By my count, the Senate has approved earmarks in three of the appropriations bills,

earmarking \$14.8 million for next year alone to fund various activities related to planning and preparation for the Utah Olympics. These funds were not included in the FY 1998 budget request, and many were not considered during the Appropriations Committee's review of the bills.

Bob, you are aware of my long history of opposing location-specific earmarks of taxpayer dollars. We discussed several of these amendments when they were offered, and I explained why I was particularly opposed to earmarking funds for the Olympics.

I have to say that I am disappointed with the approach being taken to earmark funding for the Utah Olympics. In light of the Republicans' long-fought efforts to balance the budget and provide relief to American taxpayers, and with all of the concerns about lack of federal resources to ensure that our children and less fortunate citizens are not unduly harmed as we reduce government spending, I am surprised that you would earmark millions of dollars for a sporting event. And I fear this is just the beginning—

And those fears in 1997 were well justified.

—if the experience of the Atlanta Olympics is any indication.

Of course, I understand your desire, and that of your constituents, to ensure that transportation, security, communications, and other support for the 2002 Olympics is completed in an efficient and cost-effective manner. However, I find it disturbing that adding money for the Olympics would be your highest priority, at least according to your staff.

Randomly adding millions of dollars to the appropriations bills, without benefit of appropriate Administration or Congressional review, is not the way business is done in the Senate, nor is it an appropriate way to ensure we spend the taxpayers' dollars wisely. That is why I have opposed unauthorized and location-specific earmarks in an appropriations bill, whether for the Olympics or for any other defense or domestic expenditure.

If this process, to which I am unalterably opposed, continues and these funds do not go through the normal authorizing and appropriating process, then I will have to use whatever parliamentary means are available to me to prevent further unauthorized expenditures of taxpayer dollars, for whatever purposes.

Again, Bob, I recognize that proper preparation for the Olympics is vital to the success of the games. It seems to me, though, that the best course of action would be to require the U.S. Olympic Committee, in coordination with the Administration and Congress, to prepare and submit a comprehensive plan detailing, in particular, the funding anticipated to be required from the taxpayers for this event. As you may know, the Commerce Committee, which I chair, has jurisdiction over the activities of the U.S. Olympic Committee. I am willing to work with you, the Administration, and the Olympic Committee to devise such a plan, and I will hold hearings in the Committee as expeditiously as possible to review the plan and provide appropriate authorization for appropriations in support of an approved plan.

Please call me so that we can start work immediately to establish some predictability and rationality in the process of preparing for Olympics events in our country.

Sincerely,

JOHN MCCAIN.

That was written to you in September of 1997, a little over 2 years ago. Since I received no response whatsoever, a year later I handed you a copy of this letter asking for a response. I

know how busy you are, but I never got an answer.

But what I did see was exactly what I was warning about in 1997; that is, these unauthorized, unappropriated moneys going into an enterprise—which since then we have found out has maybe had some other problems associated with it, which my committee is going to have hearings about.

So my answer to you, sir, is that even in light of the fact that I wrote you a letter and then personally handed you a copy and beseeched you to go through the normal process of authorization and appropriation as prescribed by the rules of the Congress of the United States, you refused to do so; therefore, I identified it on my web site as not meeting the criteria that I mentioned before.

Now, I will repeat again what Elizabeth Drew wrote in her book that this process of money has done great damage to all of us and has had a pernicious and corrupting effect on the process.

But for you to say that this clearly unauthorized, unacceptable procedure, at least as far as my taxpayers are concerned, because the people of Arizona would at least like to have a hearing before their tax dollars go to the State of Utah—this is, in my view, something that we have to obviously fix.

I do not know if we will ever stop this practice of earmarking and pork barreling, but I will never stop resisting it. And I will never stop trying to see that the taxpayers of America receive an open and fair hearing before—I have forgotten. We will total it up for the RECORD later on how much you stuffed into the appropriations bills without a single hearing. We will total it up. In fact, I think it was—oh, yes, the GAO estimates that the Federal funding and support plan for the 2002 Olympics and Paralympics in Salt Lake City totals more than \$1.9 billion in Federal funding.

I am on the oversight committee. We have never had a hearing on that oversight because it has never been requested. It has been stuffed into an appropriations bill, sometimes even in a conference report. I would think that the Senator from Utah might think that is not a good way to do business in the Congress of the United States, and it then gives rise—then gives rise—to the suspicion that young Americans have about the way we do business and whether they are well represented.

I go to schools in Arizona. I say to the schoolchildren, Do you know that \$1.9 billion of your money and your parents' money is going to support the 2002 Olympics and Paralympics, without a hearing, without a decision as to whether it is needed or not, without any kind of scrutiny; that there is a Senator who goes through the appropriations process, puts it in an appropriations bill, and it is a line item that we read about?

Then maybe you can understand a little better why there is this suspicion, I would say to the Senator from

Utah. In fact, I would hope the Senator from Utah would, as a result of this dialogue, understand why people to whom I talk all over America are so upset about the way we are doing business here in Washington.

Mr. BENNETT. May I respond?

Mr. MCCAIN. I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. At some future point, Mr. President, I shall be happy to debate the appropriateness of Olympic appropriations with the Senator from Arizona. That was not my question.

The Senator from Arizona has not answered my question. And Elizabeth Drew is not capable of answering my question because Elizabeth Drew did not make the accusation.

The accusation is made on the web site "It's YOUR Country.com": "The rise in pork barrel spending is directly related to the rise of soft money." And one example of that is the \$2.2 million appropriation for sewer and infrastructure associated with the Winter Olympics.

My question to the Senator from Arizona was—and remains—not, is the appropriation for the Olympics appropriate or not? My question for the Senator from Arizona is, who gave the soft money? How much was it? And where did it go that resulted in my actions being taken?

Now, let me point out that it is possible to answer those questions with respect to corruption. I sat as a member of the Governmental Affairs Committee that examined what happened in the 1996 election.

I will give you three examples that I want to apply to this context. Then if the Senator from Arizona will give me an answer, I will yield to him for an answer to my question.

Example No. 1: Who gave the money? is the question. The answer is: Roger Tamraz, a fugitive from justice from many countries in the world.

Second question: How much? \$300,000.

Third question: To whom? The Democratic National Committee.

Fourth question: What did he get for it? The answer is he got invited to the White House, a dinner with the President and a conversation with the President, that which is facetiously referred to as "face time," despite the fact that the National Security Council told the White House that Roger Tamraz should not be allowed in the White House because of his background.

There are the four elements: Who gave the money? How much was it? Where did it go? And what was the quid pro quo? All four are identifiable. I would be willing to say that constitutes corruption.

Roger Tamraz gave \$300,000 to the Democratic National Committee to earn entry into the White House and "face time" with the President, in spite of the warning by the National Security Council that he should not do that.

Example No. 2. The Riady family. Who gave the money? The Riady family. They were the largest single contributor to the Clinton campaign in the 1992 election. How much? I don't have that total. It was in the millions. To whom was it given? Soft money. It went to the Democratic National Committee.

What was the quid pro quo? The quid pro quo was the placing of John Huang in the Commerce Department where he could become, in the words of the Riadys—of James Riady—"My man in the U.S. Government."

There are the four elements: Who gave the money? The Riadys. How much was it? In the millions. Where did it go? The Democratic National Committee. And what did they get? An appointment of their individual buried inside the administration.

No. 3, not quite as clear, but nonetheless the four elements are there. The Indian tribe that was approached by the Democratic National Committee, an Indian tribe that was one of the most impoverished in the United States.

What did they want? They wanted the return of what they considered to be ancestral lands. They were told, if they gave hundreds of thousands of dollars to the Democratic National Committee, they would receive the lands that had been taken away from them decades prior. They raised the money.

Where did the money come from? It came from the Indian tribes. How much was it? It was in the hundreds of thousands of dollars. Where did it go? It went to the Democratic National Committee. What did they get for it? In fact, they got nothing because the administration was unable to return the lands. That was the case of a scam, in my opinion, that is corrupt.

So I come back to this question to the Senator from Arizona, or anyone else who can answer it: With respect to the \$2 million that was appropriated for sewer infrastructure in Utah, I want to know, who gave the money? How much was it? Where did it go? And where was the quid pro quo that I delivered on?

I am unaware of any money that was given by anybody in any amounts that influenced my action here. But I have been accused on a web site, for the entire world to see, of caving into soft money. I have been accused of being corrupt. I have been accused of doing something in this body solely because—and I quote—"The rise in pork barrel spending is directly related to the rise of soft money." As I say, I will engage in a debate over the wisdom of Federal support for the Olympics in another time and in another venue. The issue has nothing to do with that question. The issue is whether or not a Member of the Senate, when he is accused of corruption, has a right to know the details of the corruption; whether a Member of the Senate has the right to know, when his young people are told by one of his colleagues

that he is corrupt and, therefore, the young people in his State may be discouraged from running for public office or may feel ill about the system, because they are told their Senator is corrupt, he has the right to know the details of that corruption accusation. I believe that is a fundamental right of every Member of this body.

I am asking the Senator from Arizona to answer those questions: Who gave the money? How much was it? Where did it go? How did it affect my actions with respect to the Appropriations Committee?

I am prepared to yield to the Senator from Arizona for an answer to that, if he wants to do it now, or I will give him a chance to research it, if he prefers. It has nothing to do, in my view, with Elizabeth Drew or with actions within the Appropriations Committee so much as it has to do with the accusation that has been made about me personally, to which I take personal offense.

Mr. MCCONNELL. If the Senator will yield for one observation before Senator MCCAIN responds, Senate rule XLIII seems to be the rule that applies here. It says: The decision to provide assistance may not be made on the basis of contributions or services, or on promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest. That is Senate rule XLIII relating to constituent service, which appears to be the applicable Senate rule in this situation.

Mr. BENNETT. Mr. President, I am prepared to yield to the Senator from Arizona to respond if he wishes.

Mr. SCHUMER. Will the Senator from Utah yield for a question?

Mr. BENNETT. I am happy to yield to the Senator from New York.

Mr. SCHUMER. I thank the Senator from Utah for yielding and I understand his anger and anguish about this specific allegation. I do not wish to comment on the details other than to say I have complete respect for the integrity of the Senator from Utah and have witnessed it in my time here.

My question is this: Given all of the examples he has mentioned, some of which he thinks are conclusive cases—first I think it was three, and then he said the fourth was maybe a little less conclusive

Mr. BENNETT. Two and then three.

Mr. SCHUMER. Excuse me. The two he said were conclusive and the third possibly conclusive. The allegations that he feels, at least in my judgment, correctly, wounded about, don't all of these questions and particularly the cases that the Senator has laid out—and I am not commenting on whether I agree with his cause and effect—make as strong a case as we have seen for passing some campaign finance reform? Doesn't it importune the gentleman from Utah, and so many others in this Chamber, that we pass something because all of these allegations fly

around? And in fairness to the Senator from Arizona, when I heard his response, he was talking about appearances as opposed to realities, but appearances that are damaging to the body politic, whether there is reality or not.

My question to the good Senator from Utah is, once again, don't the instances that he has outlined, the ones not referring to himself but the ones he believes fervently about the Democratic National Committee, motivate him to fight very hard that we pass something, not allow a filibuster to prevent us from passing it, and do something good for campaign finance reform? It seems to me the logic is sort of inexorable, as inexorable as the logic of the Senator's piercing questions about his specific case.

I thank the Senator for yielding and ask him to respond.

Mr. BENNETT. I am happy to respond. If I were convinced the legislation before us would achieve the result that is claimed for it, I would vote for it happily. My concern with the legislation before us is that it, in fact, would make things worse rather than better. We can discuss that and those details at an appropriate point in the debate.

I don't want to dodge it because I think the point the Senator from New York is making is a legitimate one, and his logic is, indeed, inexorable. The one hole I see in it is his assumption that this bill before us would work. My conviction, after reading it carefully, is that it not only would not work but would do serious damage to our first amendment rights.

I come back to the fundamental question we are dealing with in terms of the spirit of this debate and the spirit in which it is cast. This debate is being cast in the national press and over the Internet and, indeed, in the Presidential campaign as a debate between the incorrupt and the corrupt. I have been labeled as being on the side of the corrupt, and I don't like it.

If I am, I want to be identified in such a way that makes it clear that I am, instead of in a broad brush kind of way. One of the things we all try to avoid is tarring people with broad brushes. This is not a broad brush. This is a specific charge that then is drawn over into the broad brush of "we are all corrupt." I want to know from whom did the money come, how much was it, and to what organization did it go that caused me to take the action I took.

In the absence of being able to produce those statistics, I think the charge that I am corrupt should be withdrawn. That is what I am saying. That is what I am going to continue to say as a matter of personal privilege until we get this thing resolved. It has nothing whatever to do with the merits or demerits of funding for the Olympics on the Federal level. It is a question of my position, of personal integrity, that, in my view, has been impugned on a web site available to the entire country.

Mr. MCCAIN. Does the Senator yield the floor?

Mr. BENNETT. I will yield for a response to my question. If it means yielding the floor, I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I don't want to keep the Senator from Arizona from responding, if he is ready to.

Mr. MCCAIN. I would like the floor to respond.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first of all, the Senator is incorrect. I did not accuse him of being corrupt. No apology or withdrawal is warranted.

Secondly, the Senator engaged in a continuous practice of violating the rules of the Senate, which require authorization and then appropriation, for several years now. I hope that the Senator, as a product of this debate, will seek an authorization for the \$1.9 billion which the GAO has identified as going to the Olympics. The Olympics have had a lot of problems in addition to that. I hope the Senator will address those as well.

The third point is, indeed, banks and securities gave \$14 million in soft money. They got, in the last tax cut, \$38 billion in tax breaks.

Restaurants and hotels gave \$3 million in soft money; they got \$14 billion in tax breaks.

The oil and gas industry gave \$19 million in soft money; they got \$5 billion in tax breaks.

Between 1991 and 1997, the chemical, iron, and steel manufacturing industries gave \$22.2 million in soft money to the political parties. The 1999 tax bill included a provision to eliminate the alternative minimum tax, which will allow these industries to completely eliminate their tax liability in any one year. If the bill had not been vetoed, this single change would have saved these industries \$7.9 billion over an 8-year period or almost \$1 billion a year.

Over the last decade, the oil industry has given \$22 million in soft money donations to the political parties. What did they get? The 1999 tax bill included a provision to remove the current limit of 35 percent on Federal tax credits that oil companies can take for taxes they pay to foreign countries. If the bill had not been vetoed, the provision would have allowed oil companies to take much larger credits against their tax liability, saving them \$800 million a year; return on investment, 3,600 percent.

Between 1995 and 1998, the restaurant and hotel industry gave \$4.3 million in soft money to the political parties.

The 1999 tax bill included a provision to increase tax deductibility of business meals to 60 percent, although the industry wanted 100 percent. If the bill had not been vetoed, this provision reviving the three-martini power lunch

would have cost taxpayers \$4 billion over the next 10 years. The list goes on and on, I say to the Senator from Utah.

Now, the specific language says in the appropriations bill:

Special interests unlimited campaign contributions were a key ingredient in the pork stew that is choking the American people.

They were a key ingredient in all of these that I described. Perhaps they were not in the case of the Senator from Utah. Perhaps the Senator from Utah just decided to violate the rules of the Senate, and he is free to do that, although I will do everything in my power to see that this \$1.9 billion is restrained.

Now, I finally want to mention an incident. I was in the Republican caucus when a certain Senator stood up and said it was OK for you not to vote against the tobacco bill because the tobacco companies will run ads in our favor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, the Senator from Arizona has not named the Senators who were allegedly responsible for inserting all of the provisions that he listed in various and assorted bills, which he suggests were inserted as a result of soft money contributions to political parties.

So the question remains: Who were the Senators?

There was, however, at the end of his remarks, a not-so-veiled reference to this Senator, to which I would like to respond. Senator MCCAIN suggested, I assume, as I heard him correctly a few moments ago, that as a result of the tobacco debate last year—and I might mention to my colleagues I have 45,000 tobacco growers; before the Clinton administration, I had 60,000 tobacco growers, and they are falling daily. These are the hard-working farmers engaged in producing a legal crop that representatives of Kentucky, regardless of party, seek to defend.

In any event, Senator MCCAIN brought up the way the tobacco debate ended last year, and there were allegations in the paper that this Senator, the Senator from Kentucky, had said to everyone: Don't worry about defeating the tobacco bill, the tobacco companies will be out there doing issue ads.

As a result of that assertion, there was a complaint filed against me, and I want to refer to a letter from the Justice Department of January 29, 1999, to Chairman ORRIN HATCH:

I am writing in further response to your letter of September 8, 1998, regarding the complaint filed with the Federal Election Commission by the National Center For Tobacco-Free Kids. Consistent with the Department's longstanding practice, we deferred any inquiry until issues arising under the Federal election laws have been reviewed by the FEC. We did, however, agree to review the portions of that complaint related to 18 U.S.C. 201 [which is a criminal statute]. After careful examination, the criminal division has concluded that there is insufficient

evidence to warrant a criminal investigation.

So the suggestion that the Senator from Arizona was making was that I, representing 45,000 tobacco growers, was somehow trying to defeat a tobacco bill because of some alleged assistance by the tobacco industry to political parties. I might say to the Senator from Arizona, I am deeply offended by that. I don't know who are the most important and largest number of constituents in Arizona that he works for, but I try to help the 45,000 tobacco growers in my State. I try to defeat tobacco bills when they come before the body, as did Wendell Ford of the Democratic Party when he was here all those years. I don't need any contribution from anybody to myself, to the National Republican Senatorial Committee, any of our parties, or anybody, to stand up and defend the 45,000 tobacco growers from my State.

So I repeat to the Senator from Arizona, the question before us is not reading a list of what he considers to be inappropriate projects. That is not the issue. The issue is, where is the corruption? You cannot have corruption unless somebody is corrupt. There is not corruption without somebody being corrupt. You can't say the gang is corrupt and none of the gangsters are. If the Senator from Arizona believes there is corruption, he has an obligation, under the Senate rules and the Federal bribery statute, to name the people. Who is being corrupt? Who are the people putting all of these items in these bills? What was their impetus for doing it? Who made the contribution, as the Senator from Utah said, and to whom? Where is the corruption?

Mr. MCCAIN. Does the Senator yield the floor?

Mr. MCCONNELL. Yes.

Mr. MCCAIN. Mr. President, I have responded. It is time to move on. If the Senator from Kentucky has an amendment concerning this issue, I will be glad to address it. I have responded, and I will continue to respond. I am trying to change a system that corrupts all of us. I believe there is ample evidence, as I have cited, of this system's pernicious effect, in my view, and in the view of most objective observers. I am not going to let this debate, in the few days we have, get bogged down on this issue. It is time we move on with the amending process. I have responded. I have said to the Senator from Utah and the Senator from Kentucky that I am fighting a system here. I will continue to fight that system, with its pernicious effects on the American people.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair observes that the priority of recognition is determined, first, by Senator LOTT, the majority leader; second, the distinguished Democratic leader; third, by the manager of the bill; and

also the designee of the minority leader; or by service on the committee of jurisdiction in order of seniority.

In that regard, I recognize the Senator from Kentucky.

Mr. MCCONNELL. I thank the Chair.

Mr. President, we are not bogged down; we are just getting started. We just took the bill up a few moments ago. At the heart of this whole debate—elevated now to a Presidential campaign—are allegations of corruption.

All I am asking is a very simple question: Where is the corruption? The Senator from Utah is trying to get an answer to his question, and I haven't heard it yet. I know the State of Washington is also listed on the web site. I wonder if the Senator from Washington would also like to take the floor. I ask my colleague from Washington if he has also noted the web site that we were discussing earlier, in which a couple of projects from Washington are referred to.

Mr. WELLSTONE. Mr. President, may I make an inquiry?

Mr. MCCONNELL. I believe I have the floor.

Mr. WELLSTONE. I have a question; that is all it is.

I ask my colleague from Kentucky, for those of us who want to debate this larger question, how long will you continue with this attack of Senator MCCAIN on the floor? How much longer is that going to happen?

Mr. MCCONNELL. Mr. President, I thank my friend from Minnesota for his question.

I now turn to the Senator from Washington and ask him if he noted on the web site the suggestion about \$1.3 million for the World Trade Organization's ministerial meeting in Seattle, WA, the Senator's State, and an exemption for the Crown Jewel mine in Washington State to deposit mining waste on additional land adjacent to the mine. Listed on the web site of Senator MCCAIN are examples of "pork barrel spending is a direct result of unlimited contributions from special interests."

Mr. GORTON. The Senator from Kentucky is correct. There are quotations from Senator MCCAIN's web site. There are two that I thought particularly bizarre coming from one of my closest friends in the Senate.

The first of those two is—

Mr. FEINGOLD. Mr. President, I ask the Chair, who has the floor?

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FEINGOLD. I wonder how a Senator can ask another Senator to yield the floor.

Mr. MCCONNELL. Mr. President, as I understand it, seniority is a factor in the floor recognition. If I yield the floor, the Senator from Washington would be the senior Senator on the floor to be recognized first.

Mr. FEINGOLD. I don't believe one Senator can ever yield the floor to another Senator.

The PRESIDING OFFICER. If the Senator yields the floor, it is the judg-

ment of the Chair to recognize whichever Senator would rise to his feet and be recognized.

Mr. MCCONNELL. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. MCCONNELL. I believe the Senator from Washington would surely—

Mr. GORTON. I ask the Senator from Kentucky to yield for a question.

Mr. MCCONNELL. I yield to the Senator from Washington for a question.

Mr. GORTON. In the web site to which the Senator from Kentucky has referred, there is the statement by the primary sponsor of this bill that "pork barrel spending is a direct result of unlimited contributions from special interests."

The first example in the—

Mr. MCCAIN. The Senator is incorrect. Will the Senator yield? The Senator is incorrect. He is incorrect in his statement. The statement says "a key ingredient"—the "key ingredient." It doesn't say that it is the cause of it. So I hope the Senator will at least quote my web site accurately.

Mr. GORTON. I am reading from what I believe is the web site. I think one sentence in the paragraph that doesn't have—

The PRESIDING OFFICER. The Senator will suspend. The Senator from Kentucky has the floor, and the Senator is posing a question to the Senator from Kentucky.

Mr. GORTON. I pose a question to the Senator from Kentucky.

Mr. MCCONNELL. I yielded to the Senator from Washington for a question. Is that permissible?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. To the best of my knowledge, I say to the Senator from Kentucky, I am reading from a web site of the Senator from Arizona, which includes the sentence that says, and I quote, "Pork barrel spending is a direct result of unlimited contributions from special interests."

In this particular list, entitled "The List Goes On and On," the very first example is a \$1.3 million earmark for the World Trade Organization ministerial meeting to be held in Seattle, WA.

Just what pork barrel spending is and just how that spending is a result of unlimited contributions from special interests is a matter that the Senator from Washington fails totally and completely to understand.

I say to the Senator from Kentucky that the appropriation was the result of a request made by the U.S. Trade Representative in what I believe is a Democratic administration to the two Senators from Washington for assistance in financing a governmental operation—a U.S. governmental operation—the U.S. Trade Representative's participation in that World Trade Organization meeting to be held in Seattle.

I ask the Senator from Kentucky, since the Senator from Arizona has refused to answer these questions of him,

or similar questions from the Senator from Utah, how in the world can an appropriation to a unit of the U.S. Government to conduct trade negotiations be either pork barrel spending or the result of unlimited contributions from special interests? Can the Senator from Kentucky enlighten me on an answer to that question?

Mr. McCONNELL. I say to my friend from Washington that I am mystified. I do not recall a situation where you have corporate contributions to the government that might then—it is a mysterious thing to think that kind of a proposal could be a result of soft money. It is important to remember that candidates for office can't receive soft money anyway. The contribution is to a party, and parties don't vote. I am astonished by the allegation. I am not sure I can answer the question because it is a mystery.

Mr. GORTON. A second question: There is a second accusation on another portion of the web site: The part that "This 'Pork Delight' took the form of the 1999 emergency supplemental appropriations bill. Special interest unlimited campaign contributions were a key ingredient in the pork stew that is choking the American people."

One of those is, "An exemption for the Crown Jewel mine in Washington State to deposit mining waste on additional land surrounding the mine, even though other mines were denied similar permission."

First, I ask the Senator from Kentucky, I don't see any appropriations or any use of the taxpayers' money in that connection. I have checked with the mining company in question that tells me they have never made a soft money contribution to any party or any group whatsoever.

I have letters from the county commissioners of the county in question praising this action—in fact, from a labor union that is usually not a supporter of the Senator from Washington on the same account—because this is one of the most poverty-stricken counties in the State of Washington, the Federal Government having closed almost all the timber harvests on public lands, other organizations having bought up other timberlands to prevent their harvest, and the administration being in the process of cutting off irrigation water to farmers. After 7 years of study and \$80 million in complying with every single environmental law in the State of Washington, or for that matter the Federal Government, this company was denied its permit after a 100-year policy by a single bureaucrat.

I ask the Senator from Kentucky, in the absence of an answer from the Senator from Arizona, isn't this what we are supposed to do, represent our constituents? What soft money contribution could possibly have influenced this? One may certainly disagree with the policy.

Mr. McCONNELL. I say to my friend from Washington that it is inconceiv-

able to me how a soft money contribution to a political party would have anything to do with a project for a Senator's home State. I am mystified by the connection. It is astonishing.

We have here rampant charges of corruption and yet no names are named, no transactions are named. You know it is not unusual for the newspapers looking to sell copies or talking heads looking for air time to point to an alignment of interests among member parties, issue groups, and contributors and speculators maybe even going so far as to infer that official actions were taken in exchange for campaign support.

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

Mr. McCONNELL. I yield for another question.

Mr. GORTON. The Senator from Arizona said he wants to get back to the issues involved. I assume the Senator from Kentucky would agree with me that reasonable Members can differ on questions of high public policy, on the way in which we finance political campaigns, on how the Constitution of the United States with its unequivocal demand that Congress shall pass no law respecting the freedom of speech should be interpreted; that all of these are appropriate matters for debate, but that they are far better debated upon the merits, and, in general, accusations of a corrupt system, and rather specific examples pointed at individual Members without the slightest degree of proof, without evidence at all that they were related in any respect whatsoever to this matter—that these are separate questions but they are related questions when the proposition—

Mr. WELLSTONE. Mr. President, I call for regular order.

Mr. GORTON. Should result from—

The PRESIDING OFFICER. The Senator from Kentucky has the floor and has yielded for a question.

Mr. GORTON. These unproven allegations.

Does the Senator from Kentucky agree that these are separate but highly related and relevant questions?

Mr. McCONNELL. I agree completely with the Senator from Washington. What we have here suggests that there can be corruption but no one is corrupt.

How can there be corruption unless someone is engaging in corrupt activity? I say to my friend from Washington, as I said earlier in this debate, that is similar to saying the gang is corrupt but none of the gangsters is.

It is shocking to have these allegations when there are no specifics.

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

Mr. McCONNELL. Yes.

Mr. BENNETT. In response to my comment, the Senator from Arizona said I was violating the rules of the Senate in terms of what I was doing. He said he had not accused me of corruption. The Senator from Kentucky has been in the Senate longer than I

and been on the Appropriations Committee longer than I. I ask, have my actions been violative of the rules of the Senate?

Mr. McCONNELL. I say to my friend from Utah, no rule of which I am aware.

What we really are talking about in this particular debate on this particular amendment, which I will describe in a moment and have not described yet, is the whole notion that there is corruption. Yet no one is named. Somebody is alluded to, as the Senator from Utah and the Senator from Washington were, yet there is no proof.

Mr. BENNETT. If I could ask an additional question, is the appropriations process, as it has been followed in this Congress and previous Congresses under Republican leadership and democratic leadership, in and of itself, demonstrative of corruption if there is an appropriations action that is not authorized?

The Senator is the chairman of the Ethics Committee, and I see the other member of the Ethics Committee leadership on the floor in the form of Senator REID. I ask, is this process, as it is being practiced and handled, virtually on a routine basis, violative of the rules of the Senate?

Mr. McCONNELL. If to appropriate an unauthorized sum of funds were a violation of Senate rules, there would be a lot of Senators in trouble around here. We try to do it through the authorization and then appropriations process, but to suggest that it is somehow unsavory or inappropriate behavior for there to be an appropriation without an authorization I think is stretching the matter quite a distance. There is certainly nothing improper about it.

We can have a policy argument about whether every single item ought to be authorized—and most of them are—but it certainly would not be appropriate to cast aspersions on the integrity of a Member of the Senate for trying to deliver something for his or her home State that might have at some point not been authorized by an authorizing committee.

What is new is Senators who serve here, walking these Halls every day, who meet with their fellow Senators every day, who watch their fellow Members take official actions every day, go before the American people and declare openly and with great conviction that votes are being bought in the Halls of the U.S. Capitol. When Senators make those kinds of allegations about their colleagues, I think we are suggesting they ought to back it up. They ought to back it up.

There are specific rules in the Senate that prevent taking an official action in order to reward somebody for a contribution. In addition to that, we have bribery statutes involving public officials:

Any public official who "directly or indirectly," corruptly, demands, seeks, receives,

accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for . . . being influenced in the performance of any official act . . . shall be fined under this title . . . or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

We have suggestions of violations not only of Senate rules but of Federal bribery statutes, without specifics. That is unfair to the Members of this body who are doing their very best to represent their constituents who are honest, hard-working, and good citizens. It is unfair to the Members of the Senate to have these aspersions cast on their honor and the honor of this institution.

There is an amendment at the desk which is the subject of this debate. Let me describe what it would do. It is an amendment that would amend the Senate Code of Conduct to create an affirmative duty for all Senators who report any credible information of corruption directly to the Ethics Committee. As a former chairman of the Ethics Committee, I am familiar with Ethics Committee rule 3 that requires every member of the Ethics Committee to report credible information of corruption to the committee.

The charges of corruption that are being made in this body require Members to extend the Ethics Committee rule to the full Senate. In the past, there has been an affirmative duty on the part of members of the Ethics Committee to report information about corruption directly to the committee. I think that now should be extended to the whole Senate because we have a number—at least two Members of the Senate—who have been alleging corruption. They have an affirmative duty, if this amendment passes, to report that corruption to the Ethics Committee so we can all get to the bottom of it because these allegations demean the entire Senate.

The message of this amendment is simple. If any Member of this body knows of corruption, he or she must formally report it to the Ethics Committee. In addition, the amendment also amends the Federal Criminal Code to establish mandatory minimum penalties for public officials who engage in corruption.

Our criminal law is full of mandatory minimum penalties already. We have imposed them for a variety of different offenses over the years. For example, arson on Federal property requires a mandatory minimum penalty of 5 years in prison; special immigration attorneys disclosing classified information requires a mandatory minimum penalty of 10 years imprisonment; bribery involving meat inspectors requires a minimum of 3 years imprisonment; bribery involving harbor employees requires a minimum of 6 months imprisonment.

We have mandatory minimum penalties for bribery involving harbor employees and meat inspectors. Surely it

is not too much to ask we establish mandatory minimum penalties for bribery involving public officials.

My amendment establishes that a conviction involving bribery of public officials as set forth in 18 USC 201 triggers a mandatory minimum penalty of \$100,000, 1 year imprisonment, and disqualification from holding any office of honor, trust, or profit under the United States.

As Henry Clay once stated, "Government is a trust and the officers of the government are trustees." I believe that principle to be true. These amendments firmly establish the principle in our Senate Code of Conduct in our criminal law.

Before we pass laws that restrict the free speech rights of every American citizen, we should restrict ourselves. Let's regulate the 100 men and women who cast votes in this great body before we regulate the speech of more than 250 million Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Kentucky.

Mr. MCCAIN. Will the Senator yield for one question?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. I know the Senator is aware, but for clarification, on my web site I state the general proposition that soft money creates pork barrel spending. I then identify a recent appropriations bill as an example of how big the problem of pork barrel spending is. Nowhere should it be interpreted that every single one of those pork barrel projects are as a result of soft money. But they are a result of a violation of criteria that I have held for 10 years, which the Senator from Utah seems to think is OK, which bypasses the authorizing process. I am sure the Senator from Wisconsin appreciates it.

Who is corrupted by this system? All of us are corrupted by it because money buys access and access is influence. The object is not to get into a

vendetta about who is corrupted and who is not because the system is what needs to be fixed. We would never fix the system if I got into a business of finger pointing, name calling. For 10 years I have identified pork barrel spending which violates a process and criteria set up, not by me, but by the Citizens Against Government Waste, Citizens For a Sound Economy, National Taxpayers Union, and other objective and respected watchdog organizations.

Finally, I would say I hope the Senator from Wisconsin will ask the Senator—I am ready to accept his amendment by voice vote. I hope the Senator from Kentucky appreciates the fact that we entered into this agreement and did not hold up the Senate so we could have an amending process going back and forth on both sides of this issue. I hope that is what will be adhered to.

I also would say it is customary in this body to recognize one Member on this side of the aisle and another Member on the other side of the aisle, with the exception of the distinguished majority leader and Democrat leader. So I hope we could get some comity in this process, as we had intended to do at the beginning as part of the agreement.

I ask my friend from Wisconsin if he agrees with that?

Mr. FEINGOLD. I thank the Senator from Arizona for his question. I certainly do agree with it. I appreciate the way he said it.

I think we all agreed early on we would easily accept an amendment such as this. I want to make a couple of comments before we go forward with it.

I think a serious omission has been made in this conversation about what the standard is with regard to corruption. The Supreme Court in *Buckley v. Valeo* did not just speak of corruption, which is the standard the Senator from Kentucky insists on. It also clearly refers to the appearance of corruption. So any suggestion that we have to demonstrate in this case or that case that there is actual corruption flies directly in the face of what the law of the land is under *Buckley v. Valeo*. So there is not a problem with the amendment itself. I question how much it has to do with the debate before us. I think it is irrelevant unless the Senator from Kentucky believes we do not have bribery laws, but I don't see any problem with it.

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

Mr. FEINGOLD. I will in a moment. I want to make a few comments because it was very difficult to get the floor, given the method of recognition used this morning.

But the irony of this amendment, even though it certainly is acceptable, is that the corruption that is so evident is evident as a moral matter; it is a matter of governance. It is not recognized by the current law—except perhaps in cases I don't know about—as

actual legal violation or a crime. The corruption our bill seeks to ban now is perfectly legal. That is the point. It is perfectly legal and it would not be reached as a legal matter by this amendment. This amendment would not reach the kind of soft money contribution we are talking about.

The Senator from Kentucky knows this very well and almost revels in the loophole that would swallow the law. It is very important to recognize because I hope someday this gets before the U.S. Supreme Court.

The Senator from New York said: Well, we already have a record of at least the appearance of corruption as provided by the Senator from Utah.

Remember, our bill doesn't just affect congressional soft money; it also affects money used in Presidential elections, and thanks to the Senator from Utah, we now have on the record for the Justices to examine, his conclusion—which I believe is a fair statement—that you at least believe there was an appearance of corruption with regard to the Mr. Tamraz situation and the Indian tribe situation.

I have to tell you, when I saw the TV show about the contributions with regard to the Indian tribe, it was one of the saddest things I have ever seen. Just as a citizen of this country, not as a Senator, if that didn't have the appearance of corruption, I don't know what would.

To suggest there is a connection between soft money and an appearance of corruption is very legitimate, and I thank the Senator from Utah for putting on the record three examples of what I think easily qualify as appearances of corruption. Certainly, the American people regard it as the appearance of corruption. That is the standard. The standard is not what the Senator from Kentucky is trying to make the standard, that we have to walk in here with documented corruption that is tantamount to bribery. There are laws on the books for that. The whole point is these practices are perfectly legal and nobody should be in trouble under the law for doing something that is perfectly legal.

Let me read from *Buckley v. Valeo* because this is the central confusion on this whole debate this morning, that somehow the standard is that Senator McCain or I or somebody else has to walk in here with evidence of corruption. In fact, it would probably be a violation of rule XIX of the Senate if we did. But that is not even our point. It doesn't have to do with individual Members of the Senate; certainly not anything I have tried to do. Let me read from what the Court said. The Court specifically pointed out that you don't have to prove bribery in order to have a justification for some kind of limits on campaign contributions. The Court said:

Laws making criminal the giving and taking of bribes deal with only the most blatant and specific attempts of those with money to influence governmental action. And while

disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or the appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

This is where the Senator from Kentucky is not properly stating what the Court asked for. The Court does not say it must be only the reality of corruption. The Court says it may be the appearance of corruption, and that is often going to be in the eyes of the beholder. And Senators can disagree about what is the appearance of corruption and can amass evidence for the record of what may be the appearance of corruption, and that is what I have done by my calling of the bankroll and nobody objected for 14 times when I pointed out what appears to be a corrupting influence of multihundred-thousand-dollar contributions. It is not only the appearance of corruption, but that this is inherent, according to the Supreme Court, it is of the nature of large contributions. So this bar that the opponents of reform raise for us, that somehow we have to come in here with a pile of evidence of what everybody knows is true; that is, that soft money has a very inappropriate influence on our legislative process—I reiterate, not an illegal influence. That is why we need a law. That is why we are here. We need to make these kinds of unlimited contributions clearly illegal once again.

Mr. President, I certainly have no problem with accepting the amendment, having had the opportunity to express my view that this debate, thus far, was not directly related to the issue of soft money. But I will be happy to yield for a question from the Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the comments made by my friend, and I ask him if, in his opinion, the appropriation of funds that are not authorized is an automatic appearance of corruption.

Mr. FEINGOLD. What is it again? I did not hear the question.

Mr. BENNETT. The question is, When the Appropriations Committee appropriates money that has not been previously authorized, is that *prima facie* an appearance of corruption?

Mr. FEINGOLD. I do not think it is possible for anyone to determine for everyone else what an appearance of corruption is. It is our responsibility as a legislative body to look at the total record of what is going on in our campaign finance system and to determine whether the American people believe the various things we do have an appearance of corruption and whether there is a remedy for it.

I do not think it has anything to do with any particular part of the process. I think any part of the process can be

perfectly clean at any point, but if there is an abuse at some point, a very large contribution at the wrong time, it is not about whether technically it is legal. It is about whether a large body of the American people would consider—for example, a \$200,000 contribution given 2 days after the House marked up a bankruptcy bill by MBNA. OK, it is not illegal. Conceded. Maybe it is not even corrupt, but it certainly has an appearance of corruption to me and I think to many people. That would be a concrete example of where the appearance of corruption may occur.

Mr. BENNETT. I thank the Senator for that example because he named a name, the source, and he named an amount, the \$200,000. He did not name the recipient. Was it to the Republican National Committee?

Mr. FEINGOLD. I believe it was the Republican Senate campaign committee—

Mr. BENNETT. National Republican Senatorial Committee?

Mr. FEINGOLD. Yes. On the 16 occasions I came to the floor and read out these contributions, I was careful to identify both sides. In my opening statement, I identified not only groups that would be more likely to support Republicans but Democrats, and in every instance I am referring to an appearance of corruption that the American people may see in looking at this. I am not making any allegation of illegality. But the issue here is the appearance of corruption under *Buckley v. Valeo*.

Mr. BENNETT. I thank the Senator for that because, as I say, he has responded with things I have requested with respect to the allegations that I was under the appearance of corruption which I have not yet received.

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

Mr. BENNETT. The Senator has the floor.

Mr. FEINGOLD. Let me ask, in response, when you became aware of the allegation against yourself?

Mr. BENNETT. It was several days ago when my attention was called to it on the web site. I wrote to the Senator from Arizona and told him I was going to raise this on the floor because I did not want him to be blindsided by it. I wanted to be as courteous as possible. But in my letter to the Senator from Arizona, I told him I was disturbed, indeed offended, by this and intended to raise it. Therefore, I have kept my word to the Senator from Arizona.

My question still goes to the response that I have had which is that the appearance of corruption comes from appropriations that are unauthorized. I want my friend to address this directly because he has been the outspoken advocate of this appearance of corruption question.

Mr. FEINGOLD. As I said earlier, it is perfectly possible on an occasion that the kind of procedure the Senator has talked about could give rise to an

appearance of corruption. It is not something one can sort of determine by a series of court rulings. The question is, Do we as legislators find that our constituents see that sort of thing as appearing corrupt and, therefore, do we legislate a response to it? That is the standard for legislatures, not the standard for the court which is trying to convict someone of a crime.

Mr. BENNETT. But the standard I am trying to understand that has been raised in this debate today is that any time a Senator achieves an appropriations—as I say, I plead guilty. I make no attempt to hide this. I plead guilty as having been the Senator who approached the Appropriations Committee in request of this particular item.

It has been raised here that by virtue of the fact that I did that on an item for which there was not a previous appropriation, that in and of itself is an appearance of corruption, and I am asking the Senator if he agrees with that characterization.

Mr. FEINGOLD. I simply cannot say for the general public on that particular example how they would react. That is not my role. My job as a representative is to react to what people respond to when you point out various things that have been done. I do not know what the response would be to the particular incident.

Some people might, obviously, as you say, think you were successful in doing something for your constituents. I know from my own experience as a Senator that you have to be very careful about the appearance as you move forward with something, not for purposes of our debate but for purposes of how it might look to your constituents. So you look to your constituents and you look to your sense of what people are feeling about the system for an answer to your question.

In answer to your question, there is no automatic connection between every time a Senator does something for an interest and corruption—of course not—or the appearance of corruption. But the question is, How do the American people feel about the process?

What I am saying is, what this debate is about, because we got into the issue of soft money, is whether there is a level of contribution, whether the dollars get so high that the Supreme Court's language of it being inherently appearing corrupt comes into play. I suggest when you get into high numbers of contributions, you cannot avoid the appearance of corruption. You may avoid actual corruption, but you cannot avoid the appearance of corruption when we increasingly have the reality of people giving \$500,000 apiece.

Mr. BENNETT. If I can ask the Senator an additional question—and I appreciate his comments; I think we are getting somewhere—will the Senator agree that the appearance of corruption would be much lower if there were no contribution identified at all, which

is the case in the circumstance that I have raised? There has been no contribution identified from anyone connected with this in any form. Does the Senator not agree, therefore, that the appearance of corruption here would be pretty low?

Mr. FEINGOLD. Again, I do not know the specifics of the case the Senator is discussing. Obviously, given the issue we are raising about soft money, the strongest case is made if you demonstrate large soft money contributions. That is most likely to lead to an appearance of corruption.

Mr. MCCAIN. Will the Senator yield for another question?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. Is the Senator aware this is a straw man because what I said, and I repeat for about the tenth time:

Special interests and unlimited contributions were a key ingredient—

And then I listed a whole bunch. I have listed for 10 years on my web site unauthorized appropriations to which I have taken great offense. I have argued that they are wrong. I will continue to argue they are wrong, and if the Senator from Utah wants to somehow interpret the fact that soft money is a key element or is not a key element in his particular appropriation, that is fine. I am telling the Senator from Utah that I listed a lot of projects. Some fall into the category of unauthorized appropriations.

I have said it now about five times, and I hope we can move forward. We only have 5 days of debate. I hope we can move forward with various amendments and allow other Members to make statements; otherwise, we rapidly approach the appearance of a filibuster which was not the agreement that Senator FEINGOLD and I entered into with the majority leader when we began. There are Senators who have been waiting to give statements. There are Senators who have been waiting to give speeches. And we have massaged this issue rather significantly.

Again, I ask the Senator from Wisconsin if he agrees with me, the way we usually function in the consideration of legislation is proponents of the legislation have an amendment and then opponents have an opportunity to propose an amendment. We had understood that would be the way we would proceed.

Is that the perception of the Senator from Wisconsin of this agreement, which was really a gentleman's agreement?

Mr. FEINGOLD. Mr. President, I certainly agree with the Senator's suggestion of how we are going to proceed. And to reiterate, when I started on the floor on May 20, 1999 and talked about various changes in the mining law that were prevented under the emergency supplemental appropriations conference report, as the Senate suggested, I was not talking about a particular contribution to any particular Member. It was a process with many

factors. One of the factors was the \$10.6 million the mining interests gave over a 6-year period. To me, that is of such a high level that it raises an appearance of corruption.

I think that is exactly what the Senator from Arizona is getting at, and exactly what he was trying to do in the case before us.

Mr. President, I yield the floor.

Mr. MCCONNELL. I believe we are ready to vote.

Mr. REID. Mr. President, if I could ask my friend from Kentucky a question as to how we are going to proceed. I think the discussion has been important, but it has taken several hours. I do not know when we started on this, but I think it was at 10:30 or a quarter of 11. It is now 1:30. I have a list of nine Senators on the Democratic side who wish to give statements on the general bill.

Mr. MCCONNELL. I say to my friend from Nevada, I wanted to start last night and no one wanted to stay past 7:30. Many of us believe this is a very important amendment. We have spent a couple of hours on it. But it is important. We are now ready to vote.

I agree with the suggestions that have been made that we go back and forth. As you know, this is not a straight party-line issue. So I think back and forth means people who are generally in sympathy with this legislation offer an amendment; people who are not do not offer an amendment. The people who are not just offered one, which we are about to approve on a voice vote. My view is, you are next.

Mr. REID. I say to my friend from Kentucky, we will be happy to give every consideration to alternating amendments. That seems to be a thoughtful suggestion. However, prior to our offering any amendments, we want to be able to speak on the underlying bill. That is the normal procedure.

Mr. MCCONNELL. That is fine.

Mr. REID. We have people who have requested time from 5 minutes to 30 minutes, reasonable requests for time.

Mr. MCCONNELL. Sure.

Mr. REID. We agree with the Senator from Kentucky, this is an important issue. But people have been waiting over here for a long time to discuss the issue.

So we are ready to vote on this matter at this time. It is going to be, I understand, by voice; is that true?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2293.

The amendment (No. 2293) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am going to take a couple minutes, and then I will yield the floor. I know the Senator from New York has been waiting patiently.

The debate we just had has been an effort—toward the end of it—to shift it in a different direction. We are going to come back to this over and over again for the next 3 or 4 days.

We are not just talking about the appearance of corruption. What the Senator from Arizona has repeatedly said is things such as, "corrupts our political ideals," "we are all corrupted," "the corruption of Congress," "soft money is corrupting the process."

These have been allegations of corruption, which is a violation of Senate rules and a violation of Federal bribery statutes.

I would suggest to all of our colleagues, in our exuberance to pursue our different points of view on this issue, do not suggest corruption unless you have evidence of corruption. It demeans the Senate, and in the instances of Senators BENNETT and GORTON, it demeans a specific Senator. It is clear from this debate, there is no evidence—none whatsoever—of corruption.

Mr. President, I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask to address the Senate for 10 minutes.

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

Mr. SCHUMER. I thank the Chair and all of my colleagues.

Before I get into the substance of the bill, I think many of my colleagues on the other side of the aisle, in this last debate, are missing the forest for the trees. In fact, in my judgment, the Senators from Kentucky and Utah and Washington have helped make the case for the bill, not only in the specifics that I talked about with the Senator from Utah before, but everyone in this Chamber, all three, in my judgment, all three have felt compelled, in a certain sense, to explain themselves. All three are very honorable people. I tend to be sympathetic. If I were listed, I would feel the same way.

But there is a cloud hanging over the Senate. There is a cloud hanging over this Capitol Dome and all of Washington. In good part, it has been caused by the way we finance campaigns.

So even when Senators have the purest of motives, they are called into question. The good Senator from Utah felt his integrity was questioned. The Senator from Washington felt his integrity was questioned. The Senator from Kentucky was defending the honor of his colleagues.

Why was that necessary? It is necessary because with the system we use today, there is such mistrust that no action—no action—no matter how purely done, is perceived that way.

Obviously, there are many gradations. Pick Senator A and Senator B; Senator A is a lifelong believer in the pro-life movement and receives money

from a pro-life PAC. Nobody questions that—or pro-choice.

But how about if Senator C believes strongly that a certain facility or company needs dollars to bring jobs to his area and receives contributions closely related to that? Everyone doubts it.

I would argue to you that those two cases, at least on a factual basis, are not distinguishable. But every—every—move we make in Washington is now under a cloud. It is under a cloud because of the system by which we finance campaigns. We must change it.

This is the most important vote we are facing in this whole year of Congress, period. I know we have had important ones. But the very roots, the foundations of this democracy, are being eaten away by public cynicism. In good part, that public cynicism is caused by our system of financing campaigns.

The great debates we have had this year—whether it be on impeachment or guns or Patients' Bill of Rights—over every one of them, the cloud of how we finance campaigns hung over it. The debate is vitiating by that cloud, and because of this system people feel further and further away from the Government that is theirs.

So those who argue for the status quo, saying nothing is wrong, or other issues that predominate, sort of befuddle me. I am surprised at the advocacy of the first amendment by some on the issue of financing campaigns, when that advocacy on other issues—freedom of artistic expression—does not seem to be there. I find that befuddling.

But, to me, there is no higher value that we can create than trust between the people and their Government. If that trust continues to decline, I don't know if this system of Government survives. So to argue whether the Senator from Utah or the Senator from Washington was maligned in a specific and wrong way, misses the point. To argue that every Senator is maligned fairly or unfairly by a system that the public perceives—and their perception is not out of cloud 9; their perception has many bases in reality—is making that Government further and further removed from their reach, that is what we are talking about.

This proposal is a minor proposal in the broad scheme of what we must do. It is, to me, a disappointment. I would have liked to have gone a lot further. I do not hold my colleagues from Arizona and Wisconsin responsible for that. They are trying to go as far as this body will let them go.

One thing I believe we cannot do—one thing we try to do too often—is let the perfect be the enemy of the good. The McCain-Feingold proposal will make some good, positive changes. Will it advantage one party or the other? I don't know. I don't think any of us can predict. Will it advantage one race, one person in a political race over another? Maybe yes; maybe no. We know one thing. We know it will begin that first step of rebuilding trust between the

people and their Government. It will begin the first step so the kind of debate that occurred on the floor a few minutes ago won't be necessary, because the public will have the kind of faith they had in their elected officials in decades and centuries past.

We must move forward. Can we improve on the proposal before us? Yes. I am going to offer a proposal, most likely with the Senator from Nebraska, Mr. HAGEL, to say that when there are independent expenditures and when there are independent committees, the financing there must be disclosed. That will help a little bit more without vitiating the chances of passing this bill. I hope my colleagues will support that. We will be talking about it.

The bottom line is, we have a tremendously serious problem. We have a poison that is in the roots of this great tree of democracy. It is spreading day by day, week by week, and month by month. That poison is cynicism. That poison is a view of the average citizen, rightly or wrongly—and in many cases, it is right—that the average person doesn't have the influence of a person or a company or a group of great wealth. We have to begin to change it. In a complicated world, where decisions are not so clear and not so black and white, we cannot afford to have every decision, difficult as they are on the merits, be held in asstance or even contempt by average citizenry because they don't think they have a fair shot at influencing their legislator.

I ran for office at the age of 23, right out of law school. It is because I believed in our system of government. There were tens of thousands of young men and women, Republicans and Democrats, who threw themselves into government because they believed. We had seen good things happen in terms of World War II, getting out of the Depression, the prosperity of the 1950s, the civil rights movement, and the protests, angry at times, that changed our course in Vietnam. People believed.

My guess is that there are far fewer 23-year-olds today who are making the sacrifices it takes to go into government because of the cynicism, because of the mistrust, because of the problems of financing their own campaigns. If we can no longer get our best young people going into government, whether it be elected or appointed, and if we can no longer have the citizens believe, when this body debates an issue, that the debates are being divided by firmly held beliefs rather than by who is manipulating, controlling, or contributing to whom, then we can't survive as a democracy. That fatal distance between people and their government will get larger and larger and larger. We will wake up one morning and say: We don't have the kind of democracy that the Jeffersons and the Madisons and the Washingtons and the Jays believed in and put together for us.

This is not a trivial debate. The bill is smaller than many of us would like. But it is a debate that goes to the core

of whether this Government will ultimately survive.

I urge my colleagues on both sides of the aisle not to look at the specific details of "this provision is in" and "that provision is out," but to look at the broad, in general, anger, hostility, cynicism, skepticism, and impotence that the public believes they have in relation to their government; then ask what can be done about it.

My guess is, one of the few things we actually can do as Senators is pass the bill the Senators from Arizona and Wisconsin have put together. It is an important debate. I am glad we are getting to debate it on the floor. I hope and pray that at the end of the day we will not walk out of this Chamber empty-handed and end up being worse off than we were before the debate started, as the public will believe this Government has finally pulled totally out of their reach and influence.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. My colleague, Senator DURBIN, is in order. I ask unanimous consent that he be allowed to speak now. I have the floor, but I don't want to jump ahead of him.

The PRESIDING OFFICER. There is no order.

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

This debate on campaign finance reform is certainly not a new topic for any Member of this Chamber. I start by saluting my colleague, Senator JOHN MCCAIN of Arizona. He has been my friend since we served together in the House of Representatives many years ago. We have differed from time to time, which is not unusual in politics, but I have the greatest respect and admiration for the leadership he has shown on this and so many important issues, such as tobacco and others, that are near and dear to my heart. I thank him. I know that sometimes it is a lonely task to be a leader on an issue. I respect him very much for what he has done.

My colleague, Senator RUSS FEINGOLD, deserves similar accolades, and more, for the leadership role he has taken on this issue. Senator FEINGOLD, in his race for reelection in the State of Wisconsin, demonstrated rare political courage when he said he would live by the standards he preached when it came to campaign finance reform. It is a real test for every one of us in public life to be held to that standard. I am glad the people of the State of Wisconsin not only respected his decision but said they wanted him to continue as their spokesman in the Senate. I am happy to count him as a colleague and a friend.

I find this debate to be absolutely critical when it comes to the future of our Nation. I don't think what is at stake in this debate is just a question

of money and where it comes from. It is about much more. What is at stake in this debate is the future of this democracy. We expect politicians to be hyperbolic, to say things that sound so sweeping, they can't be true. But in my heart, I really believe what I have said is true. I am honestly, genuinely, and personally concerned, as a Member of the Senate, a former Member of the House of Representatives, and as a person who, for better or worse, has devoted his adult life to public service, about the fact that the people I represent and we represent are losing interest in their Government. The clearest indication of that loss of interest is in their declining participation in elections.

Why is it, at this moment in the history of the United States of America, in the closing days of 1999, as we anticipate a new century and a new millennium, as we see the end of the so-called American century, when we swell with pride when hearing our national anthem and seeing our flag and appreciating what this country is all about, when we watch as leaders from around the world in burgeoning democracies come here to the United States to validate their pursuit of democratic ideals—why is it now that the people of the United States of America have decided they are basically not going to be involved in the most critical single decision any citizen can make, which is the decision to vote for the man or woman of their choice for public office?

I have tried to analyze this, and I have to say it is interesting that this problem, in my mind, relates to this debate on the floor. This is a debate about political campaigns, money, and voters.

I have a bar graph I would like to display which shows in fairly graphic terms what I think this debate is all about. If you look at this, you will notice that, in 1960, in the Presidential election campaign, both candidates spent the relatively meager sum of \$175 million. And then, if you will fast forward to the estimated expenditures of the 1996 campaign—a span of 36 years—it went from \$175 million to \$4 billion.

What happened in between to cause this dramatic increase in spending on campaigns? Certainly inflation was part of it, but this is more than inflation. What happened is that candidates—myself included, and virtually every Member of the Senate—decided that to win a vote or entice a voter, they had to spend money in record amounts—on television, on radio, direct mail, bumper stickers, pocket combs.

I carry a comb in my pocket given to me by a friend named Craig Lovett who ran for Congress and lost. About the only thing remembered of Craig's campaign is these wonderful combs, which I have carried around for over 20 years. He was a great fellow, and he has passed away. Sometimes that is all that is left of a campaign. We spend money on things such as that, as can-

didates, in trying to reach the voters, touch the voters, convince them we are worth voting for. If you look at them, you have to ask, as we plow more money into our political system of elections, is it working? The honest answer is that it is not.

There is another part of this graph that is worth noting, too. The statistics here indicate voter turnout in Presidential elections. Look at what is happening. When we spent \$175 million in 1960, 63.1 percent of the eligible voters turned out. Then we started piling on big time all the money we could find and raise legally in the system. And what happened? There was a steady decline in voter interest and participation to 49.1 percent in 1996. We have lost 14 percent of the eligible electorate as we have plowed massive amounts of money into the system.

Some people on the other side of this debate have argued that the weakness in the American political system is not enough money. If we can just jam this blue bar up in the next campaign to \$5 billion, \$6 billion, and beyond, they will tell you, in their way of thinking, that is how democracy works. I have heard political spokesmen such as George Will talk about money being free speech, and if we had more free speech—that is, more money—then we would be living up to our constitutional ideal, and that is what we should be all about. But the facts don't bear that out. The more money we plow into it, the fewer people turn out to vote. I think that is significant because I think something is happening here that really is worth our observation.

Look at what happened on November 5, 1996—or perhaps what didn't happen. I think it represented the single most dangerous and tragic threat to our democracy, the outcome of that election campaign—not the candidates, but from the voters' point of view. One need not look beyond the voter turnout in the last Presidential election to recognize the degree of public disillusionment in America. It is perplexing that this very same election cycle that spawned skyrocketing revenues and outlays in campaign dollars generated only a 49.08-percent turnout at the polls.

The 1996 Presidential campaign had the lowest national average turnout for a Presidential election in 72 years. The money was there; the voters weren't. If one accounts for the flood of new voters in 1924 with the passage of women's suffrage, it may have been the lowest percentage turnout of eligible voters to vote for President since mass popular balloting was introduced in America in the 1830s, in the 160-year history of the United States. And by 1996, the voters of the United States said: None of the above; we don't care; a majority will stay home.

The average voter participation rate in Presidential elections between 1948 and 1968 was 60.4 percent. This dropped to a 53.2-percent average turnout from 1972 to 1992. Campaigns are too long,

too expensive, too negative, and a majority of self-respecting people have said: We don't want to sully our hands by even voting. And they vote with their feet; they stay home.

The decline in the exercise of the basic right of citizenship is a grave concern. More than 100 million Americans of voting age don't participate. I don't think this is an accident. Despite the fact that we tend to register more voters—an increase of some 8 million eligible voters, resulting in 4 million being registered—fewer Americans cast their ballots in the most recent election, the 1998 mid-term, than in 1994's similar election, plunging voter turnout to the lowest level in over 50 years.

I think the message here is clear. Americans have watched this electoral process, and an estimated 119 million of them have decided to avoid the ballot box like a root canal. That is the largest number in American history. If you look at the United States in terms of other countries around the world and all the things we point to with pride in this country, we cannot point to voter participation with pride.

According to data compiled by IDEA, the United States ranked 114 out of 140 countries the voter turnout of which has been assessed since 1945. Despite all the money, we don't see the participation we have come to expect.

The life of a Senator is a wonderful life in many respects. I am so honored to represent a great State such as Illinois and to be able to stand in this Chamber and use my best judgment on my votes to try to help them. But the path to the Senate, for someone who is not independently wealthy, is a path that takes you to many small offices, many desks, many telephones, and many telephone calls to perfect strangers, begging for money.

When I was a Member of the House of Representatives running for the Senate, I used to take off during the course of a day, drive about a block away to a little cubicle I had rented, where I could sit and legally make fundraising calls. I would take every available minute to do it. When I received my beeper notification, I would race back to the floor of the House of Representatives to cast a vote and then back to make more phone calls and raise more money. Of course, it is going to have an impact on your private life, and it had an impact on my public life, too. I can remember, to this minute, the day I left to race over and make a vote on the floor of the House. As I cast my vote, I looked up and thought of the list of potential contributors I was now about to call. But there were two or three of them I could not call. I just voted against them. You know, when that becomes part of the calculation, it takes something away from your judgment.

I don't point the finger of blame to any of my colleagues in this Chamber. I think they are, by and large, to my knowledge, some of the most honorable people I have come to know in life, and

they are really conscientious in the job they do. But the system as it is currently constructed is a system that, frankly, is going to lead all of us to make conclusions and make decisions which may not be the right ones.

The argument on the other side against Senator MCCAIN and Senator FEINGOLD is the suggestion that more money into this system is going to make it better. This is not a new argument. We have seen it in several other iterations.

I can recall the debate over guns in America. The National Rifle Association is for a concealed carry law. What does it mean? It means all of us would be able to carry a gun around in our pockets or, for women, in their purses, taking them into shopping malls, restaurants, churches, and high school basketball games. It is their belief that this proliferation of guns in America will make us safer.

Yesterday, we had a vote on a nuclear test ban treaty. Many of us believe that we have all the nuclear weapons in the world we will ever need and that we should have passed that treaty to reduce the number of nuclear weapons in those countries that possess them. The treaty was defeated. Those who wanted fewer nuclear weapons lost. Those who believe we shouldn't have a limit on testing and, therefore, the development of nuclear weapons around the world prevailed. They believe, obviously, that more nuclear weapons around the world make us safer. I don't share that belief.

But a similar argument is at hand. There are those who argue that more money going into the political system will somehow result in better men and women being elected to Congress and to other offices. I don't believe that is the case.

In 1996, the Republicans raised \$548 million; the Democrats raised \$332 million. The Republicans outraised us 65 percent more than we did in 1996. In 1992, both parties had only raised \$507 million. So you can see the numbers going up dramatically.

Part of the resistance to campaign finance reform reflects the reality that the incumbent Republican leadership in the House of Representatives and in the Senate does not want to put an end to a good thing. I can understand that. It makes sense to me as a political person that some might take that position, with notable exceptions such as Congressman SHAYS from Connecticut, the Republican who supports campaign finance reform, and others on the Republican side.

Centuries ago, Machiavelli wrote his famous book, "The Prince," and outlined some ideas and principles of politics. I have always said that if he did not have a chapter in his book on the subject, he should, and it should be entitled "If you have the power, for God's sake, don't give it away." The power now is in the money. And many on the Republican side of the aisle who are capable of raising more money than we

do on the Democratic side of the aisle do not want to surrender that advantage.

It is similar to handing a weapon to your enemy, as they see it. That is an understandable conclusion by some. But thank goodness for Senator MCCAIN and others who have risen above it and said it is an empty victory to continue the status quo, the current system of campaign fundraising, if in fact we are losing credibility and losing the respect of the American people. What good does it do for us to be elected and supposedly lead this country when the American people do not give us the respect for the office or the job we do? It has a lot to do with the campaign finance system.

This bill in its particulars addresses many issues, and one of them primarily in the focus of this debate is on the question of soft money. In 1996, the Republican national party committees tallied soft money receipts of \$141 million; in 1998, an off year, \$131.6 million. That was the dramatic increase over the prior off-year election. The Democratic side raised \$122 million in soft money in 1996 and, in 1998, \$92.8 million. That was a 89-percent increase over the summer election cycle just a few years before.

Much time and energy has been spent in the aftermath of the 1996 Federal election cycle, launching accusations about questionable practices that occurred. I sat through Senator THOMPSON's hearings investigating the Presidential campaign for a year. There were certainly irregularities and embarrassments involved in that campaign. I am certain as I stand here that similar irregularities and embarrassments happen on both sides—Democrat and Republican.

You cannot deal with these massive sums of money from people whom you don't know as well as you might a member of your family and not run into embarrassing circumstances. I have. There have been times when I have received checks in my campaign and have taken a hard look at them and said, "Send them back." It just raises too big a question as to whether my values and principles are being compromised. Think about a national party raising millions of dollars under similar circumstances and wondering if any single check is tainted or raises questions about your honesty.

What we learned from investigating the Presidential campaigns is that some of the most reprehensible and unseemly tactics are perfectly legal under the law today. Several loopholes in the law allow funds to be raised and spent in ways that do not violate the letter, although they might violate the spirit, of the law. Chief among them is soft money donations.

It is an arcane world for the average American to try to figure out the difference between hard money and soft money, caps on spending, and the like. I can tell you, there are certain things that can basically differentiate them.

Hard money is limited as to how much you can raise with each individual. You are limited as to the sources and individuals as well as PACs. You are limited in how much they can give, and everything is disclosed.

Hard money is a reform that really tried to clean up the system by saying, if we limit those who can give while staying away from corporations, for example, and we limit how much people can give, and then we have full disclosure, we will have a more honest system. I think the premise was sound.

Soft money violates basically all these rules. Soft money doesn't live by these limitations. The sources, the amounts, and the disclosures in many cases just aren't there.

That is what this debate is about. Senators MCCAIN and FEINGOLD have said put an end to this soft money and the problems it creates for our electoral system.

There are several items and issues that will come up, I am sure, later in the debate. I am going to hold back from going into some of them. One of them has to do with issue ads. I am looking forward to that because I think my greatest fear is that if we ban soft money, we will create vehicles for more and more independent so-called "independent organizations" to appear and become part of this process.

Let me close by saying this: I have supported the McCain-Feingold bill as originally written. It embodied a number of reforms that I think are essential to restore confidence in this electoral process. I have been disappointed by some sponsors. I understand their political realities. But I have been disappointed in the fact that we have over time lost some of the major reform provisions in the bill and we are now focusing on just one—the abolition of soft money. There are many other parts of that bill which deserve to be enacted into law if we are going to have real reform.

I will close on this note. I hope this Congress—particularly this Senate—can muster the political courage to vote for this reform. I hope that will happen. I am skeptical as to whether that will be the outcome.

We have seen demonstrated in American political history time and time again that it takes a major overwhelming scandal for this Congress to act to enact real reform. The Watergate scandal is one example, and others have shown up in our history. We are not dealing with such a scandal today in specifics, but we are dealing with a scandalous system, a system which really troubles me the most, that so many Americans have given up on us. We can't allow that to happen. We can't afford it.

For those who argue that we have to allow the very wealthiest in America to be articulate in our political process by writing checks for thousands—\$10,000, \$20,000, \$50,000, or \$100,000—I think on its face is laughable. To think we would give up on working people,

average families, and businesses making modest amounts and disclosing contributions and instead turn this process over to the wealthiest in America is to give up on the very basis of this democracy. It will continue to push away from the average American that interest they should have in this most fundamental system of representative democracy.

I rise in support of McCain-Feingold. I yield the floor.

Mr. WELLSTONE. Mr. President, I think we will alternate sides.

I ask my colleague from Tennessee, if we are going to rotate, could I ask unanimous consent I be allowed to follow the Senator from Tennessee?

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

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the McCain-Feingold legislation as amended. I do so based upon the premise that it is our responsibility in this body, it is our responsibility as a Congress, to address the issues concerning the election of Federal officials. I can think of nothing more appropriate to address than how we elect Federal officials and the way in which we elect them. It is not up to the Federal Election Commission to do this for Congress. It is not up to the Attorney General to do this for Congress, nor the lower courts. It is for Congress to state precisely what kind of system we want—or no system, if we don't want a system—to state that clearly and be willing to stand up and make a case.

This is a balancing process, one that has been endorsed by the Supreme Court of the United States. I think the purists on both sides of this issue probably have missed the boat. It clearly does cost more now to run campaigns than it used to cost. In my opinion, the \$1,000 limitation, for example, is clearly too low. It needs to be adjusted for inflation. On the other hand, those who say there is not enough money in politics and that we should be able to donate unlimited amounts of money to parties for the benefit of those who are running for office I think miss the boat, also. Surely, we can strike some kind of a balance wherein we can address the legitimate costs of running for office and the fact that we are not going to be able to eliminate money from politics on the one hand with certain reasonable limitations that do not cause public cynicism and do not cause questions to be raised concerning the motivations of those who write the laws in this country.

Both history and common sense demonstrate beyond any purview of a doubt there is something inherently problematic with giving large amounts of money to people who write the laws, especially when donors of that money are affected by the laws that are being written. That is not a novel concept. That is something historians back in the 19th century were talking about.

They were talking about the downfall of the Roman Empire, something that the Venetians addressed seven centuries ago when they placed strict limits on what could be given to elect the officials. Under their system, if one was going to ask elected officials for any favors, one couldn't contribute to them at all.

We have recognized that in this body. Senator Barry Goldwater, who is one of my heroes, has been called Mr. Republican; he has been called Mr. Conservative over the years. He is the conscience of the conservatives. It is one of the things that caused me to want to get into politics. I admired his courage. I also admired what was on his mind. He was always a man of integrity and always willing to look a little bit further than the end of his nose, look a little bit further than things that affected him.

He said in 1983 about big money:

It eats at the heart of the democratic process. It feeds the growth of special interest groups created solely to channel money into political campaigns. It creates the impression that every candidate is bought and owned by the biggest givers, and it causes elected officials to devote more time to raising money than to their public duties. If the present trends continue, voter participation will drop off significantly—

I might ask parenthetically if that sounds familiar—

public respect will fall to an all-time low—

I ask the same question—

and political campaigns will be controlled by slick packaging artists, and neglect of public duties by absentee officials will undermine government praises.

That was Barry Goldwater in 1983. I am disappointed some of my colleagues on the Senate floor did not have an opportunity to question him and interrogate him and try to get him to name names as to those who are corrupt. That is what Barry Goldwater said in 1983.

It is not just statements made here that recognize this inherent problem to which there is no one answer—I might add, an inherent obvious problem—and has been with us over the centuries. It is based on human nature. In response to that, we do such things as pass a gift ban. If there is no problem with the giving of things to public officials and to candidates for office, why have we passed the gift ban rule? But we did. So we have the rather curious situation now where an individual cannot buy a Member dinner, but he can give a Member \$1,000 for his campaign. Or he can bundle \$100,000 for you. Or if he is rich enough, he can give \$1 million to your party for your benefit, but he cannot buy you dinner.

We recognize this basic question in the laws that we pass. In 1907, we banned corporate contributions. In 1943, we banned union corporations. In 1974, we passed limits on amounts of money that could be given to individual candidates. We passed limits on amounts of money that could be given to political parties. We set up a system

of partially funding Presidential campaigns—the idea being if the taxpayers funded the Presidential campaigns, the Presidential candidates would not have to go out and raise private money.

Why were we concerned about that if it is the same old answer—the things we have been talking about for the last few minutes. We set up that system. I might say, since that was passed and has been in effect since 1976, until the last Presidential campaign, we have had no real problems in terms of scandals. The Presidential candidates each spent about the same amount of money; sometimes Republicans won, sometimes Democrats, sometimes incumbents, sometimes challengers. That is what we had until recently.

This balance that was struck—not impeding first amendment rights but recognizing this inherent question, this inherent historical century-old problem—the balance that was struck was upheld by the Supreme Court. The Supreme Court acknowledged we were placing limitations on individuals, perhaps involving the first amendment in some ways, but the Supreme Court said in striking a balance between that legitimate concern on the one hand and the concern over the corruption or appearance of corruption on the other hand was a decent one to strike and was permissible to strike. So we set up a system of limitations and disclosures.

This is not a personal matter. This does not have to do with individual Members. It is not about Members as individuals as we consider this in the Senate and the Congress. We haven't been here for very long when considering the course of history, and none will be here very much longer. What we are supposed to do is look past that and do what is necessary and beneficial for the country.

I have been distressed in watching this morning, that all of the concern supposedly has not been on the merits of campaign finance but attacks on the Senator from Arizona because he has raised these questions—the same ones that Barry Goldwater raised. Hopefully, we will be able to get back and debate the issues as to whether or not our current situation is a good one.

I was thumbing through some material. I haven't been able to catch up on my reading lately. I suggest we direct our attention to what people are saying—not the Senator from Arizona, not Common Cause, not the ACLU, not the advocates we all are on the issues.

Congressional Daily was put out by the National Journal on October 7. This journal is primarily a discussion of the legislative issues, what is happening and what is going to happen. In this article written by Bruce Stokes, I was struck by this passage that probably didn't raise any eyebrows because it is so common nowadays. This man wrote:

More importantly, the China WTO issue may loom large in some congressional primaries not because voters will care but be-

cause candidates on both sides of the issue will use it to raise money from business and labor, a milk cow Members of Congress may be reluctant to cut off by actually voting on the issue.

That is not something I would say. I do not know that to be true at all. But this is what people writing for the National Journal are saying. I suggest we ought to be concerned about that. We ought to be a little bit more concerned about the message and not so much concerned about the messenger. So maybe we can get back to the issue, as we proceed these next few days, as to whether or not we have a good situation in this country today.

I suggest it is not about the total amount of money in politics. People argue there is too much money in politics; there is not enough money in politics. How long is a piece of string? I am not here to say there is too much or too little money in politics per se. People point out Procter & Gamble spends more on advertising soap than we spend on politics. But I would say a couple of things about this.

No. 1, I draw a distinction between what we do and soap making. I hope it would be fairly obvious but perhaps not.

Second, the problem, again, is the age-old question: What do we do about the necessity for money in politics and political campaigns on the one hand and the inherent problem of giving large sums of money to individual politicians, to individual legislators, or to individual parties which will inure to the benefit of those legislators? Procter & Gamble has nothing to do with that. The advertisers who place those ads, the people who run those ads, do not conduct public policy in this country, but we do.

So why are we here today? Why does this keep coming back? Because, as I have said, we have not addressed this legislatively. The answer is, we are going to have to strike a new balance. We are going to have to readdress what we have done in this country on campaign finance and what we have learned over the last few years because having set up a system that, for better or for worse, whether you agree with it or not, struck that balance in terms of letting money in, letting people have enough money to run but not being overwhelmed by money so it looks as if your vote is based on something other than the merits—that has been totally done away with, basically. We do not have that system anymore.

You say: When did Congress change it? Congress did not. Congress really did not do anything to change that system. That system was changed by, basically, the Federal Election Commission and by interpretations of the Attorney General. Now soft money can, in large measure, do what hard money used to do. The gates have been opened. Presumably, after learning the lessons of the last Presidential campaign and the interpretations that the highest law enforcement officer in the country

has placed on it, which presumably is the law which presumably is going to be the pattern candidates for both parties are going to be following, a candidate can now go out and raise millions of dollars of soft money, run it through the State parties, coordinate its expenditures, and run television ads, as long as he doesn't say, "Vote for me." That is basically the system we have today.

The system we have now is not what we want. It is not what we ever voted for before. It is not the system we have had before. But because of FEC interpretations and the Attorney General, that is the system we have now.

As we often have to do in this body, we have to readdress fundamental issues. You seldom fix anything for the duration of eternity. Sometimes you can do pretty well for a couple of decades, as we did in 1974. People say it didn't work. I think it worked pretty well in most respects. Certainly, in the Presidential campaigns it has worked well. It has now been proven the hard money limits are too low. That is one of the things we have learned. What do we do? Throw the whole thing out or do we raise the hard money limits? I think we ought to raise the hard money limits in light of the reality we have learned since the last time we addressed this issue.

We have a system now where basically there are no practical limitations on any amount of money anybody wants to give to effect political campaigns. If that is what we want, an argument can be made that is a good thing. It has never been made as far as I know. It has never been voted on in this body. Do we want that? If we do not want that, we ought to say so. If we do, we ought to say so.

How did we get into a situation where, without this body lifting a finger, we went from a system where people were mightily concerned about the \$5,000 PAC check, by the \$1,000 individual check—from that system, that is the last time we addressed it, to a system whereby now you are not a player unless you are giving \$100,000?

It started in 1978, the FEC rule that parties could send certain moneys to the State parties; the Federal party could send to the State parties for party-building activity. Then in 1991, they said they could fund certain voter drive costs with soft money, up to a percentage: It is 35 percent in a non-election year, 40 percent in an election year. In 1995, for the first time the FEC said you can use soft money for television. Then, Mr. Morris over at the White House showed the President how he could take the matching money, certify that he wouldn't raise any money himself, go out and raise all of this additional \$44 million in soft money, while being able to say, "I am not raising this money for my campaign; I am raising it for the party."

So the President raises all this additional money, the President sits in the Oval Office and coordinates all of it,

tells what kind of ads to put on, where to put them on, how much, and how much money to spend. That is the procedure that Attorney General Reno put her stamp of approval on. Until some court or somebody—or this body—says otherwise, that is the way it is.

Now a President or a Presidential candidate, and if so, a congressional candidate, can raise unlimited amounts of soft money, run it through the proper party, coordinate the ads, and have ads run as long as they qualify as issue ads.

I am not even arguing the merits of that now. I am saying that is what we have today, and I do not think a lot of people realize it. We did not realize it until recently. The problem we have is that we want to castigate the President for opening up the floodgates. But instead of leaving it at that, we want to do it, too, because the system we have now has been the one that has been developed by the FEC, Mr. Morris, the President, and the Attorney General. Those are the standards we are now operating under. Those are the standards which Members of this body are fighting to preserve.

Not only have we discovered it because a few years ago soft money did not play much of a role at all, and what was there went for party-building activities, not for what we see now—not only have we discovered it, or the President discovered it for us, we discovered it, we like it, it now has constitutional protection, and we would have political disaster if we did not have it anymore. We haven't had it very long, but now that we have it, it would be absolute political disaster if we had to do away with it.

Back in 1990, for a 2-year cycle, both parties raised \$25 million in soft money. In 1996, under Mr. Morris and the President and their new plan—their Plan B, they called it—they raised \$261 million. That is from \$25 million at the beginning of the decade to \$261 million. For the first 6 months of 1999, the parties have raised \$55 million and the predictions are, by those who do this sort of thing and have been correct in the past, that by November of 2000 we will have raised \$525 million of soft money, which is more than double 1996. The year 1996 was the high-water mark because that is when it was discovered; that is when it was perfected; that is when the doors were opened.

By November of next year, the predictions are we will double that. The question is, How long will this go on? How long should it go on?

I suggest that we are in need of a new balance. We need to drastically cut back or eliminate soft money, but we need to raise the hard money limits to comport with inflation.

It is true—and the promoters of reform need to understand this—that we are developing a system whereby only the rich or the professional politician can participate anymore because those limits are so low. They have not kept up with inflation. If \$5,000 were indexed

for inflation today, it would be, what, \$32,000, or something of that nature. The costs are much more. It is becoming much more time consuming. We need to raise those hard dollar limits across the board, and then we would not need that soft money as much, for one thing, and a lot of that soft money, I think, would come into the hard money system.

That would be consistent with our long history of concern on this matter and our long history of legislating on this matter.

What are the arguments? I would have hoped by now we would have heard a little bit more about the merits and the arguments of this case instead of the personalities. But as I understand the arguments, No. 1, all this soft money—it is true that the floodgates have been opened. It is true that in every election cycle, we will be doubling the amount of money next time. We will be up there with good old Procter & Gamble before long.

The answer is, this just goes to parties; it does not go to candidates, so it cannot have a corrupting influence. I am wondering, if that is the case, why are we spending so much time raising it. I am wondering why President Clinton spent so much time raising it in the White House? Did he really enjoy having coffee with all that many people because the money was going to the Democratic National Committee? And yet he continued to raise it.

Do the national committees have no relationship at all to the members? I do not think we want to try to convince the American people of that. Roger Tamraz met with Don Fowler when he was chairman of the Democratic National Committee. Tamraz agreed to contribute \$300,000 to the DNC. He had an oil pipeline he wanted to build in the Caspian Sea region.

To make a very long story short, he was able to set up a meeting with the Vice President. To the Vice President's credit, he canceled that meeting. He kept working. He got Mr. Fowler to call the National Security Council for him. He got Mr. Fowler to call the CIA for him. Tamraz attended six events with President Clinton in 9 months. Sullivan over at the Democratic National Committee prepared two memos summarizing Tamraz's hundreds of thousands of dollars in contributions to various Democratic institutions. Four days later, he attended a coffee with the President, talked about the pipeline with Mr. McCarty, and McCarty later enlisted Energy Department officials to lobby for the pipeline, officials who were aware of Mr. Tamraz's contributions to the DNC.

I do not think anyone would contend that Mr. Fowler, who was chairman of the DNC at that time, had no influence with regard to the members of his own party and the members of this administration. Some people say Mr. Tamraz did not get what he wanted. Is that cause for great comfort to find out in a situation such as this, a pitiful situa-

tion such as this, that this individual did not in this instance get what he wanted? Besides, I raise the question, if there had not been a courageous young woman by the name of Ms. Heslin at the National Security Council who was raising red flags about all of this, I do not know whether or not Mr. Tamraz's luck would have been different.

The same principles are involved with soft money contributions as they are with hard money contributions. This is not an easy thing to discuss. This is not something where anybody wants to be holier than thou. We all raise money. We all know we have to raise money. We all try to strike a balance in terms of amounts, in terms of appearances, but if we really are trying to strike a proper balance to come up with something that may not necessarily be the best in the world for us as an individual politician but really is something the country is going to have to move toward, if we really do our jobs, we are going to have to do that.

Let's not kid ourselves: We are not casting aspersions on any individual. It is not enough for us to stand up and say: OK, who here is a crook? I see no hands; therefore, there is no problem. Let's go home.

We are talking about something that is supposed to pertain for all time and something that, hopefully, will deal with appearances as well as reality, appearances that the Supreme Court recognizes as a valid concern and has been recognized as a valid concern throughout history.

Mr. MCCAIN. Will the Senator yield to me for one question?

Mr. THOMPSON. Yes.

Mr. MCCAIN. Mr. President, in response to the Senator from Utah, the argument I made both on my web site and today is that I believe that part of the problem—indeed, a key ingredient of wasteful spending and special interest tax breaks—is the effect of soft money on the legislative process. Not that every bit of pork that Members secure is caused by soft money, but in the aggregate, wasteful spending is caused by, among other things, soft money.

Let me offer my colleagues a definition of "corruption" from Webster's dictionary. Corruption: The impairment of integrity, virtue, or moral principle.

Note, this definition does not say that corruption occurs only when laws are broken. I have already cited, as has the Senator from Wisconsin, the large amount of soft money given to both parties by various industries and the aggregate amount of tax breaks those industries receive. I believe, even if some of my colleagues do not, that these amounts have impaired our integrity. I believe that as strongly as I believe anything. Unlimited amounts of money given to political campaigns have impaired our integrity as political parties and as a legislative institution.

As the Senator from Wisconsin has noted, we are not accusing Members of

violating Federal bribery statutes. No, we are here because there no longer is a law controlling the vast amounts of money that I believe are impairing our integrity. In the immortal words of the Vice President: "There is no controlling legal authority."

I watched very closely as the 1996 telecommunications deregulation bill became everything but deregulatory and led to far less competition than it was intended to engender and the consequent increase in cable rates, telephone rates, et cetera. I believe soft money played some role in that; again, not in a way that fits within a legal definition of "bribery," but in a way the vast majority of Americans believe is an impairment of our integrity, and I include myself in that indictment.

That is the problem I am trying to address in this legislation and no attack, no amount of head-in-the-sand pretense that soft money does not affect legislation will cause me to desist in my efforts.

I will close with one observation. If special interests did not believe their millions of dollars in donations buy them special consideration in the legislative process, then those special interests that have a fiduciary responsibility to their stockholders would not give us that money, would they?

Those interests enjoy greater influence here than the working men and women who cannot buy our attention but are sometimes affected adversely by the laws we pass.

To me that seems to be a good working definition of the impairment of our integrity which, as I noted, is Webster's definition of "corruption."

My question to the Senator from Tennessee is, indeed, is there anything that would be a violation of law that we do in any way in our pursuit of money today?

Mr. THOMPSON. Is there any way you can violate the law under our current system today? Yes, I can think of ways. A clear quid pro quo would be a violation of the law. But you have to prove a quid pro quo, which is a very high standard. That is under the bribery statutes.

But under the campaign part of it, as long as you disclosed it, raising unlimited amounts, I see no effective limitation.

There is even a controversy as to whether or not foreign soft money contributions are now legal. A lower court held they were legal. I had a discussion with Attorney General Reno in one of our hearings, when she was trying to excuse what was going on over in the White House and the fact that the President was sitting over there coordinating millions of dollars of soft money for his personal ads to benefit his campaign, and she said: Well, soft money is not regulated.

I said: Soft money is not regulated. What about soft money that came from China or Indonesia or somewhere?

She said: Well, that would be illegal.

I said: Logically, it wouldn't be. If soft money is soft money, it doesn't say anything about a source.

Sure enough, a Federal judge agreed with my analysis. Now the court of appeals has overturned that lower court. So goodness knows where we are. But the whole question of foreign soft money is at issue now.

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

Mr. THOMPSON. Certainly.

Mr. MCCONNELL. I listened carefully to the statement of my friend from Arizona. I am still trying to understand it. I know the Senator from Tennessee has the floor, so I don't know if I should pose this question to him or the Senator from Arizona.

Mr. THOMPSON. I will take it and pose it to him.

Mr. MCCONNELL. OK. Is the Senator from Arizona saying, then, it is possible to have corruption and that no one is corrupt? You can have corruption and yet there isn't anybody actually responsible for it?

Mr. MCCAIN. May I answer?

Mr. THOMPSON. Yes.

Mr. MCCAIN. I say to my friend from Kentucky, either the Senator from Kentucky did not listen to what I said or doesn't care about what I said.

Mr. MCCONNELL. Would you say it again?

Mr. MCCAIN. I repeat again, the definition of "corruption" from Webster's dictionary: The impairment of integrity, virtue, or moral principle.

I repeat again, we have impaired our integrity when we convey to the American people the impression that soft money distorts the legislative process, such as it did, in my view, in the 1996 Telecommunications Deregulation Act, with the protection of special interests, which caused increases in cable rates, phone rates, and led to mergers rather than competition in the industry.

So this system has impaired our integrity. That does not mean bribery laws were broken necessarily. They may have been. I don't know. But I do know that our integrity has been impaired. And whether that is the view of the Senator from Kentucky or the view of the Senator from Utah or my view, it is the view of the American people. That is substantiated by polling data and personal experience.

Mr. MCCONNELL. So let me get this right. All of our integrity is now impaired—all of us.

Mr. MCCAIN. I will repeat again. I believe that a system of unlimited soft money in the American political process has impaired our integrity because we are now held in such low esteem by Americans because they believe we no longer respond to their hopes and dreams and aspirations.

Mr. THOMPSON. Let me reclaim the floor, if I can. I won't be very much longer.

But listening to the discussion, it looks as if we need to take a step back and look at it as others have from the outside.

What makes me angry is reading things such as the article in the National Journal. To me—this is my view;

you know what I think about the system—I think things such as this article in the National Journal and others portray a situation that is worse than it is. But it is portrayed that way because so many people believe that.

Our problem is this—this is no aspersion on anyone, but I am not going to shrink from it because you ask me to name names—our problem is this: When big bills come up and major industries are affected—whether it be telecommunications, whether it be banking, whether it be health care, or anything else—and the tremendous hard money contributions start coming into our respective parties, Democrat and Republican, I think people take a look at that and think there is a connection.

Do they think that we are necessarily being bribed? I would hope not. Because I know that not to be the case. But it is, at a minimum, an appearance problem that has been with us historically. We have always recognized there is this tradeoff we are having to deal with. What we are trying to do is strike a proper balance.

Mr. MCCONNELL. Would the Senator yield for a further question?

Mr. THOMPSON. I will. But I would also like—now or later—to pose this: I was looking through this list, and in the first 6 months of this year, 37 companies, corporations, gave \$50,000 or more to both parties—both parties. I would ask the Senator why he thinks they did that.

Mr. MCCONNELL. I am grateful they did because it gave us an opportunity to compete with the newspapers and the special interest groups that have a constitutional right to participate in the political process. I am extraordinarily grateful that all of these disclosed contributions—and this is why my friend from Tennessee knows who contributed—extraordinarily grateful that these companies are giving us the opportunity to engage in vote buying, engage in getting out the vote, engage in issue advocacy, and the other things that benefit our parties.

I am extremely grateful they do that. And anybody who wants to make an issue out of it, it is fully disclosed, which is why my friend from Tennessee has the list.

Mr. THOMPSON. Most of these things we are talking about are disclosed, and that does allow us to have the debate.

But to follow up on that for a moment, conceding, for a moment, we are using the money for noble purposes.

Mr. MCCONNELL. I assure you we are. Winning elections is a noble purpose for a political party.

Mr. THOMPSON. We are talking about motivations. The Senator brought this up. It caused me to think about this. Again, I ask you, why do you think these corporations and unions contributed that much money to both parties?

Mr. MCCONNELL. I don't know of any labor unions contributing to my

party. But I assume the reason they are contributing is they believe in the principles that you stand for, which they have a constitutional right to do.

Mr. THOMPSON. Principles of both parties simultaneously?

Mr. MCCONNELL. I think you have the right to be duplicitous in this country if you want to. I think it is not uncommon for people to contribute to both sides.

May I ask the Senator a question?

The Senator from Arizona was talking—again, I am trying to understand what he said and you said, I say to Senator THOMPSON—that the appearance is the problem and not the reality. I guess the argument then is, based on appearance, we should enact legislation. Appearance we can only ascertain by looking at polls, so let me—

Mr. THOMPSON. Partially the basis of *Buckley v. Valeo*, you would agree.

Mr. MCCONNELL. Let me give you poll data of how people feel about newspapers and see if the Senator thinks we ought to legislate based on the appearance there to restrict the activities of newspapers.

A poll taken in September of 1997 indicated that 86 percent of the American people believe newspapers should be required to provide equal coverage of congressional candidates; 80 percent want restrictions placed on the way newspapers cover political campaigns; 68 percent believe newspaper editorials are more influential than a \$1,000 contribution; 70 percent believe reporter bias influences the coverage of politics; 61 percent believe the candidate preferred by a reporter will beat the candidate with more money; and 42 percent believe newspaper editorial boards should be required to have both Republicans and Democrats.

This is the public's perception of the newspapers, which operate under the first amendment, just as American citizens and parties do.

If the argument is that we should pass legislation restricting first amendment rights based upon perception, I am wondering if the Senators also believe we ought to eliminate the newspaper exemption from the Federal Election Campaign Act and react to the public perception that newspapers need a bit of this Government regulation of speech as well?

Mr. MCCAIN. Could I just—

Mr. THOMPSON. If I may, in the first place, the perception of potential corruption is one of the bases for *Buckley v. Valeo*. The Supreme Court took a look at that and they said that is a valid reason for legislating in this area. And because of that, because of that decision, what we are talking about today is not a restriction on anybody's first amendment rights.

I think in times past Senators had a decent point with some provisions. What we are talking about today does not impinge on the first amendment because it in some way restricts somebody to spend some money somewhere. Because they are limited in donations

does not impinge on the first amendment. *Buckley v. Valeo* holds that also.

In answer to my friend, I am aware of erroneous public perceptions as well. They don't trust used car dealers much. My father was one for 50 years in the same little town. I know about all that. But I answer that when newspapers start voting, when they are sent up here and trust and confidence is placed in them to come up here and vote for the American people on these issues, then they subject themselves to the same limitations the Supreme Court says can be placed on us.

Mr. MCCAIN. Is the Senator aware that, at least in the words of the Senator from Utah, it isn't just the appearance of corruption. The Senator from Utah pointed out three cases—I can recall two: Mr. Tamraz and the Indians. Mr. Tamraz said: Next time I am going to pay \$600,000—where, at least if I understood the comments of the Senator from Utah, there were actual acts of corruption.

Mr. MCCONNELL. Isn't that against the law now?

Mr. MCCAIN. As far as I know, it is not against the law.

Mr. THOMPSON. There are lots of things we used to think were against the law.

Mr. MCCONNELL. It should be against the law.

Mr. MCCAIN. It should be against the law. The point is, apparently it is not because Mr. Tamraz was not prosecuted, at least under this Justice Department.

Mr. MCCONNELL. That might say something about the prosecutor.

Mr. MCCAIN. It is not just the fact that there is the appearance of corruption. I think most Americans believe that there was actual corruption in that case and the Indian case. What we are fighting against here in the soft money is not only against allegations but also reality. Those examples the Senator from Utah pointed out are how terrible the situation can become. When a poor, impoverished Indian tribe is asked to give money in order to have their voice heard in Washington, I hope that would compel the Senator from Kentucky to rethink his position concerning soft money.

Mr. MCCONNELL. That should be illegal, should it not? That is against the law now, isn't it?

Mr. THOMPSON. The real question is, if you prove a quid pro quo, which reminds me of some of the old corruption laws we have had on the books for many years, under which there has never been a prosecution, you have to prove the high standard of a quid pro quo, which is very difficult. I think we can all agree that it is improper, whether or not it is illegal.

I think it raises a further question, the basic question, which is kind of the converse of the well-stated point I think the Senator from Kentucky made. The converse of that is, do appearances matter at all? Suppose we know we are trying to do the right

thing, but we are seeing this tremendous influx of money at times from industries with which we are dealing on legislation. Should we be concerned about that? Perhaps we should go out and explain to the American people how that is unrelated, how the patriotic spirit of these companies and unions just happened to peak at certain times coincidentally. I am not saying that appearances should rule, but I do ask the question whether or not they should matter.

I yield for the purpose of an answer to the Senator from Utah.

Mr. BENNETT. I ask unanimous consent that I may make a comment without the Senator losing his right to the floor.

Mr. WELLSTONE. Mr. President, reserving the right to object, I don't think I will, but I have been here since early this morning. It depends upon how long my colleague from Utah wants to respond.

Mr. BENNETT. I shall respond within 2 minutes or less.

Mr. WELLSTONE. I do not object.

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

Mr. BENNETT. My only response to my chairman, when I served as a member of his committee, we talked about Roger Tamraz, the Riadys, and the Indian tribes not being illegal. It has the appearance of impropriety. I think it is only not illegal in the opinion of the current Attorney General. I think there are others for whom it clearly would be considered illegal and that indictments might be brought. The current Attorney General has decided in her wisdom that it is not illegal.

I want to be clearly on record as disagreeing with her on that and believing that indictments should have been brought and that this is, in fact, a violation of existing law. Being unburdened with a legal education, I think perhaps I can make that kind of comment without having to back it up. Nonetheless, it is my opinion with respect to her opinion on these particular cases.

Mr. THOMPSON. I couldn't agree more with my colleague from Utah on that point. It points out another difficulty for those who would try to sit down and apply some kind of common-sense analysis to this and think about what it ought to be, maybe 10 years after we have left this body, something we can be proud of. We sat there, the Senator from Utah and I, for almost a year and saw the most egregious violations of propriety, ethics, what ought to be illegal—some clearly was illegal. And many of our colleagues who are now calling the loudest for reform were definitely silent on those occasions. It really grieves me. I think it is extremely unfortunate that so many of us have lost our ability to take the high ground on this issue because of that.

Now we see a succession of semiprosecutions where nobody gets any jail time. Everybody gets a slap on

the wrist. Nobody is forced to testify against anybody else. The Attorney General gives her stamp of approval on something that nobody in their wildest imaginations thought would have been legal a few years ago. That is kind of a sidebar.

What I am trying to do is not let my anger over that and having watched that and gotten damn little cooperation during it cause me not to be able to try to figure out what would be best for us as a system as we go forward.

Briefly—I have taken too long—on the constitutional issue, I do not believe the constitutional concerns that have been expressed heretofore are with us now. We do limit hard money. Under prior law, 1974, we limited hard money to both individuals and to parties in this country. We actually prohibit unions and corporations from contributing in this country. That has been upheld as constitutional. It would not make any sense to me to say that we can limit a \$1,000 contribution in hard money but we cannot limit or do anything with a million-dollar contribution in soft money when it is going for the same purpose. I think the constitutional points that were made previously no longer apply.

In summary, allusion has been made to perception. My concern on that is not what a public opinion poll one day or the next might say but a consistent trend of objective analysis—the Pew Research people are some that come to mind—that shows that in this time of prosperity, this time of peace, we have increasingly cynical views toward our elected officials in this country and toward our institutions. This is especially true with regard to the young people.

This is a generation of young people who did not experience Watergate, who did not experience Vietnam, who did not experience the assassinations we all went through as a nation. What reason do they have to be cynical? They are more prosperous than young people have ever been before. Yet the numbers indicate they are more cynical about us and what we are doing than ever before. That is what concerns me, not these petty personality disputes we have around here.

In 1968, 8 percent of the American people contributed to elections of any kind—Federal, State, national, local. By 1992, it had dropped to 4 percent. I don't know what it is today. But talking about contributions, that is 4 percent of the American people. So as the soft money doubles, the amount of people contributing is halved; voter turnout declines.

Thomas Paine, the famed agitator for the American Revolution and author of *Common Sense*, said this: A long habit of not thinking a thing wrong gives it a superficial appearance of being right and raises at first a formidable cry in defense of custom.

Let's not lock ourselves into the defense of this custom. Let us look beyond ourselves for a moment and ask

ourselves: Is what we are doing going to make for a stronger country? Will it engender respect for our institutions and for this body? Will it give the average citizen more or less confidence in the integrity of his or her government? I think we know the answers to those questions.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Before the Senator from Tennessee leaves, I want to say I don't think he was on the floor too long, and I think his comments were very important. I appreciate what he had to say.

Mr. President, I ask unanimous consent, as we go back and forth, that on the Democratic side Senator BOXER be allowed to speak when it comes back to our side, followed by Senator CLELAND.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have some prepared remarks. I don't know how much I will pay attention to it because I have been listening to the debate about corruption. Let me try a different definition, which my colleague from Kentucky, who is very skillful, may want to challenge. But this is at least the way I look at this question.

The kind of corruption I think we are talking about is actually much more serious than the wrongdoing of an individual office holder. That is not what I will focus on. I gather that is what some of my colleagues have focused on and questioned. I say it is much more serious. I say it is a systemic corruption, and it is a systemic corruption when there is a huge imbalance between too few people with so much wealth, so much power, so much access, and so much say, and the vast majority of people in the country who don't make the big contributions, aren't the heavy hitters, aren't the investors, and who believe that if you don't pay, you don't play: I think that is the corruption.

I think the corruption is that the standard of a representative democracy that says each person should count as one, and no more than one, is violated. If any Senator—Democrat or Republican—should go into any cafe in Minnesota, or around the country, and try to make the argument that, as a matter of fact, because of this system we have—which I think is really a failure when it comes to any standard of representative democracy—if we were to try to argue, no, it is not true that people who are the investors and make these big contributions don't have too much access and too much say, I think 99 percent of the people in the country would say you are not credible. Of course, that is what is going on. Of course, people make contributions for a variety of different reasons, one of which is to have access and a say.

I say to my colleague from Utah, I think it is a bipartisan problem. We

don't need to talk about individual cases. And I understand the comments he has tried to make. I see it on both sides of the aisle. Look, both parties will talk about special gatherings we will have with the business community here, or the high-tech community there, or the labor community there. We will have gatherings where big contributors come. That is what is done. We have big dinners, and we are told to come to the dinners. What is the purpose of those dinners? These dinners are with the big contributors. We are told to come, to be there. It seems as though, if you don't come, you have no interest.

Both parties give these lectures at caucuses to all of us. And we go. The reason we go is, we believe, given the system we have, people have to raise money, and if you don't come and you are not up for reelection, you believe, when you are up—you hope, given this rotten system we have—there is enough money raised for you, so now you go to help other people.

But the truth of the matter is that the vast majority of people in the country don't come to these dinners. The vast majority of people aren't invited to special gatherings and special sessions. The people who are invited by both parties are the big contributors. They are the investors.

Come on. You are not going to try to argue on the floor of the Senate that we don't have a problem with systemic corruption, where we have just too few people who make these big contributions, who, as a result, perhaps have too much access and too much say.

Let me go out on a limb. It is not just a question of perception. The vast majority of people in our country today believe their concerns about themselves and their families and their communities are of little concern in the corridors of power or the Halls of the Congress in Washington, DC. Do you know what. We have given them entirely too much justification for having that point of view. They are not necessarily wrong.

I am not going to have somebody, all of a sudden, ask me to yield for a question and take my head off because it looks as if I am making an individual accusation. I am not going to do that. But I will tell you something right now. I am fully prepared, as a Senator from Minnesota and a political scientist, to tell you I see certain people, who also happen to be the big contributors, who have way too much access here. I don't know whom we think we are kidding.

When we debated the telecommunications bill, the anteroom outside the Chamber was packed with people. I could not find truth, beauty, and justice anywhere. Everybody was representing billions of dollars here and billions of dollars there. And when we had a debate about the welfare bill—whatever you think about the welfare bill—where were the poor mothers and children? Where was their powerful lobby? They were nowhere to be found.

When we decide where we are going to make deficit reduction and make the cuts, and when we do tax policy, and when we do a lot of other policy, it just so happens that certain folks and certain interests seem to be much better represented than others. I think that is true. I think we can make it better. I think we can do a lot better job of reaching the standard that each person should count as one and no more than one.

Certainly, we have corruption, but it is not the wrongdoing of any individual office holder that I know of; it is systemic. When you have this frightening imbalance of power between the elites, the few who make the big contributions and are so well connected, and the majority of the people who basically feel locked out—and they have every reason to feel locked out—that is the problem.

I smile at the proposal, which may be one of the amendments to this bill, to raise the contribution limits. I think it is about two-tenths of 1 percent of the top population, or less, who can afford to make a contribution of \$1,000 or more. I am not supposed to look up in the galleries, and I certainly do not invite comment from people in the galleries—that would go against the rules—but I bet most of the people in the galleries observing our debate would probably think to themselves: We don't make \$1,000 contributions.

The fact is, two-tenths of 1 percent are able to make those kinds of contributions. Some people want to now raise it to \$3,000. If you want to further skew the imbalance of power, where some people are counted on even more to make the big contributions and most regular people feel left out, then pass that kind of amendment. We will look like fools to people in the country. They will say: My God, the Senate took up reform and today passed an amendment that raised the individual contribution from \$1,000 to \$3,000—actually from \$2,000 to \$6,000 through the primary and general election. Most people will scratch their heads and ask: This is the Senate's definition of reform? I don't know, but I think people are being foolish if they don't think that campaign finance reform is an idea—with apologies to Victor Hugo—whose time has long passed.

We have seven Republicans supporting this piece of legislation, the McCain-Feingold legislation. It will take only eight Republicans more to assure that we can pass a bill and to stop this effort to block all reform. I hope there will at least be eight Republicans, if not more, who will find the courage to basically vote for reform, who will find the courage to no longer be a part of this effort to block reform, to expand democracy.

I want to say to my colleagues, Senator MCCAIN and Senator FEINGOLD, in the spirit of friendship and honesty, this bill, in its present form, is a mere shadow of its former self. I don't think it lights up people around the country.

I don't think it is going to bring people to the reform barricade. I don't think it is going to galvanize people or cause people to rise up and really put the pressure on Senators. I wish it were more comprehensive. That is what I am saying. I wish it were much more comprehensive.

I think we would be much better off talking about clean money and clean elections and getting as much of this interested big money out of politics and bringing as many people back into politics as possible. I think issue advocacy ads are phony.

While I have the floor of the Senate to talk about my experience, especially in 1996, I worry about the ways in which money will shift from one source to the other. I think we can do better, although I will tell you that if we could ban the soft money, the unregulated money, the under-the-table money, the money where there is essentially no accountability in this system, we would still be taking an important step forward.

I want to express my fear, and then I want to express my hope.

Fear: What could happen is that none of the amendments to strengthen this bill will pass. But there will be a number of amendments to what is a very water-downed version, a very almost timid piece of legislation, but it represents a step forward. I would be proud to support it. But you will get some additional amendments raising the amount of money people can contribute. Gosh knows what else. Then we in the Senate will announce that we did campaign reform for the new millennium, and let's go forward with our special interest parties.

I am going to worry that we may end up getting a bill that will have some fine sounding acronyms, such as "PEOPLE," or something like that, which actually won't represent hardly any step forward at all.

On the other hand, we have this bill right now, and if we can just deal with the soft money ban, we would be making a real step forward.

I want to speak a little bit to this whole question of freedom because it has come up a lot and is raised by a number of colleagues. I want to simply draw from an important book by Eric Foner called, "The Story of American Freedom." He talks about what freedom has meant to people in our country over the years. Freedom is way beyond the kind of definition that we have been given of it. Freedom means the ability to participate. Freedom means to have a place at the table. The definition of freedom of speech is larger than the absence of a regulation that would say we are going to try to put up some kind of framework that doesn't undercut representative democracy.

If you think about it, union organizers in the 1930s and working people were talking about freedom to be more involved in the economic decisions that affected their lives. That was the

kind of freedom on which they were focused.

Then we had a fight for political freedom which began with our own American Revolution. Also, an important part of our history was the emancipation of slaves during the Civil War, then the passage of the 13th, 14th, and 15th amendments—again, a broad definition of freedom; in the 1950s and 1960s, freedom which had to do with desegregating our schools and the Civil Rights Act of 1964 and 1965. Each time the kind of freedom we were talking about was the freedom to participate in the political life of our country, or the economic life of our country, or the community life of our country.

Let me share with you the words of Dr. Gwendolyn Patton at a recent conference at Howard University sponsored by the National Voting Rights Institute. She said:

We thought we had scored a people's victory when we ushered in the 1965 Voting Rights Act. Our movement of great numbers of "street heat" feet wrought a structural change that fundamentally expanded democracy. But we know now that it wasn't enough. Ridding the system of private, special interest money is the unfinished business of the voting rights movement. This movement, like that one, is a revolutionary movement—it is not just a tactical question. It is an ideological struggle, not only for black folks, but for all Americans. We are engaged, to borrow Lincoln's words, in "a great civil war."

She goes on to say, that while much was achieved through voter registration of African Americans, Latinos, and others.

As a result of these victories we entered the political arena by the millions—but as passive voters. Soon we began to realize that we had to become active participants by running for office if we were going to enact laws and implement policies that would make a change for the better in our lifetime. That's when we discovered another barrier, and while it's not as directly life threatening, it's certainly as formidable as any we have faced before. That's the barrier of money.

Dr. Gwendolyn Patton is talking about basically what we have right now, which is a wealth primary. What we are really saying is the very question of who gets to run, the very question of who is likely to get elected, the very question of what issues quite often get considered, the very question of what legislation we are able to pass, the very question of who has access to the political process and who doesn't, is all too often determined by money. The vote is undermined by the dollar. Our elections have become auctions.

Some of my colleagues want to talk about raising the contribution limits. Let me just give you some figures.

This is a picture of those who contribute the vast majority of money to candidates under the current contribution limits. Believe me, this is a picture that is not a broad slice of America. It is overwhelmingly white, it is overwhelmingly male, and it is overwhelmingly wealthy. These are people who have contributed over \$200, and some colleagues want to go from \$1,000 to \$3,000.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. MCCAIN. The Senator from Minnesota, in his opening statement, used the word "systemic corruption" associated with the present campaign finance system. Since I have been challenged on comments such as that, would the Senator mind defining what he is saying there?

Mr. WELLSTONE. I say to my colleague from Arizona, I thank him for his question. I would be pleased to be challenged by anybody on the floor on this comment. I made a comment that I think is quite similar to what the Senator from Arizona has been trying to say, that we have a systemic corruption that is, unfortunately, far more serious than the wrongdoing of individual office holders—far more serious. It is a corruption when you have a huge imbalance of power between too few people who have so much wealth and money, who make these large contributions, and who have so much more access and influence, versus the majority of people who have concluded that either you pay, and therefore you can play; but if you do not pay, you don't play. They feel locked out. They feel left out. They are disillusioned. They do not believe the political process belongs to them.

That is a fundamental corruption of representative democracy. And I say to my colleague it violates the most important principle—that in a representative democracy each person should count as one and no more than one. That is being undermined.

Mr. MCCAIN. Will the Senator respond to an additional question?

Mr. WELLSTONE. I would be pleased to.

Mr. MCCAIN. I thank the Senator for his eloquent answer.

Secondly, would the Senator be willing to name names as to examples of that corruption?

Mr. WELLSTONE. Mr. President, I would not want to name names, and I don't need to name names because the kind of corruption that I am talking about goes way beyond any one officeholder. It is systemic; it is endemic; it is structural; and it is very serious. The fact is big money has hijacked representative democracy. It undercuts representative democracy, and it violates the very principle that each person should count as one and no more than one.

Therefore, I would be proud to be included in the ranks of my colleague from Arizona as a Senator who is not naming names.

Let me go forward and just present some figures.

A study conducted of donors in the 1996 election found the following characteristics of such donors.

Ninety-five percent—these are people who contributed over \$200—were white; 80 percent were male; 50 percent were over 60 years of age; 81 percent had annual incomes of over \$100,000.

The population at large in the United States had the following characteristics:

Seventeen percent were nonwhite; 51 percent were women; 12.8 percent were over 60; and 4.8 percent had incomes over \$100,000.

Eighty percent of the people who make contributions of over \$200 have incomes over \$100,000. And that represents exactly 4.8 percent of the population. If the hard money contributions are increased, as some of my colleagues have suggested, then the picture is going to become even more skewed.

If money equals speech, as some have suggested, we can clearly see who is doing all the talking. If money equals speech, then we can clearly see who is doing all the talking. At least those folks are being listened to. The hopes and the dreams and the concerns of the vast majority of the American people are going unheard because the bullhorn of the \$1,000 contribution drowns them out.

For those who want to raise the limits, why make the bullhorn bigger and louder? Why give greater access and more control to those people who already have too much access and too much control?

Again I issue this challenge in anticipation of what might happen. If what we do on the floor of the Senate in a couple of days is raise the contribution level from \$1,000 to \$3,000—even given the sometimes too low opinion they have of the Senate—people in the country will become even more disillusioned; they won't believe it. I certainly hope we don't do that.

I want to talk about the distrust and the dissatisfaction. Mr. President, 92 percent of all Americans believe special interest contributions buy votes of Members of Congress—92 percent; 88 percent believe those who make large contributions get special favors from politicians; 67 percent think their own representatives in Congress would listen to the views of outsiders who made large political contributions before they would listen to their own constituents' views; nearly half of the registered voters in our country believe lobbyists and special interests control the Congress.

I will go out on a limb and not antagonize, but perhaps prompt, some response from colleagues. All politicians love children, but we do precious little for them. One of the reasons we have done so little for or about poor children in America—who, by the way, constitute the largest group of poor citizens in our country—might be that they and their parent or parents don't contribute much by way of big contributions and don't have much access.

One of the reasons we have done very little to close the gulf between the rich and the poor, one of the reasons we have done so little to combat homelessness, and one of the reasons we have done so little to respond to the concerns of hard-pressed Americans even in these flush economic times is

that these are the people who don't pay and don't play.

Perhaps the same argument can be made why we have been so generous in providing special breaks for oil companies; we have been so generous in making sure the tobacco industry continues to rule; we have been so generous in making sure we dare not take on the pharmaceutical companies, we dare not take on the insurance industry.

With all due respect, I don't know who is kidding whom, but I call this a very serious kind of corruption. I will keep using the word. It is not the wrongdoing of individual office holders, but we have developed a severe, serious imbalance of power in a representative democracy so that the very few in the country dominate the political process and all too often have their way and get exactly what they want and what they need, and the vast majority of people think their voice is not heard.

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

Mr. WELLSTONE. I yield.

Mr. MCCAIN. Is the Senator familiar with the tax bill of \$792 billion that passed through the Senate, and then there was going to be a tidal wave of public opinion that would force the President of the United States to sign it?

Does the Senator remember there were a number of special tax breaks in that bill—one for a corporation that turns chicken litter into energy and another for oil and gas, and even for people who make tackle boxes?

Does the Senator remember that those tax breaks would take effect immediately upon the signature of the President of the United States and that there were provisions to repeal the marriage penalty and others that would help average working Americans who don't make big political contributions, yet those tax breaks would not kick in until well into the next century?

Is the Senator familiar with those provisions of the tax bill, and, if so, what conclusions does he draw?

Mr. WELLSTONE. Mr. President, I will not draw one-on-one conclusions about each and every one of those provisions, and I will not make the assumptions that Senators vote one way or the other each and every time because of campaign contributions that a particular Senator may receive, but the overall bias is so much in favor of those large interests that are able to control and invest so much of the money in the political process. That is the problem.

One can allow on any one vote for Senators to honestly disagree, and we can't each time say it is because of money, but overall, I don't know anybody in the world who could argue that we don't have a serious problem.

Mr. MCCAIN. Did the Senator dare to use the word "corruption"?

Mr. WELLSTONE. I have deliberately used the word "corruption"

about 10 times because I think that is exactly what we are talking about: systemic corruption, not the wrongdoing of individual officeholders but the kind of corruption that exists when there is such a huge imbalance and few people have too much wealth and power and the majority of the people are left out of the picture.

Let me conclude in two different ways. One, I make a political science point; and, two, I want to make a personal point. I think what we are talking about, in the words of my hero journalist, Bill Moyers, is the soul of democracy. My premise is that political democracy—and I am pleased to be challenged on this if my colleagues choose—has several basic requirements.

First, we need to have free and fair elections. It is very hard to say we have them now. That is why people stay at home on election day. That is why they don't participate in the process. Incumbents outspend challengers 8 or 10 to 1 on average. Millionaires spend their personal fortunes to buy access to the airwaves, and special interests buy access to the Congress, all of which warps and distorts our democratic process.

That is what is going on. A millionaire can run and spend their own money—and many do, and there are millionaire Senators who are great Senators. Again, it is not a personal point I am making. However, most people ought to be able to run for office even if they are not a millionaire. If you are an incumbent—and I certainly hope this debate is not, in the last analysis, a debate between ins and outs—if you are an incumbent and you are an “in,” this system is wired for incumbents. We can go out and raise a lot of money. It is much harder for challengers to raise that money. This is a system that warps and distorts the democratic process, and we do not have free and fair elections.

The second criterion: A representative democracy requires the consent of the people. The people of this country, not special interests—big money, should be the source of political power. Government must remain the domain of the general citizenry, not a narrow elite.

We have two-tenths of 1 percent of the population that makes contributions of \$1,000 or more. I don't know what percentage that is of the overall money we raise—60 percent? I could be wrong, but it is really skewed.

Let me put it this way. When I was teaching a class about the Congress, I remember I would talk about the Senate. I did not know people, and I have had a million pleasant surprises. In another speech, another debate, I will talk about all the pleasant surprises. But I made the argument: If you look at who the people are in the Senate, by background characteristics, by their income, by who they are, they certainly are not truly representative of the American population. But the more

serious problem is, if you then look at the people back home, the constituents who are the relevant constituents, who can most affect our tenure or our lack of tenure, they are the people with the money. They are the people who can make the contributions so we can then put the ads on television in these hugely expensive, capital-intensive campaigns. The vast majority of people in the country know that and they feel left out. We should hate it.

I hope it is OK to say this about my conversation with my colleague from California. Jump up if I am wrong. We were talking about this. I think all of us should hate this system. We should all hate it. On the one hand, I say to myself: I get this. I know why a lot of colleagues do not want any reform, even this modest step of this legislation, which gets at a lot of the unregulated money, the soft money. I say to myself: I can figure this out because it is wired for incumbents. This is not a debate about Democrats versus Republicans, although all the Democrats are going to support this bill, and I hope we will have enough Republicans to pass it and stop the people who are blocking it. Maybe this is a debate between ins and outs and the ins don't want to change it. They don't want to change it because it is wired for us.

But then I think to myself: This cannot be because it is degrading getting on the phone calling strangers, people you do not even know. I don't know what is worse, I say to my colleague from California. I don't know what is worse.

I am having a little fun on the floor right now. I am on a roll, so I have to talk a little longer.

I don't know what is worse, when I call someone up, a perfect stranger, and I call them five times and they never return the call, or I call them up and they say no—I don't know whether that is worse, or if it is worse when they make a contribution, but I don't know them and they don't know me and I don't know why they made a contribution. I am not sure which is worse.

The only thing I know is it is torture. It is torture to have to get on this phone and beg and beg and beg for money. It is degrading.

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

Mr. WELLSTONE. I will be pleased. Can I make one brilliant point before I take my colleague's question?

On this ins versus outs, I think all of us ins should be supporting the McCain-Feingold legislation and more, for one other reason. The other reason is, when we are up and it is our cycle, we can't do a good job of representing people because every day we have to spend 2 and 3 hours on the phone. We miss debate that we should be involved in; we miss committee work we should be involved in; we miss a lot of work that we should be doing, representing the people of our States. We should want to change this for that reason as well.

I will be pleased to yield for a question.

Mr. MCCAIN. Does the Senator think if he had a more pleasing personality and shaved his beard he would get a more positive response?

Mrs. BOXER. They can't see the beard on the phone, though.

Mr. WELLSTONE. Mr. President, I am speechless. That doesn't happen that often.

Mr. President, I want to finish up. I said that three times. I will finish up.

The last criterion is political equality. Everybody ought to have an equal opportunity to participate in the process. That means the values and preferences of citizens, not just those who get our attention through the large contributions, should be considered in the debate. One person, one vote; no more, no less; one person, same influence. Each person counts as one, no more than one. That is the standard. That is what it is all about. That precious principle, that precious standard of representative democracy, is being violated.

I have spoken about why I am going to oppose with all my might efforts to raise the limits on contributions. I want to speak about one amendment that I will introduce, which I think is a good amendment, I say to my colleague from Arizona. It is a States rights amendment. It holds harmless—no State certainly could go below the standards we have in Federal campaign finance law, but it would allow States which want to move toward clean money, clean elections, to do so. Arizona has done that; Massachusetts has done that; Maine has done that; Vermont has done that. There are going to be other votes in other States. It would say to those States: If you want to get much of the interested money out and you want to have clean money and clean elections and the people in your State vote for it, you should be able to apply it in Federal elections.

If we are not at the point yet where we have the political will so that we can pass more far-reaching reform, I say people in our States, if they are willing to apply this to Federal elections, should be allowed to do so. There is a lot of steam and there is a lot of momentum and a lot of enthusiasm for the clean money/clean election option. I think it is a very important one.

Finally, I have to say this because I forgot to mention this earlier. This is the part of the McCain-Feingold legislation that I think is perhaps most important. I remember the 1996 election. I think these issue advocacy ads are a nightmare. I think all of us should hate them. I very much would like to apply this to independent expenditures as well. I want to be clear about it. But in Minnesota, it was a barrage of these phony issue advocacy ads, where they do not tell you to vote for or against; they just bash you and then they say: Call Senator So-and-so.

They are soft money contributions with no limits on how much money is

raised, no limits on how the money is raised. It could be in \$100,000 contributions, \$200,000 contributions, and make no mistake about it, this is in both parties. These big soft money contributors have a tremendous amount of access and way too much influence in both parties.

So with one stroke, it would be a wonderful marriage. We could get some of this poison politics off television. We could get some of these phony ads off television. We could build more accountability, and we would make both political parties, I think, more accountable to the public.

This debate is about whether or not something we all value and love, which is our representative democracy, is going to continue to be able to function. It is the most important debate we are going to have. That is the core question, the core issue, the core problem. I hope there will be a vote for McCain-Feingold. I hope we can strengthen it. I hope those who oppose reform and continue to block efforts will not be successful. I think people in our country are counting on us to vote for democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2294

(Purpose: To increase reporting and disclosure requirements)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2294.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. —. DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking “and” at the end of subparagraph (H);

(2) by adding “and” at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

“(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;”.

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

“(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regard-

ing its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. —. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking “permit reports required by” and inserting “require reports under”.

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

“(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

“(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.”.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

“(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.”.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

Mr. MCCAIN. Mr. President, I will say to my colleague from California I will be very brief on my statement on the amendment. I know she has been waiting a long time and has shown patience. I will be brief on this amendment because I know she wants to speak on this important issue. I will take about 2 minutes to explain the amendment.

Mr. President, the amendment is simple. It simply calls for greater disclosure of campaign funds. I begin this discussion by noting this is not an original idea. It is language borrowed directly from legislation offered in the House of Representatives by our colleague, Congressman DOOLITTLE.

Specifically, this amendment requires campaign contribution disclosures made by political committees under State or local law to also be submitted to the FEC. Additionally, all campaign contributions made to political committees within 90 days of an election must be reported within 24 hours of receipt and the campaign con-

tribution reports then be made available on the Internet by the FEC.

These provisions ensure the public knows who is contributing to campaigns in the closing days of an election and how much is being contributed. These added protections will allow the voting public to decide for themselves whether a campaign or an election is being unduly influenced by special interests.

I do not think these disclosure provisions will pose any unnecessary hardship on political parties or committees. This amendment provides simply for additional information about State and local elections to be made available quickly through the Internet and by the FEC. It ensures a common data bank of information about contributions so that interested voters can get updated information in one place and, as an election draws near, with close to realtime disclosures.

I firmly believe the public has a right to know, and tighter disclosure requirements will provide important information to the voters which will allow each voter to draw his or her conclusion about whether the effect of the contribution is—dare I say it?—corruption. But unlike the Doolittle bill, I believe these provisions add to the underlying bill and should not be considered a substitute. The amendment makes the bill better, and I hope my colleagues will support it.

In summary, the Internet has done enormously beneficial things. As far as the political process is concerned, it has provided a tremendous way for us to receive on-time information. We can, hopefully, utilize this incredible technological marvel to allow Americans who are interested to know literally within 24 hours of a contribution whom it was from and the amount of it.

I also believe we can do the same thing at a later time on expenditures as well because the Internet has provided us a great opportunity. Knowledge and information is obviously power and will help our voters understand the issues to make a more informed judgment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, a Democrat should be recognized. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I assure my friend from Utah, I will not be long. I was looking at my statement, and even if I get enthusiastic and go off it, I think he is looking at 10 or 15 minutes.

Mr. BENNETT. Mr. President, if I may, I thank the Senator from California. I was under the impression it would be by position rather than by party, but I am more than happy to listen to her for 10 to 15 minutes because I am making notes.

Mrs. BOXER. I appreciate that, and I am sure my friend will find added comments after he listens to mine.

Mr. President, I want to start off by thanking Senators MCCAIN and FEINGOLD for their leadership on this issue. It is nice to see this cooperation across the aisle. I like it. It is healthy for the system, it is good for the system, and we gain more respect as an institution when we work together as opposed to constantly being on opposite sides. People get suspicious; they say: Why is it they always are fighting each other? This is good, and the subject is so important and gets right to the heart and soul of who we are as a people.

I also point out that it is very difficult around here to challenge the status quo. Some of us saw Senator MCCAIN getting fairly well grilled this morning. It is every Senator's right to grill another Senator. But it is very lonely sometimes to take on the status quo.

I have noticed in all my years in politics—and it has been a long time—what a legislature likes to do most is nothing, because it is easy, because if you keep it the same, you do not make waves, you do not disturb anybody, and it is comfortable. Certainly campaign finance reform is comfortable for many of us who have been in this for a long time.

Ever since I have been in politics, I have been supporting reforms in campaign finance. I have been in politics, in elected office, for 23 years. That is most of my adult working life. I started in local politics. It was an issue then. Then I went to the House in 1983. It was an issue then, and it has been an issue in the Senate during the 7 years I have served.

It is fair to ask: Why is Senator BOXER in favor of the most far-reaching campaign finance reform we can get? I can sum it up with three main reasons. Maybe there are 10 or 12, but I want to give the Senate the three main reasons.

First of all, the system is bad for ordinary people; and I will expand on that. Secondly, the system has the appearance of corruption; and I will expand on that. And thirdly, the system is stealing precious time from public officials who are elected to do a job; and I will expand on that.

First, the system is bad for ordinary people. Let me tell you why. Ordinary people feel disenfranchised. Ordinary people who cannot afford to make contributions to campaigns feel left out. Even if they were wrong on that—and I would tell people in my State, regardless of whether they make a campaign contribution or not, they are important to me. We all say that, and we mean that. They do have the vote. They are important to us. They do not believe it. They do not believe they count. They believe the people who count are the people who give \$100, \$500, \$1,000—soft money contributions.

How do we know they feel this way? They have shut us out. They do not believe us when we talk. They believe we are motivated by people who give us the big dollars, and, sad to say, they

are not voting. I look at the turnout of voters, and it is sad when we see in many elections 25 percent of the electorate votes, 40 percent of the electorate votes, and there are people all over the world literally dying to stand in line to vote in countries that are struggling to get the franchise. Ordinary people feel left out. That is a danger.

Secondly, the system has the appearance of corruption. Let me talk about the fight I waged on oil royalties. I do not know anyone who stood up in that debate who did not believe big oil companies were not paying their fair share of royalties.

Everyone agreed; even the key opponent of my perspective that we ought to do something about it said it is true, they are not paying their royalties. I know it to be the case when the person who stands up on this floor, whoever that might be—and in another case it could be me; in this case it was another Senator—and fights for the status quo for one particular industry and the newspapers write a story that that individual got more money from that industry than anyone else; even if the motives were as pure as the driven snow—and I have no reason to believe otherwise—people lose faith. They do not want to believe us if we stand up and fight for an industry and we are the biggest recipient of the industry's funds.

We are not talking about a thousand bucks; we are talking about big bucks. The appearance of corruption, if I may use the word, is out there.

I don't care what Senator, on either side of the aisle, stands up and stamps his or her foot and says: That's a terrible word. Don't use it; the appearance of corruption is out there. Maybe you don't think so, but ordinary people think so. We know it. It is another reason they are turned off. It is another reason they do not vote.

And the third reason: The system is stealing precious time from elected officials. Look, let's be honest. A person who comes from California, who takes the oath of office, would have to raise \$10,000 a day, 7 days a week, for 6 years, in order to have the resources to run for reelection.

Let me repeat that—for 6 years, \$10,000 a day, 7 days a week, in order to have the assets that are needed to run for reelection in California, where there are 33 million people and the highest TV rates in the country.

How do you think that happens? Do you think that individual in the Senate can possibly do all that and still do the best job that she can do? It is impossible.

Let me make a confession on the floor of the Senate. Having run for the Senate twice from that great State, I did every single thing I could to raise as much money as I could within the law. I don't want anyone to think I am holier than thou because I am not. If I was, I would have said: I'm not going to take the PAC money. I'm not going

to ask people for soft money. I'm going to demand they take the issues ads off when they help me.

I am not holier than thou. I am a user of the system, and the system is wrong. I think the Senators from California who know what it is like to do this in some ways have more credibility than Senators from small States to talk about the evils of this system. The system is broken, and we have to clean up our act. It is very simple.

I am willing to do it in a baby step, which is what I consider this stripped-down bill to be, or I am willing to do a much larger step, which I think Shays-Meehan is in the House. I like it better. I will do what it takes to get something out of this Senate that speaks to reform.

Soft money, unlimited dollars, it does not matter what it is. It could be any amount going to the parties. Did it help me? Oh, yes. It helped me a lot. In some ways, I was in a better position than my opponent. He spent a fortune. I was able to raise more.

Why am I standing here? I know how to work the system. I have been at it a long time. It is in my benefit to keep it the way it is. Even a well-heeled opponent that I had and I faced, with all the support of the Republican Party, could not go toe to toe with me because I know how to work the system. But the system is broken, and we have to clean up our act. We have a chance to do it.

I hope people in this Senate who know this system inside out will do what they can to change it. Doing away with soft money is a step in the right direction. Do we need other steps? You bet we do.

We need to expand disclosure requirements, and I am going to read Senator MCCAIN's amendment with great interest. It seems to me we can do that in this bill because many times the special interests will wait until the last minute to dump big money into their candidate's campaign, hoping it will not be found out until after election day. With the computers the way we have them today, we ought to be able to know it pretty much on a real-time basis.

We need to ensure that these issue ads become a thing of the past. What a phony deal that is. That is as much an ad as the ad I put on for myself. How is this for an issue ad? "Senator X has just cast a vote against a particular bill. It is a disaster for our country. Call Senator X and tell her she is wrong." That is an issue ad? No. That is a personal attack.

"Senator Y has supported a bill that is going to hurt our country's economy. Call Senator Y. Here are the three reasons he is wrong on that," and you mention the Senator's name over and over. By the way, you can even show the Senator's face.

That is not an issue ad. That is a direct attack ad. Was it done against my opponent? Yes, it was. Was it done against me? Yes, it was. It is uncontrolled. It brings in other issues that

the two candidates themselves do not even want to talk about. It unbalances the whole debate in the campaign. It has to be a thing of the past.

"Free speech," my colleagues say on the other side. I will tell you, I never heard anyone more eloquent on the point than the Senator from Kentucky. The Supreme Court was divided 5 to 4 on the issue of free speech. I tell you, they are wrong because when you say money equals speech, you are demeaning the Constitution; you are demeaning this democracy.

How is it free speech if candidate A is a billionaire and can buy up every inch of time on the TV and the radio and the other candidate, candidate Y, is a poor candidate and has to go raise money? By the time he gets the money, he goes to the TV stations and the radio stations, and they say: Oh, sorry, candidate Y. There is no time left for you to buy. That is an infringement on his speech.

I had an interesting situation at the end of my last campaign. A lot of money came in toward the end of my campaign. I sent it over to the TV stations. I just got it back with a big refund. By the time we got it over there, there was no more time.

So how do you say that money equals speech if one candidate has it; the other one has a harder time getting it, and they cannot get the prime time? This speech argument is a debasement of everything that I believe in. I believe that our Founders would roll over in their graves if they knew that when they fought and died for free speech, it now means money, and you cannot tell a wealthy candidate you can only put X into your campaign, because it is a violation of free speech. But what about the poor candidate? He does not have the money. What about his speech?

So this argument on speech, to me, is nonsensical. I am one of these people who believe the Supreme Court ought to take another look at that Buckley v. Valeo because I think it is off the wall.

So here I am standing in front of my colleagues admitting that I have used this system to the ultimate, that I have benefited from it because I understand it, that I am good at it. I have had, in the course of my campaigns, thousands and thousands and thousands of contributors. There is not a day that goes by that I do not thank them for their support because I would not be here; I could not have gotten my message out. But they understand, in their heart of hearts, and one of the reasons they wanted me to be here, I will stand up and fight against this system.

So I am doing it again in the hopes that maybe this time, with this stripped-down bill, we can pick up enough votes from the other side of the aisle to ensure that we will have some reform.

I beg my colleagues—we have had some bitter debates, very partisan de-

bates, and it has not been a pretty thing to watch—maybe we can make this a pretty thing to watch. So far it has been kind of contentious.

In the end, if we can get the 60 bipartisan votes to shut off debate, maybe we will get a bill, maybe we can be proud of something we did in this Congress. They did it in the House.

I urge my colleagues, let us follow the lead of Senators MCCAIN and FEINGOLD. Let us reach across the aisle, do something right for the people, restore their faith in this system. Maybe they will start voting again and feel good about who we are and, frankly, about this country, if they think we are moving toward a truer democracy. We have a chance to do it. I hope we will.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, a Republican is to be recognized at this time. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the remarks of the distinguished Senator from California. I know there has been a lot of frustration about campaigns, campaign financing and having to run for office and ask for money. I am not good at it and don't like to do it. It is a humbling experience. Sometimes people won't give you money. If enough people won't give you money to run your campaign, it may be an indication you are not as good a candidate as you think you are. But if you have a message and people care about it and want to give to it, that is what happens in this country.

I guess what I want to say is, there are frustrations. Part of it, for those who wish this system weren't the way it is, is the first amendment to the Constitution. It provides for free speech. In the primary, when I ran in Alabama in 1996, for the Senate—I have only been here since then—there were two individual candidates who ran against me in that primary who personally put in over \$1 million of their own money into that race. I spent \$1 million in my race and raised it by every way I could. I had two kids in college and was living on a government salary. I didn't have a million dollars, but I won the race. And there are instances of people spending tens of millions and losing.

The Supreme Court has said you cannot deny, under the free speech clause of the Constitution, an individual citizen the right to go on television and say, I have a dream for America or Alabama and I want to carry it out and listen to me. You can't prohibit that. That is free speech. I wish it wasn't so. They have things such as, well, you can do it except for the last 60 days before the election. They said that one time. I suspect we will have an amendment a little later on on this bill that goes back to that, saying you can have free speech, but not for 60 days before the election. That dog won't hunt, as they say. When do you want to speak most intently, if it isn't during the election cycle?

We have a serious problem, when we try to contain by Federal law the right of individual Americans to come together to put money in a pot and to campaign for or against a no-good or a great candidate for the Senate or the Congress or anything else. That is what we are talking about. We are saying people can't get together and actively challenge and fight, with every ounce they have, for the beliefs that they share.

Two years ago, when I got here, I couldn't believe what was happening. The Chair is an attorney, and he will understand this. We actually had an amendment offered in 1997 in this body to amend the first amendment to the Constitution, the right of free speech and press. Thirty-eight Senators out of 100 voted for it. It would have been the greatest retrenchment of American democracy since the founding of this country. I was shocked at it. I guess they are not embarrassed. They have not offered it again. They haven't come back with that amendment. I have it right here.

This was the amendment. Thirty-eight Senators proposed to amend it by saying that Congress shall be able to set limits on contributions in campaigns.

I will say one thing about those people, they were honest about it. They were direct about it. They knew that being able to speak out and raise money and buy time on television is part and parcel of free speech, and they were willing to pass a constitutional amendment so it could be done. We have problems when we start telling people they can't raise money.

As the Senator from Kentucky says, to speak, to carry your message, what you are doing is, these politicians, we politicians are going to get around here and say who can speak and who can't speak. We are going to tend to say the ones who can't speak are the ones who are attacking us and don't agree with us. American democracy is a great, great thing. Some say, our government is terrible but it is better than all others. I suppose that is what we are talking about fundamentally. We have learned over the years that the right of Americans to speak and debate and contend for their beliefs is ultimately better than passing laws to control it. That is the fundamental choice with which we are dealing.

McCain-Feingold originally, as it came forward, was going to stop all kinds of activity within days of the election. It was going to do a lot of different things on issue advocacy, that sort of thing.

Mr. President, I believe I will need unanimous consent to retain the floor following the vote at 4 on the DOD conference report. I ask for that at this time.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, we are going to vote at 4, is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Does this unanimous consent request change that?

The PRESIDING OFFICER. It does not.

Mr. CHAFEE. So we will still vote at 4 on DOD?

The PRESIDING OFFICER. This request does not change that.

Mr. CHAFEE. I thank the Chair.

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

Mr. SESSIONS. Mr. President, the vote is scheduled for 4? We will be voting at 4?

The PRESIDING OFFICER. Yes.

Mr. SESSIONS. I will simply wrap up by saying there is not an easy way around this. The original McCain-Feingold attempted to contain all collections of money outside a political campaign in a lot of different ways. The effect of that was to say that a pro-choice group, a pro-life group could not raise funds and speak out on issues, even as it related to a particular candidate or campaign. When it became clear, I submit, that would not meet constitutional muster, we now have McCain-Feingold lite, as they say. It simply says you can't give but a limited amount of money to a political committee, Republican or Democratic committee or Republican or Democratic congressional campaign committee and, I suppose, some other party, if they have that much strength and qualify, but basically, political parties can't receive moneys except under the limited powers given. They have had to abandon the goal of prohibiting independent political action groups from receiving money and spending it.

I had groups against me that had spent money that I am not sure who they were. They were basically fly-by-night groups. I have heard other Senators talk about waking up and turning on the television and being attacked by some citizens for the environment or citizens for this or that. People put their money into those groups. They run ads, and they call your name. That is not covered by this bill. All it says is you can't give to a political party who may be involved in the election and you are limited in how much money you could give to them. But a political party is better than these fly-by-night groups. A political party has to be there the next election. If they cheat and lie and misrepresent, you can hold them accountable, and it probably will hurt them in the next election. They have people whose reputations are committed to those parties.

If we are going to control anything, we ought to do these other groups, rather than political parties, because they have an incentive to maintain credibility, and this bill would not do anything except for political organizations.

I thank the Chair and yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 2000—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will now proceed to vote on the conference report accompanying H.R. 2561, which the clerk will report.

The legislative assistant read as follows:

Conference report accompanying H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—87

Abraham	Durbin	Lugar
Akaka	Edwards	Mack
Allard	Enzi	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kyl	Specter
Craig	Landrieu	Stevens
Crapo	Lautenberg	Thomas
Daschle	Leahy	Thompson
DeWine	Levin	Thurmond
Dodd	Lieberman	Torricelli
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden

NAYS—11

Bayh	Graham	Robb
Boxer	Harkin	Voinovich
Feingold	Kohl	Wellstone
Fitzgerald	McCain	

NOT VOTING—2

Kennedy	Kerry
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The conference report was agreed to.
 Ms. COLLINS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Chair.

Mr. President, there is a difficulty in a free country, one that guarantees the right of free speech and the press, to tell a group of citizens they cannot raise money and speak out at any time they choose to carry forth the message they believe in deeply. We are not talking about a game here. It is nice to sit around and say: How can we do something about this money in campaigns? It is such a burden to raise money. People try to buy influence. It is true people do try to ingratiate themselves to Members of Congress. How do you stop it? How do you do it, consistent with the great democracy of which we are a part?

This bill as it is written, the "McCain-Feingold lite"—the final version that has been altered, as we have gone by—is a feeble, sad attempt, really, to control spending in a way that is not going to be at all effective. In fact, it is going to be counterproductive and unwise, at the same time undermining the great first amendment of our Constitution.

This bill would fundamentally only ban contributions of soft money; that is, contributions of money of certain amounts that are limited in the statute. If you give more than that to a party, then that becomes soft money. It would ban these contributions to parties or party organizations.

Parties are good things. A lot of fine political scientists have been concerned over a number of years that parties have begun to lose their strength. But they go out to educate the public. People can call them to get information. They help young, inexperienced candidates get into the political fray. They help them fill out their forms right and make sure they comply with the campaign laws and the other laws involved in these elections. They serve good purposes. They are, at their foundation, a group of American citizens who share a general view of government who desire to come together to further those ends through their organization. So we are banning money to them. Who does not get soft money or money over the \$1,000 contribution limits? Parties cannot get it. At the same time, there would be no ban on contributions to organizations that are not historic, that will not continue to exist from election to election. They will go away.

In Alabama, in 1996, the ad that was voted the worst ad in America was run in our supreme court race. It was a skunk ad, and it was a despicable ad. It was done by money that apparently was given by a trial lawyers' association to an organization. I think the title of it was the "Good Government Association." They raised this money and put it into this thing. It had one