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

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

purpose. It didn't register voters, didn't answer the phone, didn't produce literature—it ran attack ads against a good and decent candidate for the supreme court of the State of Alabama. This bill would not stop that kind of thing. That could still go on.

That is why I believe it would do nothing to deal with that fundamental problem. When people care about an election, they are going to speak out. These fly-by-night groups that come together, they have no integrity to defend over the years as a political party does. Their leaders oftentimes are people you will never hear from again. But a chairman of a political party, the candidates and members of that party, Republican or Democrat, have a vested interest in trying to maintain the integrity of their party. I think, in truth, there are going to be fewer abuses by a political party, frankly, than another kind of institution. I will just say these would be legal under this bill. It would not deal with the fundamental question with which we are most concerned.

We know one of the union labor leaders has promised to spend $46 million in 35 congressional races to defeat Republican candidates and take over the House of Representatives. He has announced that: Over $1 million per race. This bill would provide no control over that.

What if you are a candidate in Alabama and all of a sudden you wake up and you have been targeted and they are spending $2 million—it could be $2 million, maybe $3 million—against you, running attack ads daily? You go around to ask people to raise money to help you and they cannot give but $1,000 and you cannot get your message out because you have been overwhelmed. That is not fairness. It would not control that kind of immense funding in any way. That is not fair. That is all I am saying. That is not fair. We do not need to do that thing, in my view.

If there is a problem in campaign finance and funding, one of the most amazing and aggravating things to me is that a union member who favors me or someone else, another candidate, may have his money taken or her money taken and spent for the person they oppose. They have no choice in it whatsoever. They have to work, they have to pay union dues, and the money is spent. This bill throws up a figleaf and says, if you are not a union member, then you can object, if they are taking your union dues, and maybe get a little bit of it back if you protest and demand it back. But as far as dealing fundamentally with the freedom of working Americans to decide who their money is spent on, it would do nothing. That is a wrong, if you want to know what is wrong in this country.

I submit this bill is a shell, a pretend bill. It will not stop soft money. That is so obvious as to be indisputable. It is going to continue. It is just going to go through organizations other than political parties. It will not stop unions from spending $46 million on a few targeted races. It is not going to stop political action committees with special interests from raising funds, involving themselves in elections. Indeed, how can it? Should it be able to? Probably not. How can we stop people from doing that?

I don't like it. I don't like people running ads against me and I have had them run against me saying: Call JEFF SESSIONS and tell him you don't like what he is doing. It is basically an attack ad. It is not going to change.

What can we do? I can suggest a few things. Let's raise the 1974 spending limits. That is way out of date. It is time to bring those up to date. Then a person who cares about an election, if he gives $2,000 or $3,000, may not believe he needs to carry on by giving money to a special committee to argue the case further. He may be satisfied with that. That would be natural and normal. It would reduce the pressure for soft money.

I believe we need more prompt disclosure. People need to know who is giving this money. It would have been helpful for the voters of Alabama to have known that a skunk ad came from defense lawyers, plaintiff lawyers, and business interests on one side of that debate. They would be more understanding of what it means and may be able to hold somebody accountable in a way they would not otherwise.

Frankly, we ought to start enforcing the law. I spent 15 years as a Federal prosecutor. We are not doing a very good job, in my view, of finding people who violate existing laws and seeing that people are held accountable. There are going to be mistakes, and I am not talking about witch hunts and trying to disturb honest and decent candidates who have done their best to comply with many regulations, but we really need to watch those cases where we have serious enforcement problems.

The Senator from Utah talked about Mr. Tamraz who gave $300,000 to the Democratic Party to meet with the President, and the State Department people said he is a bad character and they should not see him. But he was invited to the White House and the President saw him anyway. That is helpful and may not be an absolute violation of the law, but that is the kind of thing we ought to know about and stand up against. But this is freedom fundamentally to speak out.

My time is up. Our cure, I am afraid, is more dangerous than the disease. We have a lot of problems in elections and because of them people get upset. But fundamentally in America, today you can campaign and get your message out, and the American people accept the results of those elections. We do not have riots when one candidate wins and another one does not. It is because people feel they have an adequate opportunity to have their say.

This legislation clearly, in my opinion, would weaken the first amendment right to free press and freedom of speech. It would be dangerous because the incumbents will be setting the rules. As Members of this body, we are going to set rules which protect and resist activities that we as incumbent politicians do not like. Every now and then, it might be healthy for somebody who wants to raise a bunch of money and run against some of us. It might be good for us. One can make an issue of it if they think it is unfair, but how can we say they cannot do that? Many of the rules we are talking about cannot be enforced. They will not be enforced or do not even attempt to avoid certain loopholes which we close in a little gate and then the whole fence is down when we allow this money to go through other political groups and just barring parties from spending the money.

This plan will not work. It will not achieve the goal of the parties submitting it. It will not do that. It encroaches on the first amendment and is not good public policy.

I thank the Chair for the opportunity to speak and yield the floor.

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

Mr. CLELAND. I thank the Chair.

Mr. President, campaign finance reform was the first issue on which I chose to speak when I was duly elected to the Senate almost 3 years ago. I occupied this desk and talked about my understanding of the state of campaign financing in America. I had just gone through one of the most expensive Senate races in the history of the United States where I was outspent some 3½ to 1. I am lucky to be here.

The current status of campaign financing in America is a moral swamp; it is full of skunks; it is full of special interests out to buy their way into the heart of the American Government. Those of us in this Senate, 100 selected, want to make sure the public interest prevails, not special interests. I tip my hand and my hat to two fine Members of this body who day in and day out, year in and year out, have fought the good fight in cleaning up this moral swamp of campaign financing.

My dear friend and fellow Vietnam veteran, Senator JOHN MCCAIN, and my seatmate, Senator FEINGOLD, have put together an effort which I believe has a reasonable chance of succeeding.

I can remember sitting here a couple years ago after a whole year of sitting on the Governmental Affairs Committee and listening to one horror story after another about problems of campaign financing in America, and a majority of our Governmental Affairs Committee decided we needed campaign financing; we needed the McCain-Feingold bill. I was an original cosponsor of it and a majority of the Senate supported it, but we could not get 60 votes.

Senator MCCAIN, in those days, said something like: It is a question of time. This Senate will pass campaign finance reform. It is just a matter of

when, and it will be whether or not we are here.

I am glad the issue of campaign finance reform is back before this distinguished body, and it is none too late. In 1998, the last general election in this country, we had higher spending, more negativity, greater public cynicism, and not coincidentally, lower voter turnout than at any time in this century. We are at a turning point. I thank Senator JOHN MCCAIN and Senator RUSS FEINGOLD for offering to us, again, a chance to clean up this moral swamp.

My dear colleague from Arizona and I were in the Vietnam war. We have been shot at before. We have been attacked before. We have been criticized before. But his integrity is still intact. He is incorruptible, he is unbought and unbossed, and I am honored to serve with him today.

Over the years, opponents of McCain-Feingold have continued to concentrate their spoken criticisms on its alleged violations of free speech, though that is, in my opinion, a flawed equation of money with speech.

I look back at the 1976 decision by the Supreme Court which, in effect, equated the ability to spend money with free speech. In the campaign finance hearings a couple of years ago, I asked the simple question: If you do not have any money in this country, does that mean you do not have any speech? Of course not. The problem is we have equated money with speech and the ability to get on the air with 30- and 60-second spots which make us want to throw up.

I share the concern of the distinguished Senator from Alabama, Mr. SESSIONS, about these negative attack ads that come from out of State and seem to originate from God knows where. They come in and assassinate someone's character. That is not the country for which Senator MCCAIN and I fought. That is not the kind of democracy we intend to serve. That is one reason why I have bonded with him in such a close way: to support cleaning up this incredible process.

Right now we have a system where every millionaire in America can expect to run for public office. The rest of us will have to take a back seat.

I would say there is little doubt about the commitment of James Madison, father of the Constitution, an architect of the Bill of Rights, and President of the United States, to the great cause of free speech. Madison was the author of the first 10 amendments to the Constitution, the Bill of Rights. In The Federalist Papers, Madison put the challenge of governing this way. He said:

> But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

We have to control this campaign finance system or it will eat us alive. Our system of elections is fast becoming a system of auctions. While Madison was certainly both a revolutionary and a visionary, he never allowed himself to stray too far from the practical realities of the world in which he lived. To him, the lack of human perfection was thus the basis for government and a factor which must be taken into account in providing a government with sufficient powers to accomplish its necessary functions.

The last time the Senate debated McCain-Feingold, back in 1997, Senator FRED THOMPSON, the chairman of the Governmental Affairs Committee, delivered a very fine statement on the Senate floor about campaign finance reform and free speech in which he pointed out that, in the real world, the debate about campaign finance reform and free speech is not one of absolutes, as some would have it. There is not a choice between a system of unfettered free speech and government regulation, for our current system recognizes many instances in which there is a legitimate and constitutional public interest in regulating speech, from slander laws, to prohibitions on the disclosure of the identities of American intelligence agents, to the campaign arena itself, with a longstanding ban on corporate contributions and quarter-century and older limits on other forms of contributions and disclosure requirements.

So the debate isn't really over whether or not there will be government regulation of campaigns but on what form that regulation will take. In the words of Dr. Norm Ornstein, a noted political scientist and a witness in the Governmental Affairs hearings, the question is whether or not we will erect some ''fences'' to prevent the worst abuses from recurring.

As I have told anyone who has asked me, I love being a Senator. I cherish this body. As does Senator BYRD, I cherish its traditions. Having the privilege of representing my State in this body, where such giants as Clay and Webster and Calhoun and Norris and LaFollette and Dirksen and Russell and Senator BYRD have served with great distinction, is the greatest honor of my life. But, my fellow Members of the Senate, I was not honored by the process that I and every other candidate for the Senate had to undergo in order to get here.

We have to spend years in raising millions of dollars just to defend ourselves out there in the marketplace. I have not felt privileged sitting here day by day, with evidence continually mounting in congressional hearings, in newspaper reports, of campaign abuses, or public opinion surveys chronicling the loss of public trust in the political process, or the ongoing massive fundraising which takes place all the time in this, the Nation's Capital. The current system is broken, and it cries out for reform.

We have heard a lot of talk, and we will hear more talk, about these abuses, and about the general topic of campaign finance reform. But the time is coming when we must take action. Certainly the revised McCain-Feingold package is not perfect; it is not all that I think needs to be done to remedy our problem, but it is an essential first step, aimed at dealing with the worst of the abuses which currently plague our campaign system.

It is fascinating how the term ''soft money'' has grown up. It is really not soft money; it is hard money with soft laws. It is now time to correct that abuse. The revised bipartisan campaign finance reform proposal does not contain spending limits. I wish it did. Unfortunately, the Supreme Court has declared that unconstitutional. It does not contain limits on PACs. The current law does. It does not provide free discounted broadcast air time for Federal candidates. I think we ought to have that. And the bill does not place any limitations on sham issue ads, which we need very badly. We need to place some limitations on that, especially 60 days out from an election.

But what the proposal does do is this:

One, it bans soft money contributions to and spending by national political parties and candidates for Federal office. That, in and of itself, is an achievement.

Two, it curbs soft money contributions to and spending by State parties when such activities are related to Federal elections.

And three, it strictly codifies the Beck decision concerning the right of nonunion members to have a refund of any union fees used for political purposes to which they object.

There are certainly areas where I believe this package should be strengthened, but we must not let the pursuit of a politically unattainable ideal prevent us from adopting the very useful and important provisions in this package.

Let us remember that it was soft money which was at the heart of most of the egregious campaign abuses uncovered by the Governmental Affairs Committee's investigation of the 1996 campaign. I sat through a whole year of listening to those horror stories, and it convinced me it is long since time that we act.

The country is watching what we do on campaign finance reform. Make no mistake about that. They are understandably skeptical that we will take action to reform the very system under which we all were elected, and, shall we say, expectations are extremely low. Unfortunately, based on our behavior to date, those expectations are being fulfilled.

But this is a real opportunity, the best we will have in this Congress to show we can take the hard but necessary steps to help begin to restore the public's faith in the workings of our great experiment in democracy.

Earlier this year, by an overwhelming bipartisan majority, the

House of Representatives approved the Shays-Meehan bill, which goes far beyond the measure currently before the Senate. The President of the United States stands prepared to sign any reasonable version of either of the bills into law. Now the ball is clearly in our court.

As we consider the McCain-Feingold legislation, I hope we will at long last be allowed to engage in the normal amendment process whereby the Senate can truly work its will and seek to improve the pending legislation. There are a number of areas in which I think the existing bill can and should be improved. For my part, I will be offering a series of amendments related to enforcement of existing laws by strengthening the Federal Elections Commission and campaign disclosure requirements. The FEC is the referee in this ballgame. It is time we gave the referee some strength.

One of the most glaring deficiencies in our current Federal campaign system is the ineffectiveness of this referee. The FEC, whether by design or through circumstance, has been beset by partisan gridlock, uncertain and insufficient resources, and lengthy proceedings which offer no hope of timely resolution of charges of campaign violations. It is similar to a referee in a football game blowing a whistle and 9 months later throwing the flag.

Thus, the first major element of my amendments is to strengthen the ability of the Federal Election Commission to be an effective and impartial enforcer of Federal campaign laws.

I will be offering amendments to do several things:

One, alter the Commission structure to remove the possibility of partisan gridlock by adding a seventh member, who would serve as Chairman and would be appointed by the President —with the advice and consent of the Senate—from among 10 nominees recommended by the Supreme Court.

Two, require electronic filing of reports to the FEC; authorize the FEC to conduct random audits; give the FEC independent litigating authority, including before the Supreme Court; and establish a right of private civil action to seek court enforcement in cases where the FEC fails to act, all of which should dramatically improve the prospects for timely enforcement of our campaign finance laws.

Three, provide sufficient funding of the FEC from a source independent of congressional intervention by the imposition of filing fees on Federal candidates, with such fees being adequate to meet the needs of the Commission.

There is another area to be addressed by my amendments. The area I would like to address is to enhance the effectiveness of campaign contribution disclosure requirements.

I have to admit, of all the laws, of all the requirements I have seen at the State level and the Federal level, over the years in which I have been dealing with the question of campaign finance reform—and I was the State official in Georgia for 12 years who was the State elections officer, and I pushed for campaign finance reform then, and now I am pushing for it as a Senator. Of all the requirements I have seen, of all the laws and the rules and regulations, I think the most effective brake on abuse in the campaign finance system is disclosure. As Justice Brandeis once observed: Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants.

This is certainly true in the realm of campaign finance. Let there be more sunlight. Perhaps the most enduring legacy of the Watergate reforms of a quarter century ago is the expanded campaign and financial disclosure requirements which emerged from that tragedy. By and large, those increased disclosure requirements have served us well, but as with everything else, they need to be periodically reviewed and updated in the light of experience.

Therefore, based in part on testimony I heard during the last session's Governmental Affairs Committee investigation and in part on the FEC's own recommendations for improved disclosure, my amendments would make several changes in current disclosure requirements.

Specifically, I am recommending a reform which will make it more difficult for contributors and campaigns alike to turn a blind eye to current disclosure requirements by requiring those who contribute $200 or more to provide a signed certification that their contribution is not from a foreign national and is not the result of a contribution in the name of another person.

In addition, I will offer amendments embodying a number of disclosure recommendations made by the FEC in its reports to the Congress and by other campaign finance experts, including, among others: One, requiring all reports to be filed by the due date of the report; two, requiring all authorized candidate committee reports to be filed on a campaign-to-date basis rather than on a calendar-year cycle; three, mandating monthly reporting for multicandidate committees which have raised or spent or anticipate raising or spending in excess of $100,000 in the current election cycle; again, clarifying that reports of last-minute independent expenditures must be received at the FEC within 24 hours of when the expenditure is made; and, finally, requiring that noncandidate political committees which have raised or received in excess of $100,000 be subjected to the same last-minute contribution reporting requirements as candidate committees.

It is so easy to be pessimistic about campaign finance reform efforts. The public and the media are certainly expecting this Congress and this Senate to fail to take significant action in cleaning up this swamp. The scandalous campaign system, though, under which we all now suffer must be changed.

I suggest we cannot afford the luxury of complacency. We may think we will be able to win the next election or reelection because the level of outrage and the awareness of the extent of the vulnerability of our political system have perhaps not yet reached critical mass. I am confident it is only a matter of time, as Senator MCCAIN has said, and perhaps the next election cycle, which will undoubtedly feature more unaccountable soft money, more sham issue ads, more circumvention of the spirit and, in some cases, the letter of current campaign finance laws, before the scales are decisively tilted in favor of reform.

We will have campaign finance reform, Mr. President. The only question is whether or not this Congress and this Senate step up to the plate and fulfill their responsibility to the American public and give them a system in which they can have confidence.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Nevada.

Mr. REID. Mr. President, for the information of Members, the manager of the bill and the minority are trying to work out a time. We expect there will be a vote at 6 on the underlying amendment. All Members should keep that in mind. We don't have it yet, where we can enter a unanimous consent request, but we are very close to it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as we begin the debate on campaign finance reform to discuss my thoughts and hopes on the actions the Senate will be taking in the coming days.

First, let me thank the sponsors of the legislation, Senators MCCAIN and FEINGOLD, for their tireless perseverance to enact campaign finance reform. Without their hard work and vast knowledge, we would not be at this important point. I would also like to thank the majority leader, Senator LOTT, for working with Senators MCCAIN and FEINGOLD to schedule this time for what I hope will be a full and open debate on this important issue. I look forward to hearing and debating the many ideas of my colleagues and believe the Senate should strive over the next couple of days to show why we are considered the greatest deliberative body in the world.

Mr. President, I was first elected to Congress following the Watergate scandal, right around the time Congress last enacted comprehensive reform of our campaign finance system. I have watched with growing dismay over my almost 25 years in Congress as the number of troubling examples of problems in our current campaign finance system have increased. These problems have led to a perception by the public that a disconnect exists between themselves and the people that they have

elected. I believe that this perception is a pivotal factor behind the disturbingly low voter turnouts that have plagued national elections in recent years.

While some may point to surveys that list campaign finance reform as a low priority for the electorate, I believe that the public actually strongly supports Congress debating and enacting comprehensive reform this year. It is important to reverse the trend of shrinking voter turnout by reestablishing the connection between the public and us, their elected representatives, by passing comprehensive campaign finance reform.

As I said earlier, I look forward to a full and open debate on the issue of campaign finance reform including the amendments that will be offered. At the end of this debate, the Senate should be able to pass comprehensive campaign finance reform. That to me is the most important aspect of any bill the Senate may pass, it must be comprehensive. If we fail to address the problems facing our campaign finance system with a comprehensive balanced package we will ultimately fail in our mission of reforming the system. Closing one loophole, without addressing the others in a systematic way, will not do enough to correct current deficiencies, and may in fact create new and unintended consequences.

Mr. President, we have all seen firsthand the problems with the current state of the law as it relates to sham issue advertisements. I have focused much time and effort on developing a legislative solution on this topic with my colleague Senator OLYMPIA SNOWE, and was pleased that this solution was adopted by the Senate during the last debate on campaign finance reform. I was also proud to cosponsor the comprehensive campaign finance bill Senators MCCAIN and FEINGOLD introduced earlier this year that included this legislative solution.

While I understand the rationale my colleagues used in crafting the base legislation that we are debating, I feel strongly that the legislation the Senate must ultimately vote on include some kind of changes to the current law concerning sham issue advertisements. I feel that we have crafted a reasonable, constitutional approach to this problem and will be offering it as an amendment during this debate.

That does not mean, though, that we will stop working with our colleagues to craft additional, and perhaps different, ideas to address the problems with the current law on sham issue advertisements. My ultimate goal is to create a comprehensive campaign finance bill that will garner the support of at least 59 of my other colleagues, and hopefully more.

Mr. President, I look forward to the upcoming full and open debate on this important issue, and pledge to continue working with my colleagues to enact comprehensive campaign finance reform into law this year.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the vote on the underlying amendment occur at 6 o'clock this evening, and that the time be divided equally between the respective parties prior to that time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Would the Senator repeat the unanimous consent request?

Mr. REID. It is that the vote on the underlying amendment would occur at 6 o'clock, there would be no second-degree amendments in order, and that the time between now and 6 o'clock be divided between the proponents and opponents of the amendment.

Mr. MCCAIN. I don't object.

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

Mr. REID. Mr. President, I am also informed—and I believe it is the case—that after the vote at 6 o'clock, there will be 20 minutes on the VA-HUD Appropriations bill.

That is for the information of Senators. It hasn't been determined by the leaders for sure, but that is what I expect will happen.

Mr. MCCONNELL. Mr. President, let me second what the assistant Democratic leader has said. That is the anticipation with regard to the VA-HUD.

Mr. President, seeing no one on the floor at the moment, I thought I might make a few observations about the debate in which we are currently engaged.

One of the commonly stated myths that we have heard throughout the day is that soft money in our current campaign finance system is the cause of unprecedented public cynicism about, and distrust of, government. The truth is, according to a study published by Oxford Press in 1999, which was coordinated by the faculty of the Kennedy school and which benefited from the participation of scholars from the University of Michigan, the University of Arizona, and the University of Illinois, public trust in government and cynicism about government predates not only soft money but also the events that prompted the original Federal Election Campaign Act. According to this study, public trust in the Federal Government has suffered a fairly steady decline since 1958, when 75 percent of the American people trusted the Federal Government most of the time.

By the end of the Carter administration, this number had dropped to approximately 25 percent. This trend was temporarily reversed during the Reagan administration, but during the subsequent administrations, it again declined to near pre-Reagan levels of distrust. The fact that our campaign finance system and soft money have not caused a precipitous drop in public trust and an unprecedented increase in cynicism is confirmed by an even more recent study by two Harvard professors, which is going to press at the Princeton University Press. This study shows that trust in government did not precipitously decline during the scandal-ridden 1996 Presidential campaign.

These studies show that, according to most recent data available to these distinguished scholars, levels of public trust in government are currently no higher than they were in 1994 or at the end of the Carter administration in 1980. Simply put, the best and most recent scholarship establishes that public distrust of government predates our current campaign finance system and soft money, and the advent of our current campaign finance system and soft money have not accelerated the relatively steady decline in public trust that began in 1958. So it is clear that this debate we are having has absolutely nothing to do with the steady decline of confidence in our government.

Now, the prescription for this steady decline that has been offered by a variety of so-called reformers around here has been tried in some other democracies.

Let's look at Canada, for example. Our neighbors to the north already have passed many of the types of regulations supported by the proponents of the various reforms that are before the Senate or have been before the Senate in recent years. Canada has adopted the following regulations of political speech: spending limits that all national candidates must abide by to be eligible to receive taxpayer matching funds. Candidates can spend $2 per voter for the first 15,000 votes they get, $1 per voter for all the votes up to 25,000, and 50 cents per voter beyond 25,000.

Canada also has spending limits on parties that restrict parties to spending the product of a multiple used to account for cost of living times the number of registered voters in each electoral district in which the party has a candidate running for office. Right now, it comes out to about a dollar a voter.

Canada also has indirect funding via media subsidies. The Canadian Government requires that radio and television networks provide all parties with a specified amount of free air time during the month prior to an election. The government also provides subsidies to defray the costs of political publishing and gives tax credits to individuals and corporations which donate to candidates and/or parties.

That is the prescription in Canada. It is not all that dissimilar to the ones that have been promoted here in recent years, up to and including the bill we currently have before us.

Let's look at the attitude about government in Canada after all of these reforms. The most recent political science studies of Canada demonstrate that, despite all of this regulation of political speech by candidates and parties, the number of Canadians who feel ''the government doesn't care what people like me think'' has grown from roughly 45 percent to 67 percent. Confidence in the national legislature, after the enactment of all of these speech controls, has dropped from 49 percent to 21 percent. The number of Canadians satisfied with their system of government has declined from 51 percent to 34 percent.

Let's take a look at Japan. According to the Congressional Research Service:

> Japanese election campaigns, including campaign financing, are governed by a set of comprehensive laws that are the most restrictive among democratic nations.

After forming a seven-party coalition government in August 1993, Prime Minister Hosokawa placed campaign finance reform at the top of his agenda. He asserted that his reforms would restore democracy in Japan. In November 1994, his reform legislation passed. After this legislation, the Japanese Government imposed the following restrictions on political speech:

Candidates are forbidden from donating to their own campaigns. Any corporation that is a party to a government contract, grant, loan, or subsidy is prohibited from making or receiving any political contributions for 1 year after they receive such a contract, grant, loan, or subsidy.

There are strict limits on what corporations and unions and individuals may give to candidates and parties. There are limits on how much candidates may spend on their own campaigns.

Candidates are prohibited from buying any advertising in magazines and newspapers beyond the five print media ads of a specified length that the government purchases for each candidate.

Parties are allotted a specified number of government-purchased ads of a specified length. The number of ads a party gets is based on the number of candidates they have running. It is illegal for these party ads to discuss individual candidates.

In Japan, candidates and parties spend nothing on media advertising because not only are they prohibited from purchasing print media ads, but they are also prohibited from buying time on television or radio.

The government requires TV stations to permit parties and each candidate a set number of television and radio ads during the 12 days prior to the election.

Each candidate gets one government-subsidized televised broadcast.

The government's election management committee provides each candidate with a set number of signboards and posters that subscribe to the standard government-mandated format.

The Election Management Committee also designates the places and times candidates may give speeches.

The government says when candidates may speak, and where they may speak.

You may ask: What happened after these exacting regulations on political speech that amount to a reformer's wish list were imposed in Japan? Did cynicism decline? Did trust in government increase? Not so, as you notice.

Following the imposition of these regulations, the number of Japanese saying they had no confidence in legislators rose to 70 percent.

Following these regulations, only 12 percent of Japanese believe the government is responsive to the people's opinions and wishes.

The percentage of Japanese satisfied with the Nation's political system fell to 5 percent.

Voter turnout continued to decline.

Let's take a look at France.

In France, there is significant regulation of political speech with government funding of candidates, government funding of parties, free radio and television time, reimbursement for printing posters, and for campaign-related transportation.

In France, they ban contributions to candidates by any entity except parties to PACs.

Individual contributions to parties are limited.

Strict expenditure limits are set for each electoral district in place.

Every single candidate's finances are audited by the Commission Nationale, generally known as CCFP, to ensure compliance with the rules.

Despite all of these regulations on political speech in France, the latest studies indicate the French people's confidence in their government and political institutions has continued to decline. Voter turnout has continued to decline.

Let's look at Sweden.

Sweden imposed the following regulations on political speech: There is no fundraising for spending for individual candidates at all. Citizens merely vote for parties which assign seats on the proportion of votes they receive.

The government subsidizes print ads by the parties.

Despite the fact that Sweden allows no fundraising or spending for individual candidates, since these requirements have been in force the number of Swedes disagreeing with the statement that ''parties are only interested in people's votes, not in their opinions'' has declined from 51 percent to 28 percent.

The number of people expressing confidence in the Swedish Parliament has declined from 51 percent to 19 percent.

So it is clear that many assertions made by the proponents of additional campaign finance regarding the causal link between the campaign finance system or soft money, and voter turnout, public cynicism, national pride, and the health of our democracy are not supported but actually contradicted by the best and most recent scholarship and empirical data available from prestigious academics at institutions such as the Kennedy School at Harvard and the University of California System's Center for the Study of Democracy, and contrary to the experience of the other industrialized democracies that have passed the type of measures desired by proponents of more regulation of political speech.

The rationale for all of this has been that we need to clean up the system, squeezing out all of these private interests so everybody will have more confidence in the government.

That didn't work anywhere overseas. So let's take a look at the United States.

Voter turnout at home: In the end, we don't even have to look at other countries to see that speech controls do not increase confidence, nor do they increase voter turnout. In 1974, as we all know, the Federal Election Campaign Act was expanded to limit the amount of money that Presidential candidates could raise and spend. That is the system under which the current candidates for President operate.

So if the reformers premise that limiting speech increases turnout is true, then surely voting in American Presidential elections would have increased over the last 25 years. Let's look at the statistics.

In the 1950s and 1960s, before the passage of the Federal Election Campaign Act, the average voter turnout was consistently at 60 percent or higher.

So post-1974 must have been higher, right? After all, we passed the Federal Election Campaign Act. After all, the Congress supposedly gave us ''comprehensive reform'' for the Presidential system in 1974.

But the numbers show the emptiness of the reformers' rhetoric. The voter turnout for every Presidential election postreform has never reached 60 percent. In fact, the postreform high was 1992 when voter turnout reached 55 percent.

Even if one accepts the reformers' notion that voter turnout and voter confidence are problems in America, banning issue speech by political parties is clearly not the solution. Having less speech, less debate, and less discussion is clearly not going to have a positive impact on voter turnout, and there are simply no statistics—none whatsoever—to substantiate the claim that passing the kind of legislation which is before us today, or the kind that has been before us seemingly annually for the last 10 or 12 years, would have any impact whatsoever on reducing cynicism or raising turnout.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we start from the most fundamental of all propositions, the first amendment to the Constitution of the United States. That amendment reads as it affects this debate, ''Congress shall make no law abridging the freedom of speech or of the press''—''no law abridging the freedom of speech or of the press.''

The Supreme Court of the United States quite properly has determined that meaningful freedom of speech requires the expenditure of money and has been loathe to accept any restrictions upon the use of money to broadcast one's ideas about political propositions in the United States.

At least several speeches that I have heard during the course of the day—most notably earlier this afternoon by the junior Senator from California—quarreled with that fundamental proposition in the first amendment. About 30 of the Members of this body a year or so ago were courageous enough to vote for a constitutional amendment that would have limited first amendment rights. They were wrong, in my view, but they were highly principled to do so. Any meaningful limitation on political speech, in the view of this Senator, will require an amendment to the Constitution of the United States.

Mr. MCCAIN. Will the Senator yield?

Mr. GORTON. I yield.

Mr. MCCAIN. Parliamentary inquiry: Will the Chair illuminate me on whose time is being used at this time and whose time is remaining so I might understand the parliamentary situation?

The PRESIDING OFFICER. The Senator from Kentucky spoke in opposition to the amendment and used 5 minutes 40 seconds.

Mr. MCCAIN. The Senator from Washington is speaking.

The PRESIDING OFFICER. The Senator from Washington is speaking on the time of the proponents.

Mr. MCCAIN. I am sorry to interrupt the Senator from Washington, but I don't quite understand.

Mr. GORTON. The Senator from Washington is speaking on the same side as the Senator from Kentucky.

The PRESIDING OFFICER. The time will be adjusted accordingly.

Mr. MCCAIN. I thank the Chair, and I thank the Senator from Washington.

Mr. GORTON. The quarrel of the general proponents of these ideas is with the Constitution of the United States and most expressly with the first amendment. The drafters of that amendment did not say that the Congress could attempt to equalize the rights of speech of each individual citizen of the United States. They simply said that political speech was open and could not be restricted in any way by the Congress of the United States.

If unlimited or, rather, if the right of some people to communicate more widely than others could be restricted, presumably we could treat as soft money the money spent by the New York Times to editorialize on this issue or that of a television network. Obviously, the editorial director of the New York Times has a stronger voice heard by more people than the average citizen. And so, of course, does a group or a corporation, for that matter, whose rights and money is at risk in debate here in Congress.

Those who feel at risk with respect to the policies that we adopt have an absolute right to speak out in that connection. It is a right that the proponents of this bill in general terms don't want to restrict. Few of them, however, have proposed constitutional amendments or limits on free speech in the arts or in literature or with respect to pornography. We are faced with the paradox in this debate that the proponents think the only kind of speech that ought to be limited is political speech, the kind of speech the first amendment drafters had in mind when they wrote the first amendment.

In a narrow phase of this bill as it appears before the Senate, the only evil organizations whose activities are to be controlled or whose contributions are to be not limited or banned of a certain kind are the two major political parties and their organizations. This bill at this time has no limitation on the contribution of soft money to other organizations that have political agendas. It cannot constitutionally limit issue advocacy. It can't even limit individual express advocacy as long as that advocacy is disclosed.

I suppose I find it most paradoxical the proposition that we base these controls on corruption or the appearance of corruption when the appearance of corruption is primarily created by those who want these limitations. Presumably, whenever they say that a particular act carries with it the appearance of corruption, that means it is the case and that the limits they propose on political speech are, therefore, valid.

That simply is not the case. Political controversy in the United States from the time of the first Congress in 1789 and the passage of the first amendment has often been disorderly; it has involved a number of outrageous charges as well as careful political thought; it has benefited those who want to put the greatest amount of time and money and effort and press into expressing their ideas. It has not been regulated by the Congress of the United States and somehow or another we have been successful.

The idea that cynicism or opting out of the political process is going to be improved by passing laws is a triumph of hope over experience. It hasn't happened in connection with any such law here or in any other State at any time in the past. We have gotten this far in the history of the United States with its most successful free government by prohibiting the control of political speech on the part of the Government of the United States. We will survive the next 200 years far better without any such prohibitions than if we grant them.

Congress shall make no law abridging the freedom of speech. That is our command. This is an attempt to cause such an abridgement.

The PRESIDING OFFICER. The Senator from Arizona

Mr. MCCAIN. Mr. President, I wish to take a minute before my colleague from Wisconsin speaks for the purpose of asking unanimous consent to have printed in the RECORD a letter from the American Bar Association and a letter from the League of Women Voters. I so ask.

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

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, October 8, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: As the Senate begins consideration of campaign finance reform legislation, I write on behalf of the American Bar Association to urge you to support reform that will strengthen the electoral process; reduce the influence of special interests; allow members and candidates to devote more time to substantive issues, rather than fundraising; and preserve the First Amendment rights of eligible individuals to participate in political campaigns.

The American Bar Association (ABA) has long been concerned with campaign finance and electoral issues. In 1973, the ABA created its Standing Committee on Election Law with the purpose of developing and examining ways to improve the federal electoral process. The overriding premise of these efforts has been to support candidate and citizen participation in the electoral process, and to increase public confidence through accountability and disclosure.

As you know, campaign finance laws have not been substantially revised by Congress for over twenty years. Changes in campaign finance mechanisms, the infusion of ''soft money'' into the system, the burgeoning use of electronic media, and the emergence of issue advertisements have literally transformed the ways in which campaigns are financed and run. Yet, our laws and regulations have not kept pace with the innovations in campaign activities. The statutory and regulatory framework for campaign finance regulation needs to be modified to address these changing trends in order to ensure the integrity of the campaign finance system.

The American Bar Association believes the following principles should be included as part of any campaign finance legislation:

Full Disclosure. Disclosure is a vital and necessary component to maintaining the integrity of the campaign finance system. The ABA supports full and timely disclosure of campaign contributions and expenditures in excess of minimal amounts. All contributions to and expenditures by state and federal party committees should be reported publicly and electronically. In addition, the Federal Election Commission should be required to maintain a central clearinghouse with respect to data concerning both contribution and expenditure reports.

Reasonable Contribution Limits, Adjusted and Indexed for Inflation. Campaign contributions to candidates and political parties should be limited to reasonable amounts. The current contribution limit was set in 1974, and has not been adjusted to take into account inflation, increases in the size of the electorate and the dramatic rise in campaign costs. Raising the individual contribution limit would allow candidates to spend less time fundraising and more time discussing substantive issues, help level the playing field between incumbents and challengers, and channel money currently being contributed outside the federal system (soft money) back into the regulated process. Therefore, the ABA believes that current individual campaign contribution limits should be adjusted for inflation and indexed thereafter.

Soft Money. The ABA opposes the solicitation and use in presidential and congressional campaigns of ''soft money'', i.e., contributions to political party committees in unlimited amounts by corporations, labor unions and individuals, and supports the effort to prohibit such contributions. Soft money has been used as a method by which contribution limits and prohibitions under the Federal Election Campaign Act have been successfully circumvented and has created at least the appearance, if not the reality, of corruption in the political system. This issue must be addressed in order to help restore public confidence in the electoral process.

Public Participation—Legal Permanent Residents. Campaign finance laws should not discourage the participation of individuals, political parties, and organized political groups in all aspects of the electoral process. Of particular concern are efforts to restrict the political activities of legal permanent residents. The fundamental rights of free speech and association are an integral part of this nation's democratic process and are not restricted only to citizens. Legal permanent residents, who bear most of the same civic responsibilities as citizens, including paying taxes and registering for the draft, must not be prevented from exercising their constitutional right to participate in the political process. The ABA therefore opposes any diminution of the existing rights of legal permanent residents to make campaign contributions and expenditures to the same extent as U.S. citizens.

Public Financing. The ABA supports partial public financing of congressional and presidential elections as a desirable means of providing a floor for campaign funds, promoting and ensuring an effective and competitive electoral process, and minimizing the importance of wealth and the need for large contributions.

Reforming campaign finance laws to reflect the foregoing principles will help ensure increased citizen and candidate participation and restored public confidence in the electoral process. We urge you to keep these principles in mind as the Senate debates campaign finance reform legislation.

If you would like further information, please do not hesitate to contact either me or Kristi Gaines in the ABA Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS,
Director.

THE LEAGUE OF WOMEN VOTERS®
OF THE UNITED STATES,
Washington, DC, September 28, 1999.

Re Campaign finance reform.

To: Members of the U.S. Senate
From: Carolyn Jefferson-Jenkins, Ph.D., President

The League of Women Voters urges you not to support the modified version of the McCain-Feingold campaign finance reform legislation, S. 1593.

The decision to remove the ''sham issue ad'' provisions from the original bill, S. 26, means that the current system that allows large, undisclosed contributions from corporate and union treasuries and from wealthy individuals to go toward elections advertising will go unchecked. We believe that real reform legislation must address this growing problem rather than ignore it.

Proponents of the modified legislation argue that it ''bans'' soft money. This is simply not the case because sham issue ads are a form of soft money. Soft money consists of corporate and union treasury money and funds from wealthy individuals that operate outside the current regulatory regime. Sham issue ads are clearly part of this problem. Because the modified legislation fails to deal with sham issue ads, it fails to fully address the soft money crisis.

In fact, the modified bill will drive soft money into sham issue ads, expanding the current loophole. To avoid the provisions of the bill, corporations, unions and wealthy individuals can simply reconstitute their contributions into sham issue ads designed to elect or defeat candidates. In addition, because contributions to sham issue ads are undisclosed while traditional soft money contributions are disclosed, the overall system may actually be made worse by the modified bill. It will transform disclosed contributions into undisclosed campaign money.

Sham issue advocacy—campaign ads designed to elect or defeat clearly identified candidates by masquerading as issue advocacy—provides a useful conduit for those with large amounts of money to influence federal elections without leaving any fingerprints.

Unlimited, undisclosed money is overwhelming the election system. By running ads immediately preceding an election that savage a candidate's opponent, special interests can provide something of great value to the candidate they support, while avoiding disclosure requirements and contribution limits.

In addition, candidates are losing control of their own campaigns. Representative government depends on elected officials being responsible to their constituencies. Unless the sham issue ad loophole is closed, outcomes of elections will more and more be determined by the irresponsible actions of outsiders, unfettered by the need to represent the interests of the citizens of a state or district.

Even more troubling is the possibility that foreign donors will exploit sham issue advocacy to influence U.S. elections and public policy. The sham issue advocacy loophole provides a perfect—and perfectly legal—route for domestic or foreign interests to influence our elections and add a corrupting influence to public policy debates.

Given current expenditures on issue advocacy, the potential for abuse is enormous. The Annenberg Public Policy Center at the University of Pennsylvania estimates the amount of issue advocacy advertising during the 1996 election season at $150 million, over one-third of the $400 million spent on advertising by all candidates for President and Congress combined. For the 1998 election, the Annenberg Center estimates that $275 to $340 million was spent on issue ads, double what was spent in 1996.

The Annenberg studies also demonstrate that issue ads frequently bear more than a passing resemblance to campaign ads. Although issue ads ostensibly have the primary purpose of promoting a sponsor's ideas or policies, fewer than one in five ads from the 1996 campaign directly advocated the sponsor's own position! In addition, nearly nine in ten issue ads referred to a clearly identified candidate for office. Less than five percent advocated support or opposition to a piece of legislation. In the 1998 election cycle, 80 percent of issue ads in the last two months mentioned candidates for office by name.

We are strong proponents of closing the ''soft money'' loophole and for campaign finance reform generally. By excluding the provisions developed by Senators Snowe and Jeffords to ensure that funding for sham issue ads is effectively covered by election rules, the modified bill falls too short.

The League of Women Voters believes strongly that the Snowe-Jeffords Amendment, or other similar language designed to ensure that funding for ''sham issue ads'' is effectively covered by election rules, is an essential part of campaign finance reform.

Mr. MCCAIN. Mr. President, the letter is from Mr. Robert Evans, of the American Bar Association:

I write on behalf of the American Bar Association to urge you to support reform that will strengthen the electoral process; reduce the influence of special interests; allow members and candidates to devote more time to substantive issues. . . .

They support full disclosure, reasonable contribution limits, adjusted and indexed for inflation. The ABA opposes campaigns of soft money, and also public participation of legal permanent residents.

Also, the League of Women Voters, referred to earlier by the Senator from Kentucky, says that Senator MCCONNELL's statement on the floor suggested the League of Women Voters is in support of his position. On the contrary. The League's position is opposite that of Senator MCCONNELL, who in their words ''opposes any meaningful campaign finance reform.''

They support comprehensive campaign finance reform. In fairness, the League of Women Voters thinks the Senator from Wisconsin and I are now too weak in our approach.

To assume somehow that as one may have in listening to the statement of the Senator from Kentucky this morning that the League of Women Voters was in agreement with this position is not the fact as demonstrated in this letter.

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

Mr. MCCAIN. I am happy to yield to the Senator.

Mr. REID. Does the Senator from Arizona have an estimate, a guess, an observation of how much this Senator and my opponent spent in the last general election I was involved in in Nevada.

We spent about an equal amount of money. Does the Senator have a guess, estimate, or observation?

Mr. MCCAIN. I say to my friend from Nevada, I am from a neighboring State and I paid a lot of attention to that race. It was a very close and hard-fought race—I mean this in all due respect—in what is a relatively small State, population-wise, although dynamically growing. I think percentage-wise, it is the fastest growing State in America.

I believe—I may be wrong—it was about $10 million each.

Mr. REID. The State of Nevada had less than 2 million people at that time. The Senator is absolutely right; the two of us spent with State party soft money, plus our hard money accounts, over $20 million. That does not count the independent expenditures, and we really don't know how much they are because they are hard to track.

Mr. MCCAIN. Could I ask my friend, some of the estimates I heard on the independent campaign expenditures were as high as the $20 million spent by both you and your opponent?

Mr. REID. Probably not; I guess another $3 million.

In a small State such as Nevada, is the Senator surprised that $23 million was spent?

Mr. MCCAIN. I say to my friend from Nevada, it is a compelling argument for reform. I have a lot of friends who live in your State. In all due respect to the quality of the commercials that were run during that campaign, I heard many friends of mine who live in Nevada say they had enough, considering they were inundated—for how long? The campaign went on for a year and a half?

Mr. REID. The campaign went on for a long time. The television money was spent, of course, in a relatively short period of time.

I do not know if my colleague is aware that my opponent, John Ensign, and I talked on several occasions. Even though there was that much money spent on the campaign, we never campaigned against each other. There were all these outside interests. We never had a chance to campaign for ourselves.

So I would say if there is no other example given on the floor of the Senate regarding campaign finance reform, all you have to do is look at the relatively sparsely populated State of Nevada and there is a compelling reason we need to do something about the present campaign system in America.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, it has only been the first day of debate on this issue. I do note a marked shift in the strategy of our opponents. They are not talking so much about how the first amendment to the United States Constitution Bill of Rights would be violated by our version of the bill, the soft money prohibition. There have been a few comments, but this has not been the main thrust.

There is a good reason for it. That is because there is not a credible case that can be made that banning soft money contributions to the political parties is unconstitutional. I think it is useful at this time to lay out a few of the reasons why this is the case, so no one can be confused by the desperate attempt that has been made to label any attempt at campaign finance reform, regardless of what its provisions might be, as unconstitutional. It has become a mantra, a standard line, but it does not hold water regarding the bill before us.

The first proposition is very straightforward and that is that Congress can prohibit corporate and labor contributions. Congress prohibited the contributions by corporations in 1907 in the Tillman Act, and then in 1947 it prohibited the same kinds of contributions by unions under the Taft-Hartley Act. The courts have recognized that corporate treasury money can amount to an undue influence or an unfair advantage. That is why in a couple of key cases the courts have so ruled.

In Massachusetts, Citizen For Life v. FEC, 1984, for example, they stated:

> Direct corporate spending on political activity raises the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace. Political ''free trade'' does not necessarily require that all who participate in the political marketplace do so with exactly equal resources.
>
> Relative availability of funds is after all a rough barometer of public support. The resources in the treasury of a business corporation, however, are not an indication of popular support for the corporation's political ideas. They reflect instead [the court said] the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.

Then, after making that very clear with regard to the ability of restricting direct corporate contributions, the Austin case made it clear and affirmed this decision, saying:

> We therefore have recognized that ''the compelling governmental interest in preventing corruption support[s] the restriction of the influence of political war chests funneled through the corporate form.''

It is clear law, indisputable law, that Congress can prohibit corporate and labor direct contributions to candidates or to the political parties.

Furthermore, so there is no confusion because there was a lot of talk today about somehow we have to demonstrate actual corruption in each instance before we can do something about it, that is not the law with regard to our ability to limit individual contributions. The Court has been clear that we can limit individual contributions either in the case of actual corruption, the reality of corruption, or the appearance of corruption. This is the system that was validated in the most significant ruling of many decades in the area of campaign finance reform, Buckley v. Valeo, 1974. Let me put some of the language in the RECORD from that decision that supports that. The court said:

> By contrast with a limitation upon expenditures for political expression, a limitation upon the amount that any one person or group may contribute to a candidate or political committee entails only a marginal restriction upon the contributors' ability to engage in free communication. A contribution serves as a general expression of support for the candidate and his views, but [the court said, that it] does not communicate the underlying basis for the support. The quantity of communication by the contributor does not increase perceptibly with the size of his contribution, since the expression rests solely on the undifferentiated, symbolic act of contributing.

Later in the decision the court continued:

> It is unnecessary to look beyond the Act's primary purpose to limit the actuality and appearance of corruption regarding from large financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation.

The Court then said:

> To the extent large contributions are given to security political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined.

That had to do with the quid pro quos. And then the Court continued:

> Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.

The Buckley case makes it clear you can limit the individual contributions. The Court said:

> We find that, under the rigorous standard review established by our prior decisions, the weighty interests served by restricting the size of financial contributions to political candidates are sufficient to justify the limited effect upon First Amendment freedoms caused by the $1,000 contribution ceiling.

So these are the court cases. If you do not believe my word on it alone, I suggest one take a look at the letter we have from 126 legal scholars, constitutional scholars around the country who say specifically that it is entirely constitutional to ban soft money given to the parties.

These scholars wrote as a group in a letter:

> We believe that such restrictions are constitutional. The soft money loophole has raised the specter of corruption stemming from large contributions (and those from prohibited sources) that led Congress to enact the federal contribution limits in the first place. In Buckley v. Valeo, the Supreme Court held that the government has a compelling interest in combating the appearance and reality of corruption, an interest that justifies restricting large campaign contributions in Federal elections. . . . Significantly, the Court upheld the $25,000 annual limit on an individual's total contributions in connection with federal elections.

And so on.

Mr. President, 126 constitutional scholars have backed up this almost obvious notion we can ban the soft money given to the political parties.

I might add, since the Senator from Kentucky is fond of quoting the ACLU as one of his allies on this issue, in fact, every living former president, executive director, and legal director of the ACLU all think that it is perfectly constitutional to ban soft money.

Finally, if you do not believe any of those folks, I hope you would believe the Senator from Washington, one of the strongest opponents of our bill. Senator GORTON, on this floor, in a candid moment, said:

> In fact, with my own views on where the constitutional line is likely to be drawn, McCain-Feingold restrictions on money to political parties might well be upheld, probably would be upheld, at least in part. It is possible that they would be upheld in their entirety.

So even one of our most learned and effective opponents on this issue, Senator GORTON, has said on this floor that it is perfectly constitutional to ban soft money. That is why you are not hearing much about the constitutional problems in this bill, as you did last

year. I think some of those arguments weren't too strong, but they certainly were stronger.

This bill would pass constitutional muster quite easily. I believe there is no legitimate authority to contradict that. I believe it is important to have this in the RECORD. Perhaps this will be returned to later on, as an argument. I have noticed a strong diminution in the reliance on the constitutional argument. There are other arguments being made: That somehow this is a dagger to the heart of one party or another; the attempt to have Senator MCCAIN answer very specific questions about comments he made in his Presidential campaign. The opposition seems very diffused on this point on a number of issues, but the constitutional question is not being very effectively or seriously raised.

Mr. President, I suggest that is because there is no legitimate constitutional argument against what we are trying to do.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. All time remaining is on the side of the proponents.

Mr. MCCONNELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The time remaining is 8 minutes 41 seconds.

Mr. MCCONNELL. Mr. President, there has been a lot of talk about where the so-called constitutional scholars are on the constitutionality of this measure and its other incarnations we have had before us in the last few years.

One of the scholars cited by the proponents of this legislation, Professor Robert W. Benson of Loyola Law School, wrote an article before NAFTA was enacted called, ''Free Trade as an Extremist Ideology.'' The article, to put it mildly, is critical of the North American Free Trade Agreement.

In it, Benson states:

> Ideological extremism . . . is pushing an agenda of radical risk taking in the form of the North American Free Trade Agreement and the General Agreement on Tariffs.

He says free trade is ''a classic extremist ideology, just as, until recently, Marxism and Leninism was.''

He says the idea of free trade fits ''two criteria that characterize extremist ideologies . . . [its] adherents are oblivious to cognitive dissonance contradicting their analyses, and (2) . . . [they] are willing to plunge themselves and others into great risks in the name of ideology.''

He argued that enacting NAFTA would ''erode Democratic government in the United States.''

This is one of the so-called constitutional scholars on this lengthy list being quoted.

He also wrote an article that purported to be about legal theory entitled, ''Deconstruction's Critics, the TV Scramble Effect and the Fajita Pita Syndrome.''

Among academics, he is considered an expert on international law. He is not a constitutional law professor.

Many in favor of campaign finance reform and relying on Professor Benson's view of campaign finance reform disregarded Professor Benson's warnings about the North American Free Trade Agreement, an issue within his area of expertise. These Members, of course, include a number of the proponents of this legislation.

Another one of the constitutional scholars quoted by the other side is Professor Daan Braveman of Syracuse University College of Law. This outstanding scholar wrote an article discussing the first amendment——

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend.

Mr. MCCONNELL. I believe I have the floor.

Mr. FEINGOLD. I understand the opponents' time is gone.

The PRESIDING OFFICER. All the time remaining is for the proponents.

Mr. FEINGOLD. I will be happy to yield time to the Senator from Kentucky.

Mr. MCCONNELL. Since I support the amendment, wouldn't that qualify me?

The PRESIDING OFFICER. If the Senator is a proponent of the amendment.

Mr. MCCONNELL. I am indeed.

Mr. FEINGOLD. Can a Senator speak as both a proponent and opponent of an amendment?

Mr. MCCONNELL. I am not aware of any opponents to this amendment.

Mr. FEINGOLD. I believe the Senator from Kentucky previously was counted, with regard to time, as an opponent in this process.

The PRESIDING OFFICER. If the Senator is a proponent——

Mr. MCCONNELL. I ask unanimous consent that I be allowed to speak for 5 minutes.

Mr. FEINGOLD. Reserving the right to object, I ask unanimous consent that our time be restored to what it was prior to the remarks of the Senator from Kentucky and that we have our full measure of time. I have no objection to his having additional time.

Mr. MCCONNELL. I don't want to delay the vote. I will be happy to make my remarks later with regard to the outstanding qualifications of a number of the constitutional scholars cited by my friend from Wisconsin. I look forward to going into some of their interesting writings. I am happy to yield the floor, and the vote will occur at 6 o'clock.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. Four minutes 40 seconds.

Mr. FEINGOLD. I certainly want the Record to note I had no objection to the Senator from Kentucky speaking, as long as it did not come out of our time. In fact, I was happy to give additional time.

I want to make a comment or two about what he is talking about because he is launching, apparently, an attack on people who signed the letter, 127 constitutional scholars. Apparently there is a problem. One of the men who wrote an article about NAFTA—I do not know what it has to do with his ability to comment on this.

I am surprised to hear Senator MCCONNELL say some of this. Back when we presented this letter, he said he could easily come up with 127 scholars on his own who would say banning soft money is unconstitutional. He has not done that, and it has been a long time since that time, and I frankly doubt he ever will.

Anyone who knows anything about the law and the legal academy would agree that instead of picking individual people out of this list and attacking them personally, they would have to concede that many of the people on the list are very distinguished law professors. Professor Erwin Chemerinsky of the University of Southern California Law Center, Professor Jack Balkin of Yale Law School, Professor Frank Michelman of Harvard Law School, and Professor Norman Dorsen of NYU Law School know something about the law. In fact, they know more than just about anybody in this body.

The executive director and the legal director of the ACLU says a ban on soft money is constitutional. Of course, the ultimate arbiter, the Supreme Court, said in the Buckley case that individual contributions can be limited and, in the Austin case, that corporate contributions can be prohibited.

If Senator MCCONNELL does not believe these authorities, he should, again, consult with the Senator from Washington, Mr. GORTON, one of his strongest supporters on the floor in opposing reform, who has essentially conceded that banning party soft money would likely be found constitutional.

This notion that the Senator from Kentucky could easily come up with his list of constitutional scholars which we have never seen is a ploy that I, frankly, do not understand. Where is the list? Instead, he wants to pick apart one or two people on the list. I question that. These folks gave it their best shot and indicated what everybody concludes with any credibility on this subject, and that is that it is perfectly constitutional to ban soft money.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the Senate will now proceed to vote on the amendment.

Mr. DOMENICI. 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 Amendment No. 2294. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—77

Abraham	Durbin	Lugar
Akaka	Edwards	Mack
Allard	Feingold	McCain
Ashcroft	Feinstein	McConnell
Baucus	Fitzgerald	Mikulski
Bayh	Frist	Moynihan
Bennett	Gorton	Murray
Biden	Graham	Reed
Bingaman	Grams	Reid
Boxer	Grassley	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inouye	Schumer
Campbell	Jeffords	Sessions
Cleland	Johnson	Shelby
Conrad	Kerrey	Smith (OR)
Craig	Kohl	Specter
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—20

Bond	Hagel	Smith (NH)
Cochran	Hutchinson	Snowe
Collins	Inhofe	Stevens
Coverdell	Kyl	Thompson
Enzi	Lott	Thurmond
Gramm	Murkowski	Voinovich
Gregg	Nickles	

NOT VOTING—3

Chafee	Kennedy	Kerry

The amendment (No. 2294) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consider the conference report to accompany the VA–HUD appropriations bill, it be considered as having been read, and there be 20 minutes equally divided for debate between the two managers; I further ask unanimous consent there be an additional 5 minutes under the control of Senator MCCAIN, and 30 minutes under the control of Senator WELLSTONE, with the vote occurring on adoption at 9:15 a.m. on Friday, October 15, with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2684, having met have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 13, 1999.)

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the generosity of the majority and minority leaders for allowing us to proceed on the consideration of the Senate conference report to accompany H.R. 2684.

I ask that the Chair advise me when 5 minutes have been utilized. I want to save some of my time and be able to yield to my distinguished colleague from Maryland.

This has been a very difficult bill, not unlike, as someone suggested, riding a tilt-a-whirl at the county fair. I am glad to say the ride is over. It was fun while it lasted. We are finally on solid ground with this conference report.

We have a bill that meets many priorities of the Members and I think addresses fairly a number of concerns of the administration without totally satisfying everyone.

First, my sincerest thanks to Senators STEVENS and BYRD for helping us to reach an adequate allocation. Without their help, this bill would still be a work in progress, and we would not be able to complete it.

A very special thanks once again to Senator MIKULSKI, who worked with us to find a good balance in making some very difficult funding decisions. It was a pleasure as always to have her good guidance and sound judgment.

I believe she will join me in saying a special thanks to the new Chair and ranking member in the House, Chairman WALSH, and Congressman MOLLOHAN, who were a tremendous pleasure to work with. We appreciate their assistance.

My thanks to staff on the minority side: Paul Carliner Jeannie Schroeder, and Sean Smith; on my side, a very special thanks to Jon Kamarck, Julie Dammann, Carolyn Apostolou, and Cheh Kim.

I believe the bill before the Senate is a very good bill with funds allocated to the most pressing needs we face. Total spending is $72 billion in budget authority and $82.6 billion in outlays. It is roughly the same as the President's overall request for the VA-HUD subcommittee, plus FEMA emergency funds.

Unlike the President's budget, the highest priority is the recommendation before the Senate for VA medical care, which has increased $1.7 billion above the President's request as directed by this body, and it is fully paid for in the bill. We have also included significant new funds for 60,000 incremental vouchers, additional funds above the President's request for public housing, capital and operating funds, as well as the President's request for NSF, and an additional $75 million for NASA.

All of these funding levels have been fully offset. In addition, there has been $2.5 billion in emergency FEMA funding for the victims of Hurricane Floyd, to whom our hearts go out.

As I noted, the conference agreement provides $44.3 billion for veterans funding, which includes a full $1.7 billion for medical care. This is the largest increase ever for VA medical care—clearly the highest priority of this body.

I point out that the vouchers we have provided do not create additional housing. There was discussion on this floor that we desperately need to increase the production of affordable low-income housing. In many areas, such as St. Louis in my State, housing is not available for the vouchers that are there. We have had to use budget gimmicks suggested by the administration, deferring $4.2 billion of section 8 funding for fiscal year 2000 expiring section 8 contracts until fiscal year 2001. That will create an additional $8 million funding requirement, or some $14 billion in BA needed in fiscal year 2000 if we intend to renew all expiring section 8 contracts.

To be clear, this means we will go into next year's appropriation cycle with a funding shortfall of over $8 billion. We emphasized our concern to the administration for their failure to work with Members on dealing with this funding crisis. Last year they promised to help, but the only thing we got this year was a deferral of $4.2 billion. This year, in discussions and negotiations, we reached agreement with Jack Lew, the Director of OMB, who has personally promised they will work with Members to address the funding shortfall in BA in the section 8 account. We expect Mr. Lew and the administration to live up to that commitment. Nevertheless, we cannot keep writing blank checks on an empty account. The outyear projections we have from OMB are for flat funding, which means 1.3 million families kicked out of section 8 housing.

To reiterate:

Many of us have been hearing from veterans in our state for some time about their concerns with VA's budget. They have been hearing that their local VA hospital may lose numerous employees, terminate critical services, increase waiting times for appointments, may even shut down altogether.