sides is stay in tonight until we get it done or—that is my first choice. My second choice would be tomorrow and then on Saturday. I think we are all aware that the leadership wants to move to the budget debate. I think that is appropriate. We all agreed at the beginning that 2 weeks was sufficient time to address this issue.

One thing I suggest to the Senator from Kentucky and the Senator from Nevada is tabling motions, but clearly first-degree amendments have at least an hour and a half, even if all time is yielded back on the other side.

I hope most Members appreciate that there are a couple or three issues, the main one being severability, but the rest of them either have been addressed in some fashion or are not of compelling impact, even though the authors of the amendments may believe that is the case.

I urge my colleagues to be prepared to stay in very late tonight because we need to finish this legislation.

I yield the floor.

Mr. MCCONNELL. Mr. President, I say to my friend from Arizona, he will notice I have not filed a cloture motion. I have said that there is only one major amendment left, the nonseverability amendment, which will be offered on a bipartisan basis, and that there are few to no amendments left on this side.

From my point of view, as someone who is certainly unenthusiastic about this bill and will vigorously oppose it, nevertheless I realize it is time to get to final passage sometime today. I say to the Senator from Arizona we will not have a problem getting to final passage because of this side. We cleared things out on our side and are ready to go to final passage. I am happy to finish it up sometime today.

Mr. MCCAIN. I thank the Senator from Kentucky.

Mr. REID. Mr. President, I don't want to belabor this. I briefly say to the Senator from Arizona, the votes for this reform have been supplied by this side of the aisle. We appreciate its bipartisan nature. We are doing our very best, and we have people who believe in campaign finance reform who have amendments. They believe they strengthen the bill, and we will work with them to try to cut down their time. Some of them have waited, they haven't been off the Hill doing something else, they have been waiting to offer these amendments. We will do everything we can to protect them so they can offer these amendments for what they believe will strengthen this bill.

Mr. MCCAIN. Hopefully, we can collate the number of the amendments, perhaps work out some time agreements on each one, so we can have an idea as to when we can finish.

Mr. REID. We will do our very best.

Mr. MCCONNELL. Mr. President, one final item: I want to notify the Senate that about 4 o'clock I am planning to address the Senate on the implications of this bill on our two parties. I know we frequently don't show up to listen to each other's speeches, but I recommend that Senators who are interested in the impact of this bill on the future of the two-party system and on their own reelections might want to pay attention to what I have to say. My current plan is to deliver that speech around 4 o'clock, and I want to notify people on both sides of the aisle and the staffers who may be listening to the proceedings on the Senate floor.

I think this is one speech that maybe Senators on both sides of the aisle ought to listen to. So maybe just to give notice, I ask unanimous consent I be allowed to address the Senate for up to 30 minutes, beginning at 4 o'clock.

Mr. REID. I have no objection as long as there is 30 minutes reserved to respond to the Senator from Kentucky by someone from this side of the aisle.

The ACTING PRESIDENT pro tempore. Does the Senator so modify his request?

Mr. MCCONNELL. I say to my friend from Nevada, I don't think there will be anything to respond to. I am sure it will be a factual presentation of the impact.

Mr. REID. I am sure that will be the case, but we ask for 30 minutes.

Mr. MCCONNELL. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the DeWine amendment, No. 152, on which there shall be 15 minutes for closing remarks.

First, the clerk will report the bill.

The legislative clerk read as follows:

A bill, S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.

DeWine amendment No. 152, to strike certain provisions relating to noncandidate campaign expenditures, including rules relating to certain targeted electioneering communications.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

AMENDMENT NO. 152

Mr. DEWINE. Mr. President, I yield myself 4 minutes.

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

Mr. DEWINE. I yield.

Mr. REID. Mr. President, I yield, on behalf of the opponents of this measure, 7½ minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 4 minutes.

Mr. DEWINE. Mr. President, in a few moments the Senate will have an opportunity to vote on an amendment I have offered along with Senator HATCH, Senator HUTCHINSON from Arkansas, Senator BROWNBACK, and Senator ROBERTS. This amendment is a very simple amendment. It strikes title II from this bill.

This will be the last opportunity that Members of this Senate will have to strike what is blatantly and obviously a unconstitutional provision of this bill. We all take an oath to support and defend the Constitution. I think it is one thing to say we are not sure how a court is going to rule. That is certainly true. We are never totally sure. It is one thing to say a provision of a bill may be held unconstitutional. But I do not know how anyone can look at the amended bill, which is no longer Snowe-Jeffords—it is now Snowe-Jeffords-Wellstone; it is fundamentally different—I don't know how anyone can look at this bill and not know it is blatantly unconstitutional. I think everyone knows when it leaves here it will be held unconstitutional and that is why we will have, later today, a debate about this whole issue of severability. We would not have to have that debate if people did not believe this provision is unconstitutional.

What does it do? What does Snowe-Jeffords-Wellstone do? What will the bill say unless we amend it by striking this provision? It will draw an arbitrary, capricious, and I submit an unconstitutional line in the sand 60 days before an election, and it will say that within 60 days of an election free speech goes out the window. No longer can a corporation, no longer can a labor union, and most important and clearly the most unconstitutional part, no longer will citizen groups that come together to run ads on TV or radio be able to do that if they mention the candidate's name. That is an unbelievable restriction on free speech at a time when it is the most important, when it has the most impact—60 days before the election—and in the most effective way, on TV and radio.

This Congress will be saying in this bill, if we pass it and if we keep this provision in, that we are going to censure that speech, we are going to become the free political speech police corps and we are going to swoop in and say you cannot do that.

Groups that want to run an ad criticizing MIKE DEWINE or criticizing any other candidate will then go into a local TV station to run an ad talking about an issue and mentioning the name or putting up our picture on the screen and will no longer be able to do that. The station manager will have to say: I am sorry, you can't run that ad.

People will say: Why not?

The Congress passed a ban on your ability to do that.

That is clearly unconstitutional.

What is the criterion? What have the courts held necessary, before Congress can abridge freedom of speech? There

are certain areas where clearly we can do it and the courts have held we can do it. What is the test?

There must be a compelling State interest to do it. If it is done, it must be done in the least restrictive way. Least restrictive? What could be more restrictive than to say you can't go on TV, you can't communicate to people? If this remains in the bill, we will end up with a situation in this country where the only people who can speak in the last 60 days, to the electorate, will be the Tom Brokaws of the world, the TV commentators, the radio commentators, and the candidates. This is not a closed system. It is not an exclusive club. It is something in which everyone should be able to participate. That is the essence of free speech.

The courts have held all kinds of things to be part of free speech. But the most pure form of free speech, the thing that absolutely must be protected, the thing that obviously the Framers of the Constitution had in mind when they wrote the first amendment, is political speech in the context of a campaign when we talk about issues and when we talk about candidates.

I do not like a lot of these ads. My colleagues who come to the floor—and by the way, every colleague who came to the floor to oppose the DeWine amendment, everyone except Mr. WELLSTONE—voted against the Wellstone amendment. Every single one of them did. I don't know why they did. I know why Mr. EDWARDS did. He said it was unconstitutional, and I think everybody in this Chamber knows it is unconstitutional. But that is what the restriction will be. It is blatantly unconstitutional. It does not pass the Supreme Court's test of a compelling State interest.

What is the compelling State interest to smash free speech within 60 days before an election? I will stop at this point and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Maine controls the time in opposition.

The Senator from Maine.

Ms. SNOWE. I yield 2 minutes to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. FEINGOLD. Mr. President, I rise to oppose the DeWine amendment. I believe the Senator from Ohio raises serious and legitimate issues about the Snowe-Jeffords amendment. The fact is, to put it in plain terms for the people around the country, they are being subjected to ads that about everybody knows are really campaign ads. They are what many people call phony issue ads. They know very well they are not just issue ads.

What Senators SNOWE and JEFFORDS have done is to try to come up with a formula to get at the heart of the problem, to have the Supreme Court have an opportunity for the first time in many years to look at legislative language from the Congress, to ask the question: Are these ads that are supposed to be protected under the first amendment or are they really electioneering ads that everyone would concede have to be subject to some kind of regulation in order for there to be fair elections in this country?

That is the question. The only way we can find the answer to the question is to pass a bill. We cannot call up Chief Justice Rehnquist and say: Say, if we did this, would it be constitutional? We are prohibited from asking for those kinds of advisory opinions.

I believe this is constitutional. I believe it is very carefully crafted with a very strong respect for the difficult first amendment questions that are involved. But I do think it would be held constitutional.

I expect some of the Justices might find it is not constitutional. But that is not how the Supreme Court works. It does not have to be unanimous. The question is, What do a majority of the Justices believe? I believe a majority of the Justices who see these ads on television would conclude, as I do, that they are not issue ads but that they are really campaign ads and are appropriately regulated in this manner.

For that reason, I believe this is an extremely valuable addition to the bill. It is the second big loophole in the system. No. 1 is the soft money loophole. No. 2 is the phony issue ads. And that is exactly what the distinguished Senator from Maine and the distinguished Senator from Vermont are opposed to. I thank the Senator from Maine.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. SNOWE. Mr. President, I now yield 2 minutes to the Senator from Vermont.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I am disturbed at the DeWine attempt to solve a problem that is not there. I was one of those back in my last election—not the last but the one before that—who was exposed to this kind of advertising, who has had to face seeing ads on television which totally distort the facts and say terrible things. You watch a 20-percent lead keep going down and you do not know who is putting them on. You know what they are saying is totally inaccurate, but you have no way to refute it, other than to try to get people convinced that nobody knows who put it there, who is behind it.

The constitutionality of our provisions is common sense. How can you say that something which merely asks the person who put out the ad to let everybody know who they are is unconstitutional? How in the world can you say that it is unconstitutional to require somebody to disclose who they are and what they are?

That is all we are doing in Snowe-Jeffords.

The Wellstone amendment does make things a little more confusing in that regard.

Let's remember what we are doing if we vote on this bill without leaving in the very critical provisions of Snowe-Jeffords, which say that anyone who does ads and does so in a way to attack a candidate, they have to let people know who they are. What is wrong with that? I think everybody believes that is a positive addition.

The Snowe-Jeffords provisions also make sure that when the time comes down to the very end, that unions and corporations are not precluded from ads by any means. But they are required to disclose from where the money came and use individually donated hard money.

It can't be unconstitutional in the sense of the corporations or unions using individually donated funds instead of their own funds to run these ads. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me briefly respond to my colleague from Vermont.

Look, no one likes these ads. No one likes to be attacked. My friend said he is disturbed by these ads; they say terrible things, and they are inaccurate. I understand that. All of us have had that experience. All of us have been in tough campaigns. All of us have been attacked by what we consider to be unjustifiable. All of us have faced attacks where people have said things that we just shudder about and just can't believe that it is running on television. Our families do not like it. Our mothers do not like it. Our kids do not like it. But do you know something. That is part of the system. That is part of democracy. This is not some other country where we restrict campaigns and what can be said at the time campaigns take place.

It might be easier. It might be cleaner. It might be easier to look at. No one ever said democracy was easy and wasn't sometimes messy. But that is the first amendment. That is not a justification to put a clamp on freedom of speech.

My friends talk about disclosure. That is not the biggest problem with this bill. It is not a disclosure problem so much as it is a restriction on free speech within 60 days of an election.

Let me repeat what it does.

Within 60 days of an election, you can't run an ad that mentions a candidate's name or that has the candidate's image unless you are the candidate for that particular office.

That is what it says. It is wrong to make it unconstitutional.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, it is my pleasure to speak in support of the provision originally crafted by the distinguished Senators from Maine and Vermont, Senators SNOWE and JEFFORDS, and in opposition to the DeWine amendment. When the debate on campaign finance reform reached a stalemate in the fall of 1997, Senator SNOWE

and Senator JEFFORDS first came together to draft this language, and it has been a vital contribution to reform effort. I thank them both for their continued dedication to closing the issue ad loophole which, next to soft money, is surely the most serious violation of the spirit of our campaign finance laws.

Snowe-Jeffords gets at the heart of the issue ad loophole. Right now wealthy interests are abusing this loophole at a record pace. They are flouting the spirit of the law, there is no question about it. They advocate for the election or defeat of a candidate, even though they don't say those ''magic words,'' such as ''vote for,'' ''vote against,'' ''elect'' or ''defeat.'' These ads might side-step the law, Mr. President, but they certainly don't fool the public. One recent study decided to see how the public viewed sham issue ads. They wanted to see if people thought they were really about the issues, or whether they were about candidates. The results were definitive.

Take a look at this chart, which cites the results of a study conducted by David Magleby at Brigham Young University. Nearly 90 percent of respondents in the study thought that phony issue ads paid for by outside groups were urging them to vote for or against a candidate.

People didn't need to hear the so-called magic words to know what these ads were really all about. That was just as true for issue ads paid for by the parties as it was for ads paid for by outside groups.

Party soft money ads were just as clearly crafted to influence the voters. When respondents reviewed party soft money ads, 83 percent ranked those ads as ''clearly intended to influence their vote.'' And this is perhaps even more interesting, more respondents thought the parties' ads were intended to influence their vote than the ads paid for by the candidates' campaigns. The party ads, the sham issue ads paid for with soft money, were more obviously advocating for or against a candidate than the ads the candidates made themselves. That is a great example of how soft money and the issue ad loophole have come together to warp the current campaign finance system.

As you can see in this next chart entitled ''Political Party Soft Money Ads Overtake. . .'', party spending on soft money ads has now overtaken candidate spending on ads in the presidential race. You can see on this chart how this shift has taken place between the 1996 and 2000 elections. The parties are now spending phenomenal amounts of soft money on sham issue ads.

Again, on this chart, you can see how party spending on ads has overtaken candidate spending in the race for the Presidency, and dwarfs spending by outside groups. And here is the kicker: None of these party ads mention party label, but all of them mention the candidate. They mention the candidate because they are advocating for the election or defeat of that candidate. And yet the law says that doesn't count.

This doesn't make sense. The magic words test is completely helpless to stem the tide of sham issue ads, ads from the parties, ads from unions or corporations, or ads from outside groups that are acting on behalf of those unions or corporations. We need to close the loophole, and Snowe-Jeffords does just that.

Here is how Snowe-Jeffords navigates the difficult political and constitutional terrain of this debate. Here I am talking about the original Snowe-Jeffords provision, before adoption of the Wellstone amendment. The first thing that the provision does is define a new category of communications in the law—we call them electioneering communications. These electioneering communications are communications that meet three tests: First, they are made through the broadcast media—radio and TV, including satellite and cable. Second, they refer to a clearly identified Federal candidate—in other words, they show the face, or speak the name of the candidate. And third, they appear within 60 days of a general election or 30 days of a primary in which that candidate is running.

The original Snowe-Jeffords provides that for-profit corporations and labor unions cannot make electioneering communications using their treasury funds. If they want to run TV ads mentioning candidates close to the election, they must use voluntary contributions to their political action committees. We believe that this approach will withstand constitutional scrutiny, because corporations and unions have long been barred from spending money directly on Federal elections.

The Supreme Court upheld the ban on corporate spending in the Austin v. Michigan Chamber of Commerce case. It noted that a Michigan regulation that prohibited corporations from making independent expenditures from treasury funds prevented ''corruption in the political arena: the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas.'' According to the Court, the Michigan regulation ''ensured that the expenditures reflect actual public support for the political ideas espoused by the corporations.''

We are merely saying through this provision that that actual public support, shown by voluntary contributions to a PAC, must be present when corporations and unions want to run ads mentioning candidates near in time to an election.

The Snowe-Jeffords provision goes on to permit spending on these kinds of ads by non-profit corporations that are registered as 501(c)(4) advocacy groups, by 527 organizations, and by other unincorporated groups and individuals. But it requires disclosure of the spending and of the large donors whose funds are used to place the ads once the total spending of the group on these ''electioneering communications'' reaches $10,000.

A few things should be noted about the disclosure requirement that entities other than unions and for-profit corporations are subject to if they engage in these kinds of electioneering communications. The disclosure is not burdensome; it simply requires a group placing an ad to report the spending to the FEC within 24 hours, and to provide the name of the group, of any other group that exercises control over its activities, and of the custodian of records of the group, and of the amount of each disbursement and the person to whom money was paid.

Second, disclosure is triggered by spending a total of $10,000 or more on these kinds of ads. So a small group that spends only a few thousand dollars on radio spots will never have to report a thing.

Third, the disclosure of contributors required is quite limited. Only large donors—those who contribute more than $1,000—must be identified, and they must be identified only by name and address. And a group that receives donations for a wide variety of purposes, including some corporate or labor treasury money, can set up a separate bank account to which only individuals can contribute, pay for the ads out of that account, and disclose only the large donors whose money is put in that account.

The net result will be that the public will learn through this amendment who the people are who are giving large contributions to groups to try to influence elections. And if a group is just a shell for a few wealthy donors, then we will know who those big money supporters are and be much better able to assess their agenda.

On the other hand, if an established group with a large membership of small contributors wishes to engage in this kind of advocacy, it need not disclose any of its contributors because it can pay for the ads from small donor money that has been raised for the special bank account for individual donors.

Mr. President, I believe that these disclosure provisions will pass constitutional muster. The Buckley case, it should be remembered, rejected limits on independent expenditures but upheld the requirement that the expenditures be disclosed. Rules that merely require disclosure are less vulnerable to constitutional attack than outright prohibitions of certain speech. The information provided by these disclosure statements will help the public find out who is behind particular candidates. This disclosure can help prevent the appearance of corruption that can come from a group secretly spending large amounts of money in support of a candidate.

Some have argued—the Senator from Kentucky among them—that even

these reasonable disclosure requirements violate the Constitution. They cite the case of NAACP v. Alabama from 1958. That is a very important case, and one with which I fully agree, but the conclusion that the Senator from Kentucky draws from it, with respect to the Snowe-Jeffords provision, is simply wrong.

In the NAACP case, at the height of the civil rights struggle, the state of Alabama obtained a judicial order to the NAACP to produce its membership lists and fined it $100,000 for failing to comply. The NAACP challenged that order and argued that the first amendment rights of it members to freely associate to advance their common beliefs would be violated by the forced disclosure of its membership lists. It pointed out many instances where revealing the identities of its members exposed them to economic reprisals, loss of employment, and even threats of physical coercion. The Court held that the state had not demonstrated a sufficient interest in obtaining the lists that would justify the deterrent effect on the members of the NAACP exercising there rights of association.

Snowe-Jeffords is totally different from what the State of Alabama tried to do in the NAACP case. Snowe-Jeffords doesn't ask for membership lists, it asks for the very limited disclosure of large contributors to a specific bank account used to pay for electioneering communications. Most membership groups won't have to disclose anything if they receive sufficient small donations to cover their expenditures on these type of communications. Contributors to the groups that don't want to be identified can simply ask that their money not be used for the kind of ads that would subject them to disclosure. And finally, the disclosure requirement can be avoided altogether by crafting an ad that does not specifically refer to a candidate during the short window of time right before an election.

The Supreme Court has shown much more willingness to uphold disclosure requirements in connection with election spending than opponents of Snowe-Jeffords have been willing to recognize. In the Citizens Against Rent Control v. City of Berkeley, a 1981 case, for example, the Court struck down a limit on contributions to committees formed to support or oppose ballot measures. But the Court noted specifically, and I quote, ''the integrity of the political system will be adequately protected if contributors are identified in a public filing revealing the amounts contributed; if it is thought wise, legislation can outlaw anonymous contributions.'' It is worth noting that the opinion in that case was by Chief Justice Warren Burger and the vote was 8–1. The dissenter, Justice White, thought the limit on contributions should be upheld.

In U.S. v. Harris, the Court upheld disclosure requirements for lobbyists, despite the alleged chilling effect that those requirements might have on the right to petition the government. And, of course, the Buckley Court upheld disclosure requirements for groups making independent expenditures.

Now it is of course true that the Court will have to analyze the disclosure requirements in Snowe-Jeffords, and the type of communications that trigger it and determine if they pass constitutional muster. I will not proclaim that there is no argument to be made that the provision is unconstitutional. But to say that there is no chance that this provision will be upheld is just not right. There is ample constitutional justification and precedent for this provision.

That conclusion is supported by a letter we have received from 70 law professors who support the constitutionality of the McCain-Feingold bill, including the Snowe-Jeffords provision. This is what they write with respect to Snowe-Jeffords:

> [T]he incorporation of the Snowe-Jeffords amendment into the McCain-Feingold Bill is a well-reasoned attempt to define electioneering in a more realistic manner while remaining faithful to First Amendment vagueness and overbreadth concerns. . . . While no one can predict with certainty how the courts will finally rule if any of the these provisions are challenged in court, we believe that the McCain-Feingold Bill, as current drafted, is consistent with First Amendment jurisprudence.

As the Brennan Center for Justice wrote in an analysis of Snowe-Jeffords:

> Disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is conveyed to the electorate. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending. . . . There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputedly designed to influence their votes.

The opponents of our bill speak with great disdain of the Snowe-Jeffords provision and act as if it is certainly and indisputably unconstitutional. Now I will not pretend that there are not difficult constitutional issues raised, but I simply do not think it is accurate to say, as our opponents do, that there is no hope for this provision before the Supreme Court. And the Supreme Court is going to decide this issue, that we know for sure. All the lower court decisions in the world on state statutes that don't have a bright line approach as Snowe-Jeffords does, don't mean much of anything. The Supreme Court has not yet addressed this issue; if we enact this bill, it undoubtedly will.

It is important to note that Snowe-Jeffords contains provisions designed to prevent the laundering of corporate and union money through non-profits. Groups that wish to engage in this particular kind of advocacy must ensure that only the contributions of individual donors are used for the expenditures.

Anyone who opposes this provision must defend the rights of unions and corporations using their treasury money, not just citizen groups like the National Right to Life Committee or the Christian Coalition, or the Sierra Club, to run what are essentially campaign advertisements that dodge the federal election laws by not using the magic words ''Vote For'' or ''Vote Against,'' or to finance those ads through other groups.

Second, they must argue that the public is not entitled to know, in the case of advocacy groups that run these ads so close to the election, the identities of large donors to group's election-related effort. Many opponents of McCain-Feingold have trumpeted the virtues of full disclosure. I have at times doubted how serious they were about disclosure because they would never acknowledge the important advances in disclosure already included in our bill.

I have discussed here the original Snowe-Jeffords provision. The Wellstone amendment, in effect, broadens that provision to cover ads run by corporations and unions. I voted against adding that amendment. I thought and still think that it makes Snowe-Jeffords more susceptible to a constitutional challenge, but it passed when many Senators who oppose the bill and the Snowe-Jeffords provision voted for it. In any event, the Wellstone amendment was written to be severable from the remainder of the Snowe-Jeffords provision. That gives even more significance to the vote we will have today on severability. But if we win that vote, Snowe-Jeffords will survive even if the Wellstone amendment is held to be unconstitutional.

Let me again commend Senators SNOWE and JEFFORDS for crafting a provision that treats labor unions and corporations equally. Rather than try to give one side or the other an advantage, this provision tries to bring back some sanity to our system by recognizing that both sides have played fast and loose with the spirit of the election laws by running ads that claim to be about issues, but are really candidate specific campaign ads.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, how much time is remaining on both sides?

The ACTING PRESIDENT pro tempore. There is 1 minute 47 seconds for the Senator from Ohio, and 3 minutes for the Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I urge my colleagues to vote against the motion to strike that has been offered by my good friend from Ohio, Senator DEWINE. Make no mistake about it. A vote to strike the Snowe-Jeffords provision specifically would be a vote against disclosure.

It is interesting to hear my colleague describe the amendments and the provisions that are contained with the McCain-Feingold legislation; that it is a restriction on the first amendment

right, the right to free speech. That is not only a mischaracterization, but it is false.

The Supreme Court never said you can't make distinctions in political campaigns in terms of what is express advocacy and issue advocacy. That is what we have attempted to do with the support of more than 70 constitutional experts—to design legislation that is carefully crafted that says if these organizations want to run ads, do it as the rest of us. Use the hard money that we have to raise in order to finance those ads 60 days before an election that mention a Federal candidate.

We are seeing the stealth advocacy ad phenomenon multiplying in America today—three times the amount of money that is spent on so-called sham ads in the election of 2000, and three times the amount in 1996. Why? Because of what they have done to skirt the disclosure laws because they do not use the magic words ''vote for or against.'' They mention a candidate.

Is it no coincidence that they are mentioning the candidate's name 60 days before an election? What for? It is to impact the outcome of that election.

What we are saying is disclose who you are. Let's unveil this masquerade. Let's unveil this cloak of anonymity. Tell us who you are. Tell us who is financing these ads to the tune of $500 million in this last election. The public has the right to know. We have the right to know.

That is what this amendment is all about. It is not an infringement on free speech. It is political speech. Even my colleague from Ohio said it is political speech, political speech you have to disclose.

That is what we are talking about in this amendment.

I ask unanimous consent to have printed in the RECORD a study entitled ''The Facts about Television Advertising and the McCain-Feingold Bill.''

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

THE FACTS ABOUT TELEVISION ADVERTISING AND THE MCCAIN-FEINGOLD BILL

(By Jonathan Krasno and Kenneth Goldstein)

The McCain-Feingold bill and its House counterpart sponsored by Representatives Shays and Meehan are universally regarded as the most significant campaign finance legislation under serious consideration by Congress in a generation, perhaps since the 1974 amendments to the Federal Election Campaign Act (FECA). This legislation would not expand on the 1974 reforms but instead restore them by regulating the two mechanisms that have developed in the intervening decades to circumvent FECA, so-called ''soft money'' and ''issue advocacy.'' Together and separately soft money and issue advocacy have become an enormous part of many federal campaigns, in some cases even eclipsing the efforts of candidates operating under FECA's rules.

That popularity, naturally, has created a powerful group of donors and recipients who have exploited these loopholes and now oppose any attempt to close them, even as some contributors have begun to complain of the relentless pressure to give money. These political forces, coupled with the putative relationship between soft money, issue advocacy and several core constitutional values, have made McCain-Feingold among the most controversial bills facing Congress.

This paper uses a unique source of data about television commercials to examine some of the most important issues raised in connection to this proposal. It is appropriate that we focus on television advertising since it is the largest—and most discussed—single category of expenditures by candidates, parties and interest groups in federal elections. McCain-Feingold's chief impact would surely be seen on the nation's airwaves, on the hundreds of thousands of issue ads paid for with soft money. Indeed, many of the arguments for and against McCain-Feingold are rooted in different interpretations of those very ads.

For its critics, the huge outlay on issue ads is a dangerous scam perpetrated on democracy, a scam predicated on twin falsehoods that issue ads promote issues and soft money builds parties. For its defenders, the spending on issue advertising is a sign of democracy's vitality and any attempt to limit issue ads or soft money is inherently hamhanded and dangerous. Fortunately, many of these claims are empirical questions; given the proper data they can be carefully dissected and weighed. That is precisely what we do here by using the most extensive data set on television advertising ever developed to explore some of the core assumptions invoked by proponents and opponents of McCain-Feingold.

MONITORING THE AIRWAVES

The sheer amount of television advertising—on approximately 1300 stations in the nation's 210 media markets over the 15 or 16 most popular hours in the broadcast day—makes commercials extremely difficult to study. Fortunately, using satellite tracking first developed by the U.S. Navy to detect Soviet submarines, a commercial ad tracking firm, the Campaign Media Analysis Group (CMAG), is able to gather information about the content, targeting and timing of each ad aired. CMAG tracks commercials by candidates, parties and interest groups in the nation's top 75 media markets. Together these markets reach approximately 80 percent of households in the U.S. CMAG's technology recognizes the seams in programming where commercials appear, creates a unique digital fingerprint of each ad aired, then downloads a version of each ad detected along with the exact time and station on which it appeared. The company later adds estimates of the average cost of an ad shown in the time period.

With funding from the Pew Charitable Trust, CMAG's data for 1998 and 2000 were purchased. These data are literally a minute-by-minute view of political advertising across the country—along with ''storyboard'' (a frame of video every 4–5 seconds plus full text of audio) for each ad detected during these two election cycles. The storyboards were then examined by teams of graduate and undergraduate students at the University of Wisconsin (2000) and Arizona State University (1998) who coded the content of each commercial.

Some of the questions—such as whether an ad mentioned a candidate for office by name or urged viewers to ''vote for'' or ''defeat'' a particular candidate—were objective. Others were subjective. These included items asking coders to assess the purpose (to support a particular candidate or express a view on an issue) and tone (promote, attack, or contrast) of an ad. Both types of questions elicited nearly identical responses from different students who assessed the same ad, indicating a reassuring degree of intercoder reliability. In addition, we also took special care to examine the disclaimer in each commercial, the written portion appearing usually at the end of each commercial noting its sponsor (''Paid for by . . .''), where possible. From this we were able to determine whether an ad is sponsored by a candidate, party or interest group, and, if paid for by a party or group, whether it is an issue ad or not.

Coders ended up examining approximately 2,000 different federal ads (eliminating ads referring to state and local candidates or ballot propositions) in 1998 and nearly 3,000 in 2000. As Table One shows, these ads fell into different campaign-finance categories and appeared on the air hundreds of thousands of times. Most of the astonishing growth from 1998 to 2000, of course, is attributable to the presidential election, but the number of ads in congressional elections also rose in this two-year period from 302,377 to 420,656 and expenditures nearly doubled. Most of this upsurge came from parties and interest groups.

TABLE ONE.—TELEVISION ADVERTISING IN TOP 75 MARKETS

[Estimated cost/number of spots in parentheses]

	1998	2000
Candidates:		
Total	$140,617,427 (235,791)	$334,571,178 (429,747)
Parties:		
Issue ads	20,526,340 (37,386)	163,586,235 (231,981)
Hard $ ads	5,296,318 (7,488)	29,166,653 (37,938)
Interest Groups:		
Issue ads	10,371,191 (20,431)	95,893,837 (139,577)
Hard $ ads*	421,222 (1,281)	....
Total	$177,232,508 (302,377)	$623,217,897 (839,243)

*The vast majority of commercials sponsored by interest groups were issue ads. We are continuing to examine the data to determine how much groups spent on hard money ads (independent expenditures) in 2000.

WHOSE OX IS GORED:

The first question the professional politicians in Congress are asking about McCain-Feingold is who will it affect. Such questions are always perilous since advertisers will undoubtedly try to adapt to any new regulations, searching for new loopholes to exploit. Which direction their search will eventually take them is at best an educated guess. What is more than guesswork, however, is the matter of how much has been spent on issue ads by the parties and their allies over the last two cycles.

Figure One (not reproducible in the Record) breaks down the issue ads in Table One by party, showing the total number run by various Democratic and Republican party committees and their allies. While Republicans had a noticeable advantage in issue ads in 1998, Democrats claimed a small lead in 2000. This modest reversal illustrates the unpredictability of soft money. Since contributions (to either parties or interest groups) for issue ads are unlimited, the generosity of a relatively small number of well-heeled donors may shift the tide. But equally striking is the near equality between the parties. Total soft money spending for the Democrats and Republicans is separated by no more than $5,000,000 in either year, a relatively small amount among the hundreds of millions spent on political advertising in both years. That is not to say, of course, that no candidates would have been particularly helped or hurt had McCain-Feingold been in effect earlier, only that the Democrats' and Republicans' gains and losses come fairly close to balancing out across the country.

REGULATING ISSUE ADVOCACY

The working definition of issue advocacy comes from a footnote in the Supreme

Court's seminal decision in Buckley v. Valeo (1976) that limited FECA's impact by defining campaign communications as those ''expressly advocating'' the election or defeat of a particular candidate by using words like ''elect,'' ''defeat,'' or ''support.'' The purpose behind the footnote was to protect speech about ''issues''—lobbying on bills before Congress, pronouncements or debate over public policy—from the financial regulations affecting partisan electioneering. The need to distinguish the two is obvious, but whether use of specific words of express advocacy (now widely known as ''magic words'') is an effective way to do so is less clear.

We sought to evaluate this standard by looking at ads purchased by candidates' campaigns. Candidates are a perfect text case since the purpose of their advertising is so obviously electioneering that the magic words test does not apply to them. Thus, candidates must live with FECA whether or not they use magic words. That might lead one to assume that candidate ads unabashedly urge viewers to vote for one person or defeat another, but it turns out that such direct advocacy is exceedingly rare. In 2000 just under 10 percent of the nearly 325,000 ads paid for by federal candidates directly urged viewers to support or oppose a particular candidate or used a slogan like ''Jones for Congress,'' the full list of magic words in Buckley. Earlier we found just 4 percent of 235,000 candidate ads in 1998 used any of the verbs of express advocacy; 96 percent did not ask viewers to vote for or against any candidate. Any device that fails to detect what it was designed to find 9 times out of 10 is clearly a flop. The magic words test simply does not work.

The failure of the magic words test does not mean, of course, that all issue ads are necessarily electioneering. But several things suggest that a great majority of them are. To begin with, the issues raised in commercials by candidates and in issue ads are virtually identical. Table Two lists the top five themes appearing in both types of ads in 1998 and 2000. While occasional variations occur, the overwhelming impression is that issue ads mimic the commercials that candidates run. This may be mere coincidence, but it is a suggestive one. At very least, it contradicts the argument that issue ads by parties and interest groups introduce policy matters into the political arena that are otherwise ignored. The truth is that candidates' agenda is generally the only thing addressed by any advertiser, particularly in the final hectic weeks of the campaign.

TABLE TWO.—COMPARING THE ISSUES IN CANDIDATE ADS AND ''ISSUE ADS''

	Percent
CANDIDATE ADS	
1998:	
1. Taxes	28
2. Education	26
3. Social Security	23
4. Health Care	14
5. Crime	9
2000:	
1. Health Care	34
2. Education	31
3. Taxes	26
4. Social Security	24
5. Candidate background	24
ISSUE ADS	
1998:	
1. Taxes	31
2. Social Security	23
3. Health care	20
4. Education	14
5. Defense	10
2000:	
1. Health care	30
2. Medicare	21
3. Social Security	16
4. Education	16
5. Taxes	16

Note.—Ads may mention multiple themes so percentages do not sum to 100.

There is also the matter of timing. If issue ads were intended only to pronounce on important policy matters we would expect to see them spaced throughout the year or concentrated in periods when Congress is most active. As Figure Two (not reproducible in the Record) demonstrates, however, that is far from the case. While in both 1998 and 2000 members of Congress cast a steady stream of votes and a series of what Congressional Quarterly labels as ''key votes'' throughout the year, the greatest deluge of issue ads began appearing after Labor Day (about week 36). Indeed even the most casual inspection of the number of issue ads that appeared each week indicates that this line is much more closely related to the activity of candidates, not the activity of Congress. This relationship of issue advertisers and candidates, repeated over two years, is far too strong to be coincidental. There is no doubt that issue ads are largely inspired by the same cause that motivates candidates, the slow approach of Election Day.

Despite the overwhelming evidence that the vast majority of issue ads are a form of electioneering, there were commercials in each year that our coders took to be genuine discussion of policy matters (22 percent of issue ads in 1998, 16 percent in 2000). Would the definition of electioneering created by McCain-Feingold—any ad mentioning a federal candidate by name in his or her district within 30 days of the primary or 60 days of the general election—inadvertently capture many of these commercials? We addressed this question by comparing the issue ads that would have been classified as electioneering under McCain-Feingold to the coders' subjective assessment of the purpose of each ad. In 1998 just 7 percent of issue ads that we rated as presentations of policy matters appeared after Labor Day and mentioned a federal candidate; in that figure was lower still, 1 percent. In 2000 that number was less than one percent. Critics may argue that chance of inadvertently classifying 7 percent, or even 1 percent, of genuine issue ads as electioneering makes this bill overly broad. In contrast, these percentages strike us as fairly modest, evidence that McCain-Feingold is reasonably calibrated. In addition, our examination suggests that these errors may be reduced with some small additions to the bill.

PARTY SOFT MONEY

Just as the rules on issue advocacy are intended to safeguard free speech, soft money is also intended to achieve a worthy goal, in this case to strengthen political parties. Parties are a frequently underappreciated fact of political life in democracies. Political scientists have sought ways to buttress them for years, to augment their ability to communicate with and mobilize the public, and to magnify their impact as political symbols.

The most obvious place to start assessing the value of parties' advertising is with a simple objective question: does the ad mention either political party by name? It is hard to imagine how a commercial might strengthen a party if it neglects to praise its sponsors or at least malign the opposition. Yet, party ads are remarkably shy about saying anything about ''Democrats'' or ''Republicans''—just 15 percent of party ads in 1998 and 7 percent in 2000 mentioned either political party by name. By contrast, 95 percent of these ads in 1998 and 99 percent in 2000 did name a particular candidate. It seems fairly clear that these ads do far more to promote the fortunes of individual candidates than the fortunes of their sponsors.

A piece of supporting evidence for this conclusion comes from the perceived negativity of each ad. Coders found ads by parties to be much more likely to be pure attack ads (60 percent in 1998, 42 percent in 2000) than ads by candidates. While we remain agnostic about whether attack advertising is somehow better or worse than other forms, we do note that there is little hope that this flood of negative commercials magically strengthens either party.

Finally, some defenders of party soft money also argue, in conflict to the claims about building parties, that these commercials help provide vital information to voters in various places and about various candidates which they would not otherwise receive. This is a complicated assertion to unravel. It is obviously debatable whether any particular ad conveys much information to viewers. If we assume—quite charitably—that all political ads help educate voters then the question becomes a matter of allocation. Do party ads appear for candidates about whom little is known or in otherwise neglected districts and media markets? If the answer is yes, then it is fair to conclude that party ads may play an important role in informing the public.

The truth, however, is that the best predictor of the number of commercials aired by parties in a particular contest and media market is the number of ads aired by candidates in the same location. There are exceptions—the RNC sponsored all of the pro-Bush advertising in California and neither party ran commercials in New York after the two Senate candidates agreed to forgo soft money—but parties overwhelmingly concentrated their efforts in swing states and districts, the very places already saturated by the candidates. One indication of how focused party advertising in congressional races is that in both years the majority of party ads appeared in just three Senate races and a dozen House contests, even though the CMAG system tracks advertising in scores of states and districts. As a result, the educational value of party ads is inevitably limited, as is any effect they might have on the competitiveness of elections.

CONCLUSION

Our examination of television commercials in 1998 and 2000 shows that the current campaign finance system is unmistakably flawed. The magic words test supposed to distinguish issue advocacy from electioneering is a complete failure. The rules allowing parties to collect unlimited amounts of soft money to build stronger parties have instead allowed parties to spend on activities unrelated to that goal, and perhaps even in conflict with it. The evidence for both of these conclusions is, in our view, overwhelming. The plain fact is that any contention that most issue ads are motivated by issues or that most soft money builds political parties must ignore a veritable mountain of conflicting evidence. We find such claims completely unsustainable.

Whether that conclusion should translate automatically into support for McCain-Feingold and Shay-Meehan is a different matter. These decisions inevitably involve a number of factors, starting with the judgment whether these bills are the best response to the manifest weaknesses of our campaign finance laws. We cannot be sure that it is, but our analysis suggests two important facts in its favor. First, the experience of the last two elections suggests that neither Democrats nor Republicans would be disproportionately harmed by a ban on soft money or a stricter definition of issue advocacy. Indeed, neither party stands to gain or lose much against their counterparts since the Democrats' relative financial weakness is proportionately smaller in soft money than in hard, and their allies outspent Republicans' in both years. Past experience suggests that neither party would gain an advantage on TV if the McCain-Feingold bill becomes law.

Second, we found no evidence that the new dividing line between issue advocacy and electioneering in McCain-Feingold is overly broad and would affect many commercials that we found to be genuine attempts to advocate issues, not candidates. Some critics will surely complain that we have no objective standards for determining which commercials are genuine issue advocacy, but that is untrue. The standards offered in McCain-Feingold are objective. The fact that they perform so well against the subjective judgment of our coders, each of whom examined hundreds of ads, is extremely reassuring. We are always eager to consider improvements, but there is no reason not to conclude that the definition of electioneering in McCain-Feingold is, at the very least, an excellent start.

Ms. SNOWE. Mr. President, ninety-nine percent of the ads that were run in that 60-day period mention Federal candidates. They tested the Snowe-Jeffords language. Guess what. Ninety-nine percent were ads that mentioned a Federal candidate. Only 1 percent were genuine issue advocacy ads. They can run all of the ads they want, but they have to disclose.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Ohio.

Mr. DEWINE. Mr. President, we will be voting in just a few minutes. Let me make a couple of comments.

First of all, the disclosure that is required in this bill is constitutionally suspect. I don't think there is any doubt about that. But that is not the worst part of this bill. My colleague from Maine keeps skipping over what is the worst part. The worst part is this.

Let's go through one more time what it does because it is so unbelievable.

It basically draws an unconstitutional line of 60 days before the election that says labor unions can't run ads, corporations can't run ads, nor can any other group run ads if a candidate's name is mentioned or if a candidate's image appears on the screen.

Yes, it is political speech. Yes, they are trying to affect an election. They are trying to affect the political discourse as the most effective way to do it right before the election when everyone is paying attention.

This bill arbitrarily says that at the most crucial time when free speech and political speech is the most important, we are going to arbitrarily say you can no longer do it. It is absolutely unbelievable.

This is the last time on this vote that Members of the Senate are going to have the opportunity to strike out what obviously the courts will later strike out. That is not Snowe-Jeffords, but it is now Snowe-Jeffords-Wellstone. It is unconstitutional.

A vote for the DeWine amendment is a vote for freedom of speech, for the first amendment, and for the Constitution.

I ask my friends when they come to the floor in just a minute to remember the oath that all of us took to support the Constitution.

It is one thing for us to vote on things that are close. This one is not close. This one is unconstitutional. It needs to come out of the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have 40 seconds to respond to my colleague, if he would be so gracious.

Mr. DEWINE. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEWINE. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I ask the Chair if I don't use the 40 seconds to give me 5 more.

The ACTING PRESIDENT pro tempore. The Senator asked for 40 seconds.

Mr. WELLSTONE. Ready, go.

This is not about a constitutional question. There are lots of groups and organizations—left, right, and center—that want to put soft money into these sham ads. Any group or organization can run any ad they want. They just have to finance it out of hard money. We don't want there to be a big loophole for soft money. Not constitutional? The League of Women Voters says it is. Common Cause says it is constitutional. The former legislative director of ACLU says it is constitutional. The House of Representatives passed Shays-Meehan, which includes Snowe-Jeffords-Wellstone, that says it is constitutional. In all due respect, there are many who think this is constitutional. This is all about spending groups and organizations that want to be able to use this as a loophole to run sham issue ads.

Thank you.

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

The question is on agreeing to amendment No. 152. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 28, nays 72, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—28

Allard	Gregg	Roberts
Allen	Hagel	Santorum
Bennett	Hatch	Sessions
Bond	Helms	Shelby
Brownback	Hutchinson	Smith (NH)
Bunning	Inhofe	Thomas
DeWine	Kyl	Thurmond
Enzi	McConnell	Voinovich
Frist	Murkowski	
Grassley	Nickles	

NAYS—72

Akaka	Burns	Cleland
Baucus	Byrd	Clinton
Bayh	Campbell	Cochran
Biden	Cantwell	Collins
Bingaman	Carnahan	Conrad
Boxer	Carper	Corzine
Breaux	Chafee	Craig
Crapo	Inouye	Nelson (FL)
Daschle	Jeffords	Nelson (NE)
Dayton	Johnson	Reed
Dodd	Kennedy	Reid
Domenici	Kerry	Rockefeller
Dorgan	Kohl	Sarbanes
Durbin	Landrieu	Schumer
Edwards	Leahy	Smith (OR)
Ensign	Levin	Snowe
Feingold	Lieberman	Specter
Feinstein	Lincoln	Stabenow
Fitzgerald	Lott	Stevens
Graham	Lugar	Thompson
Gramm	McCain	Torricelli
Harkin	Mikulski	Warner
Hollings	Miller	Wellstone
Hutchison	Murray	Wyden

The amendment (No. 152) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, for the information of all Senators, the next amendment will be from Senator HARKIN, who is in the Chamber and ready to go. I want to also announce that the Republican amendment after that will be offered by Senator FRIST of Tennessee, along with a Democratic cosponsor, on the subject of nonseverability, which is one of the most important, if not the most important, amendments remaining before we complete this bill at some point—the leader says—today.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized to offer an amendment on which there shall be 2 hours of debate.

Mr. SPECTER. Mr. President, my distinguished colleague from Iowa has consented to let me take just a few minutes at this point to introduce a bill. I have checked with the distinguished manager, Senator MCCONNELL, and it is agreeable.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for up to 10 minutes for the introduction of a bill as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I could not hear the request.

The PRESIDING OFFICER. May we have order in the Senate, please.

Mr. SPECTER. My request was to proceed for up to 10 minutes as in morning business for the introduction of a bill.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

I ask unanimous consent that the full text of an extensive statement be printed in the RECORD and that the RECORD reflect—sometimes the RECORD does not reflect the actual language;

there is a cutoff. The statement is printed, and there is repetition and redundancy. But I ask that the RECORD show that there is a unanimous consent request made that the text be printed in the RECORD, even though there is some redundancy with what has been summarized orally.

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

(The remarks of Mr. SPECTER pertaining to the introduction of S. 645 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I thank the Chair, and I thank my distinguished colleague from Iowa for yielding to me.

The PRESIDING OFFICER. The Senator from Iowa is recognized to offer an amendment on which, as I stated earlier, there shall be 2 hours of debate. The Senator from Iowa.

AMENDMENT NO. 155

(Purpose: To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits with respect to Senate election campaigns)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. WELLSTONE, proposes an amendment numbered 155.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HARKIN. Mr. President, I am proud to have as my cosponsor the Senator from Minnesota, Mr. WELLSTONE.

I want to recap where we are in this week-long debate on campaign finance reform. We have come a long way in the last week and a half on this campaign finance reform bill.

We have debated a wide range of amendments, accepted some, rejected others. The good ones we have adopted are: To stop the price gouging on TV ads, the Torricelli amendment; to require up-to-date inspection of all reports on the Internet, the Cochran-Landrieu-Snowe amendments; stronger disclosure rules by the Senator from Nebraska, Mr. HAGEL; bringing all organizations under the issue ad ban; the Wellstone amendment.

And we rejected some amendments. Attempts to preserve soft money were rejected; an attempt to dramatically increase hard money was rejected; provisions to silence the workers of America, paycheck protection, were rejected. I am a little disappointed that yesterday we did, unfortunately, increase the amount of hard money we can raise for campaigns. I do not believe increasing the amount of money one can raise from hard dollars is reform, but that was adopted by the Senate.

But, there is something missing in this debate. There is something that has been missing for a week and a half from this debate. It is like the crazy uncle in the basement who no one talks about. What kind of reform can we have when all we are talking about is how we raise the money and how much one can raise when we don't talk about how much we spend and what can be spent? What I am talking about is the kind of reform that includes some limits on how much we can spend.

With the increase in the amount of hard money we can raise —and we have banned soft money, which is good; I voted to ban soft money—that just means all of us now will be running our fool heads off raising more hard money. We do have the Torricelli amendment that says TV stations have to sell us their ads at the lowest unit rate based upon last year, and that is fine; I am all for that. It just means we can buy more ads. We will raise more money, and we will buy more ads.

It has gotten so that now we hire ad agencies. They write the ads and sell us like soap. We are just a bunch of bars of soap to the American people; that is all we are. They see these ads, one ad after another come election time, and it is just like selling soap. Can we be surprised when the American people treat us like soap, that we are no more important in their lives, for example; that we are irrelevant except when we annoy them by ban barding them with ads in the weeks before the election. What I hear from the American people time and time again is: When are you going to talk about the issues in your campaigns rather than having all these ads out there?

We are really missing a serious part of campaign finance reform by not talking about it and doing something about it.

I do not know about any other Senator, but one of the things I hear a lot in Iowa and other places around the country when people talk to me about campaign finance reform is: When are you going to get a control on how much money you spend?

In the last election cycle, just in Federal elections, we spent over $1 billion, I think about $1.2 billion. The American people are upset about this. Are they upset about raising soft money and corporations and special influence? Yes, they are. They are equally upset about the tremendous amount of money we are spending in these campaigns, buying these ads and flooding the airwaves.

We have to think about how we can limit how much we spend on campaigns so all of us aren't running around, weekend after weekend, week after week, month after month, to see how much hard money we can raise to hire that ad agency to buy those ads.

That is what this amendment Senator WELLSTONE and I have offered does. It is very simple and straightforward. It puts a voluntary limit on how much we can spend in our Senate campaigns.

The formula is very simple. It is $1 million plus 50 cents times the number of voting-age residents in the State. Every Senator has on his or her desk the chart that shows how much you would be limited in your own State. With that limitation, there is a low of $1.2 million in Wyoming to $12 million in California. My own State of Iowa would be limited to $2.1 million for a Senate campaign. I say to the occupant of the Chair, in Virginia the limit would be $3.6 million. I don't know how much the Senator spent this last campaign, but I know for myself in Iowa, $2.1 million runs a good grassroots campaign as long as your opponent does not spend any more than that. I bet the same is true in Virginia at $3.7 million.

The amendment also says if you have a primary, you can spend 67 percent of your general election limits. If you have a runoff, you can spend 20 percent of the general election limit.

I'd like to stress that this is a voluntary limit. Why would anyone abide by the limit? You abide by the limit because the amendment says if one candidate goes over the voluntary limits by $10,000, then the other person who abided by the limits will begin to get a public financing of 2–1. For every $1 someone would go over the limit, you get $2.

For example, in Virginia, if the limit is $3.6 million and the Senator from Virginia voluntarily agrees to abide by that limit, if the person running against the Senator from Virginia went over $3.6 million—say they spent $4 million, which would be $400,000 more—the Senator from Virginia would get $800,000. Two for one. Now, that is a great disincentive for anyone to go beyond the voluntary limits because the other person gets twice as much money as the person who went over the limits.

I point out the difference between my amendment and the one offered earlier by Senator BIDEN and Senator KERRY. Their amendment included public financing from the beginning. This amendment does not. This amendment says, raise money however we decide to let you raise money. That is the way you raise it. PACs, personal contributions, whatever limits we decide on around here, you raise that money. There are no public benefits. The only time public benefits kick in is if someone went over the voluntary limits.

My friend from Kentucky said the other day on the floor that all of the polls show the American people don't like public financing. They don't want their tax dollars going to finance Lyndon LaRouche and other such people.

First of all, the money we use here to counter what someone might spend over the limits is not raised from tax dollars; it is a voluntary checkoff and from FEC fines.

Second, if the Senator from Kentucky is right, and I think he may well

be—I don't know—that the American people don't want public financing of campaigns, then that is a second hammer on discouraging someone from going over the voluntary limits. If someone goes over the voluntary limits, that person is responsible for kicking in public financing. That person is responsible for kicking in public financing, not from a tax but from a voluntary checkoff and from FEC fines.

There are two prohibitions here to keep someone from going over the voluntary limits. One, your opponent gets twice as much money as whatever you spent over those limits; second, there would be a built in public reaction against someone who did it because it would cause public financing to kick in.

Another issue was raised regarding this limit. Someone said: You have the voluntary spending limits, but what about all the independent groups out there? They are buying all the ads running against you; you are limited but they are not.

With the Snowe-Jeffords provision and the Wellstone amendment we adopted and just reaffirmed this morning, that is not the case. Those independent groups cannot raise that kind of money from the corporations and they cannot run those ads with your name in them.

Someone said: That is all well and good, but what if the Supreme Court throws out the Wellstone amendment, throws out Snowe-Jeffords, and says that is unconstitutional? Then we are left with your limits and these independent groups can go ahead and raise all this money and run those ads.

The amendment says if the Supreme Court finds the Wellstone amendment or the Snowe-Jeffords provisions unconstitutional, my amendment falls. It will not be enacted. It will not be part of the campaign finance reform law.

If the Supreme Court finds the Wellstone amendment is unconstitutional and these groups go ahead and raise that money and run those ads against you, then the limits in my amendment do not pertain. All bets are off. But as long as Wellstone is constitutional, as long as Snowe-Jeffords is constitutional, then the voluntary limits would be there and the provisions of a 2-for-1 match, if you went off, would also pertain.

Bob Rusbuldt, executive vice president of the Independent Insurance Agents of America, said recently, ''campaign finance reform is like a water balloon; You push down on one side, it comes up on the other.''

I think that is what will happen. We ban the soft money; we increase hard money. Push down one side, it goes up the other side. Who are we kidding? We are going to continue to raise hundreds of millions, billions of dollars for these campaigns. My amendment will burst that water balloon and make the existence of loopholes irrelevant, by creating voluntary spending limits and providing a strong incentive for candidates to comply with them. That is what this amendment is about.

Again, I am going to be very frank. The voluntary limit for my State of Iowa would be about $2.1 million. In 1996, when I ran for reelection, I spent $5.2 million. Can I abide by $2.1 million? You bet I can. As long as my opponent has to—fine. We can run our campaigns the old fashioned way—at the grassroots. Then we will not have to be buying ad after ad after ad, countering back and forth and all that stuff. Then maybe we will get down to real debates about issues and things people care about, without just hiring ad agencies to buy all these ads.

On each desk is a copy of basically what the amendment does, and a list by State of what the limits would be.

I conclude this portion of my remarks by saying, again, this is the crazy uncle in the basement no one wants to talk about. Everybody wants to talk about stopping how we raise money, getting rid of soft money, but no one wants to talk about cutting down on how much we spend. Let's start talking about it. Now is the time to do something about it. This voluntary limit is constitutional and it will answer the other side of the campaign finance reform debate that heretofore we have not addressed.

I yield whatever time the Senator from Minnesota requires. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 44 minutes remaining.

Mr. HARKIN. I yield 15 minutes to the Senator.

Mr. WELLSTONE. I may not need 15 minutes. The Senator from North Dakota is here, as are others.

First, I say to my colleague from Iowa and other Senators, I do want to talk about the amount of money we spend. I am very honored to be a cosponsor of this amendment with the Senator from Iowa. I think this is a great amendment. This amendment could very well pass in the Senate because it makes a lot of sense. It is just common sense.

My colleague from Iowa has described what this amendment is about. I do not know that I need to do that again. We are talking about voluntary limits. Then what we are saying is, if you agree to that voluntary limit but the opponent doesn't, then you get a 2-to-1 match for however many dollars your opponent goes over this limit. This amendment makes the McCain-Feingold bill, which deals with the soft money part, quite a strong reform measure.

I say to my colleague from Iowa, I believe so strongly in this amendment for a couple of different reasons. First of all, here is something else we have not talked about, and we need to, as incumbents. In all too many ways the system is wired for incumbents. This amendment probably comes as close as you can come to creating a more level playing field. It really does. Many more people would have an opportunity to run with this amendment part of the law. They really would.

I think there is quite a bit of pressure on people. It seems to me, if this is the law of the land and candidates step forward and say, absolutely we will agree to this limit because we do not want to be involved in this obscene money chase, we will agree with this limit because we want there to be more debate and fewer of these poison ads and all the rest, we will agree because we know people in Iowa and Connecticut and North Dakota and Minnesota do not like to see all this money spent, I think it is going to be much more difficult for another candidate to say, no, I won't agree with this limit; I want to buy this election. Then you have the additional disincentive of the 2-to-1 match.

This is a perfect marriage. In one stroke, it dramatically reduces the amount of money spent, dramatically reduces the power of special interest groups, dramatically reduces the cynicism and disillusionment people have about politics in the country, and dramatically increases the chances of a lot of citizens thinking they can run for the Senate, that they might be able to do this, they might be able to raise this amount of money and they would not lose because someone could just carpet bomb them with all sorts of ads and all sorts of resources. This is a great reform amendment.

I also make another point. I just finished saying the system is wired for incumbents but that I think all of us are going to want to support this amendment. The truth is, in one way it is wired—but it is so degrading. Who wants to have to constantly be on the phone asking for money? Who wants to be traveling all around the country constantly having to raise money? Who wants, every day of the week during your reelection cycle when you want to be out on the floor debating issues and doing work for people on your State, to have to be on the phone for whatever time, every single day, making these calls?

None of it is right. This amendment is just a commonsense amendment, such a modest amendment, yet it has such major, major ramifications, all in the positive and all in the good for how we finance campaigns.

This is really one of the great amendments. I thank Senator HARKIN for his work on it, and I am very proud to be a part of this effort.

I am going to finish by making two other quick points. I say this being a little facetious, but I do not think it is a bad point to make. I say to Senator HARKIN and Senator DORGAN, this should be called the good food amendment. The reason I think it should be called the good food amendment is when you no longer have to go to these hotels for the $1,000—oh, I forgot, now it is $2,000, actually $4,000—when you no longer have to go to these hotels for these $2,000 and $4,000 contributions

and eat the rubber chicken meals, now you get to campaign in the neighborhoods. I get to eat Thai food and Vietnamese food and Somalian food and Ethiopian food and Latina and Latino food. You get to be at real restaurants with real people out in the neighborhoods, out in the communities. You get to stump speak. You get to debate. This is the good food amendment. We will all be healthier if we support this amendment. I am trying to get to my colleagues through their stomachs, I guess.

This is the last point I want to make because I want to end on a very serious note. The voluntary spending limit for Minnesota would be $2,604,158. Could I campaign and have a chance to ''get my message out'' on $2.6 million if we would have both candidates agree? Absolutely. Do I, today on the floor of the Senate, want to make a commitment that if this amendment is agreed to and becomes the law of the land that I will abide by this voluntary spending limit if my opponent would do so or—I am sorry, it doesn't matter. The answer is: Yes, I am ready to do this. This would be a gift from Heaven, from my point of view, because I am tired of all of the fundraising. And I haven't even started. I am not even doing what I am supposed to do. I am tired of it. So I am ready to say right now, if this amendment becomes the law of the land, I am going to abide by it. I want to be one of the first Senators to step forward and say I agree.

I think a lot of Senators will. I think it will be a lot better for us, whether we are Democrats or Republicans. It will be a lot better for the people we represent. It will be a lot better for Iowa and Minnesota. It will be a lot better for representative democracy. It will be a lot better for our country.

This is a great amendment. I hope it gets overwhelming support.

I yield the floor.

Mr. HARKIN. I thank my friend from Minnesota. The Senator makes a good point. I am going to have some more data on how much money was raised in the last cycle and what this might mean, but in terms of time, let's be honest about it. How much time do we spend on the phone raising money and traveling on weekends, going here and there? This would help us because now we can spend more time in our States, meet with people, spend more time, as you say, around the coffee tables in the small cafes and restaurants rather than running all over the country trying to raise money all the time. I think the Senator makes a good point on that. It will bring us closer to representative democracy.

Mr. WELLSTONE. It would bring us closer to the people we represent and bring the people closer to us, all of us, in whatever State.

Mr. HARKIN. Mr. President, so far as I see, we have done a lot of good things in the McCain-Feingold bill. We rejected a lot of bad amendments. It looks good. But all in all, the way our campaigning financing system is today, it is still an incumbent protection system. It is still incumbent protection.

For example, in the 2000 election, the average incumbent raised $4.5 million, while the average challenger raised $2.7 million. This helps to level that playing field a little bit.

I also point out the statistics that in the 2000 election cycle, Senate candidates spent $434.4 million in hard money. If we had had this voluntary limit in existence in the 2000 election, Senate candidates would have spent $113.4 million, a difference of $321 million less than Senate candidates would have had to raise in the 2000 election.

I think we would have had better campaigns, and we would have had better issue-oriented campaigns in the 2000 election cycle. That $321 million represents how many hours, how many days, and how many times Senators have to travel all over the country and have to get on the phone to raise the money, as Senator WELLSTONE said, when those Senators could be in their home State meeting with their constituents?

I yield 10 minutes to my colleague from North Dakota.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from Iowa for yielding the time.

Mr. President, there are some who continue to insist that, gosh, there is not too much money in politics. In fact, they say there is not enough. What we really ought to do is make sure that everything is reported and let anyone contribute any amount at any time they want to contribute. I think that is a fairly bankrupt argument.

I ask the American people if they think, in September or October of an election year as they turn on their television sets, that there is too little politics or too little money in politics. They understand there is far too much money in this political system. We ought to change it.

The Supreme Court, in a rather bizarre twist, which happens from time to time across the street, said Congress can limit contributions. That is constitutional. But it cannot limit expenditures of campaigns. That would be unconstitutional. The Supreme Court struck down a provision in a previous reform that had some limits and said: We are going to limit contributions, but you can't limit expenditures.

In this debate for nearly 2 weeks about campaign finance reform, there are no serious discussions about limited expenditures, except for the discussion initiated today by Senator HARKIN from Iowa. You can't get at this problem unless you begin to talk about trying to find a way to limit expenditures in campaigns. How do you do that?

Some stand up and want to test the waters. Some want to make waves. Fortunately, the Senator from Iowa wants to make waves. There is a big difference. He wants to do something that works.

There are some in this debate who want to do just enough to make the American people think they have done something but not so much that we would solve the problem.

I am for campaign finance reform, some would think, but I am really not for that which has enough grip to solve this problem.

You don't solve this problem unless you find a way to deal with this question of campaign spending.

This has become, as some of my colleagues have said, almost like auctions rather than elections, with massive quantities of money moving in every direction—hard money, soft money, $1 million here, $500,000 there, and $100,000 in this direction.

So we have McCain-Feingold. I support McCain-Feingold. But I must say it has changed in the last 6 or 8 days. I regret that yesterday the McCain-Feingold bill was changed by my colleagues who said we need to add more hard money into the political system. That is not a step forward. That is a retreat. Nonetheless, I will still vote for McCain-Feingold.

But the Harkin amendment makes this McCain-Feingold bill a better bill. It addresses the bull's eye of the target by saying we can construct a set of voluntary spending limits with mechanisms that will persuade people to stay within those limits. Because if someone waltzes in and says they are worth a couple billion dollars, that they intend to spend $100 million on the Senate seat, if they do not like it, tough luck. We have a series of mechanisms now described by my colleague in this amendment that says that is going to cost them. They have every right to spend that money, but, by the way, their opponent is going to have the odds evened up because their opponent is going to get twice as much as they are spending over the voluntary limit through fees that are through checkoffs of income tax, from a fund that provides some balance in our political system.

The funding of politics has almost become a political e-Bay. It is kind of an auction system. If you have enough money, get involved, and the bid is yours. We bid on a Senate seat. Here is how much money we have. We have big friends and bank accounts. So this Senate seat is ours.

That is not the way democracy ought to work. That is not the way we ought to have representative government work.

Some while ago, I was in the cradle of democracy where 2,400 years ago in Athens, the Athenian state created this system of ours called democracy. This is the modern version of it. What a remarkable and wonderful thing.

But democracy works through representative government when you have the opportunity for people to seek public office and the opportunity to win in

an election in which the rules are reasonably fair.

There are circumstances where that still exists.

I come from a family without substantial wealth. I come from a family without a political legacy. I come from a town of 300 people. I come from a high school class of nine students. I come from a rural ranching area in southwestern North Dakota, and I pinch myself every day thinking: What a remarkable privilege it has been for the many years that I have had the opportunity to serve in the Congress. It still happens.

But I must say that in modern elections, in cycle after cycle, it is less and less likely that someone without massive quantities of money is going to be able to be successful against other candidates who have access to barrels of money that they can pour into the television commercials, along with their partners and the independent organizations that can pour massive amounts of unlimited money into the same election and affect the result.

My colleague says we can change that. I like the mechanism that he establishes to do that. I don't think it does violence to the McCain-Feingold bill at all. In fact, this bill is reform. If you come to the Senate floor and say you support McCain-Feingold because you stand for reform of campaign finance, then you must, it seems to me, come to this floor and say you stand for this amendment because this amendment is real reform added to this bill.

I will not diminish the McCain-Feingold bill. I have great respect for Senators MCCAIN and FEINGOLD. And I have long supported this legislation and have not wavered from that support. I commend them for what they have done and for establishing leadership on this issue. Were it not for them, we would not be on this floor at this time discussing this subject.

Make no mistake. While this may not lead in the polls, this subject is important to the preservation and strength of this democracy of ours.

But, I say again, I don't want people to tell me that we must oppose this amendment because we must keep this fundamental bill pure. This bill will be better, this bill will be strengthened, and this bill will move further in the direction of reform with the amendment offered by Senator HARKIN.

In the last debate some 6 or 8 years ago in the Senate on this subject, I offered an amendment that was reasonably similar to this. It said that you establish voluntary spending limits, and if someone goes over the spending limit, they pay a fee equal to 50 percent of that which they are over the spending limit, and the FEC collects the fee and transmits that fee to the opponent, which I thought was a delicious and wonderful way to penalize those who want to spend millions and millions and millions of dollars in an attempt to buy a seat in the U.S. Congress.

We ought not have advantages for incumbents. We ought to have elections that are contests of ideas between good men and women who want to offer themselves for public service. The outcome should not always be determined by who has the most money.

The amendment offered by my colleague from Iowa is a very significant step in the right direction. It is voluntary spending limits, but spending limits that are attached to a construction of a pool of money that would be available through checkoffs available to help challengers and others in circumstances where one candidate says they are going to open the bank account and spend millions and millions in pursuit of purchasing a seat in the U.S. Congress.

I am happy to come today to support this amendment. I say to my colleagues, if you have been on the floor talking about reform in the last 2 weeks, do not miss this opportunity to vote the way you talk. This is reform. This adds to and strengthens McCain-Feingold, make no mistake about it.

So I am very pleased to support this amendment. I hope my colleagues will support this amendment. I hope we can adopt this amendment because this is a significant step.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. How much time does the Senator from Iowa have remaining on this side?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. DODD. I inquire of my friend and colleague from Kentucky, I presume if we need some additional time, as Members come over, we can let it flow. Two and a half hours, is that what we have agreed to on this amendment?

The PRESIDING OFFICER. Two hours evenly divided.

Mr. DODD. Two hours.

If we need a little time for some reason—obviously, Members may want to be heard—I presume we will follow some rule of comity.

Mr. MCCONNELL. Yes. I say to my friend from Connecticut, there should not be a problem. I do not think we will be swamped with speakers on this side. We will be glad to try to work to accommodate this and have the vote before lunch.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I ask for 10 minutes.

Mr. HARKIN. I am happy to yield it.

Mr. DODD. Mr. President, I commend my colleague from Iowa and my colleagues, as well, who have spoken today—Senator DORGAN and Senator WELLSTONE—for their support of this amendment. I, too, support this amendment.

Senator DORGAN has said it well. Senator WELLSTONE has said it well. This is true reform. If we are really interested in doing something about the money chase, both in terms of contributions and the rush to spend even more in the pursuit of political office in this country, then the Harkin amendment offers a real opportunity for those who would like to do something about this overall problem by casting their vote in favor of his amendment.

Senator HARKIN has explained this amendment very well. It is a voluntary provision. It does level the playing field. I, too, over and over again over the past week and a half have expressed my concerns and worry about the direction we are going. I made the point the other day that we are shrinking the pool of potential candidates for public office in this country.

At the founding of our Nation, back more than 200 years ago, the only people who could seek public office and could vote were white males who owned property. Pretty much those were the parameters. Of course, we abandoned those laws years ago. Nonetheless, that restricted the number of individuals, obviously, who could seek a seat in the Congress—the Senate or the House—or a gubernatorial seat.

Unfortunately, what has happened over the years, particularly in the last 25 years or so, is we have created new barriers to seeking public office. The largest of those barriers is the cost of running for public office, the cost of raising the dollars, and the cost of getting your voice heard. One of the reasons that has occurred, and one of the difficulties we have had, is because of the Supreme Court decision back in 1974 that said money is speech.

Justice Stevens, to his great credit, in a minority opinion in that decision, said money is not speech; money is property. He was exactly right. But the majority of the Court held otherwise. And because of that decision, we have been plagued with our inability to come up with a structure that would slow down and provide some ability to manage what has become a reckless system, in my view, that is only available to those who can afford to ante up and enter it.

There are those, obviously, who will be able to emerge in this process, even though they do not have the financial resources. But the problem is those are going to become more the exceptions than the rule. That is my great concern and worry; there will be fewer and fewer people, who have great ideas, great ambition, great energy, a great determination to do something, who can even think about holding or running for a seat in the Senate or the House of Representatives.

We have taken the concept that is included in the Harkin amendment and applied it to Presidential contests—not exactly, but at least the notion of public financing. Every single Presidential candidate for the last 25 years has embraced public financing for Presidential races. Even the most conservative of those candidates has taken the

public moneys in order to try to keep down the cost of running for the Presidency, and that is an expensive undertaking. It has not made it inexpensive to do it, but I would suggest, in the absence of those provisions—and it is a voluntary system—President Bush, the present occupant of the White House, did not take public moneys during the primary season, but when it came to the general election, he did. There will be reasons you will hear of why he did, but the fact is, by doing so, he accepted limitations on how much would be spent in those races.

Ronald Reagan, to his great credit, one of the great heroes of the conservative movement, accepted public moneys in both the primary and the general election, as has every other candidate. But what Senator HARKIN has offered, and those of us who are supporting him—while not applying that same set of rules—is the same philosophical idea.

Mr. HARKIN. No public financing.

Mr. DODD. No public financing, but the notion that we have public controls, in a sense, limitations on how expenditures are made, if you are faced with challengers who are going to spend unlimited amounts of their own personal resources in order to be heard.

I happen to believe, as I said a moment ago, that money is not speech, anymore than I think this microphone that is attached to my lapel is speech or anymore than the speaker system in this Chamber is speech. Those are vehicles by which my voice is heard; it is amplified. You can hear me better than you would if I took this microphone off and the speakers were turned off. If I spoke loud enough, you might hear me, but in the absence of those technological assistances, my voice would be that of any other person without the ability to have it amplified.

Money allows your voice to be amplified. It is not speech. It just gives you a greater opportunity to be heard. So I fundamentally disagree with the Court's decision on the issue of money being speech.

In fact, the notion of free speech in American politics today is, as one editorial writer in my home State of Connecticut said, an oxymoron. There is nothing free about political speech in America today. It belongs to those who can afford to buy it. That is what it is. There is nothing free about it.

So this amendment really does give us an opportunity to control the expenditure side, which is tremendously valuable. As some have said repeatedly over the last several days, we may not get back to this subject matter again, considering how difficult it was to get here. It may have been Senator DORGAN who made the point we owe a debt of gratitude to our colleagues from Arizona and Wisconsin, Senator MCCAIN and Senator FEINGOLD, for insisting that this debate be part of the public agenda this year; and that if their opponents, or even some of their supporters, are accurate, it might be another quarter century before we come back to this debate again, and then the appropriateness of the Harkin amendment is even more so. Because if we do not come back to the expenditure side of this, at some future date our successors in these seats will be looking at campaigns that are double and triple and quadruple the amount we are spending today.

If you look at what we were spending 25 years ago—the Senator from Iowa and I arrived on the very same day in the Halls of Congress; both a little leaner and had a little more dark hair in those days——

Mr. HARKIN. That is true.

Mr. DODD. But we have been here together for those many years.

In those days, statewide races in Iowa and Connecticut were a fraction of what they are today. If we extrapolate those numbers and advance them 20 years or so down the road, we are doubling it, which would probably be around $10 to $13, $14 million to seek a seat in Iowa or Connecticut in a contested contest, maybe more. Imagine how difficult it would be for some young person, some young man or woman in Iowa or Connecticut today, thinking one day they might like to be a candidate for the Senate. We ought to tell them today, if they are thinking about it, in the absence of the Harkin amendment being adopted, they had better be prepared to finance themselves or have access to something in the neighborhood of $10 to $15 million.

The pool of people I know in my State and, I suggest, in Iowa—and the Senator knows his State better than I do—is a relatively small number of people who could even think about coming to the Senate under that set of circumstances.

I applaud the Senator for this amendment. I urge my colleagues to support it. I am fearful we are not going to get very far with this. I hope I am wrong on that, but I tell the Senator from Iowa, if we don't pass this today, someday we will. It will take some other outrageous set of circumstances, much as it did in 1974, to provoke this institution to do what it should have done before then. Unfortunately, it will probably take that happening again to bring this body and the other Chamber around to the point the Senator from Iowa has embraced with this amendment.

I commend him for it. I support it. I am hopeful our colleagues will join him in adopting the amendment. This will add immensely to the label ''reform'' on the McCain-Feingold legislation.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that an outstanding column by George Will on the subject we have been debating for the last 9 days, from this morning's Washington Post, be printed in the RECORD.

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

[From the Washington Post, Mar. 29, 2001]

THE SENATE'S COMIC OPERA

(By George F. Will)

The overture for the Senate's campaign finance opera—opera bouffe, actually—was indignation about President Bush's decision against cutting carbon dioxide emissions. Reformers said the decision was a payoff for the coal industry's campaign contributions. But natural gas interests, rivals of the coal interests, suffered from Bush's decision—yet they gave Republicans more money ($4.8 million) last year then coal interests gave ($3.37 million).

The ''reforming'' senators began their reforming by legislating for themselves an even stronger entitlement to buy television time at a discount, and by voting themselves a right to take larger contributions (up to $6,000, rather than just $1,000) when running against a rich, self-financing opponent. The Supreme Court says the only permissible reason for limiting political speech by limiting money is to prevent corruption or the appearance thereof. The Senate did not explain why it is corrupting to take $6,000 when running against an opponent with a net worth of X but not corrupting when running against an opponent with net worth of 10 times X.

The Senate refused to ban, as nine states do, lobbyists from contributing to legislators when the legislature is in session. John McCain, at last noticing the Constitution, and this inhibition on political giving is constitutionally problematic, presumably because it restricts the rights to political expression and to petition for redress of grievances.

Constitutional scrupulousness is a sometime thing for McCain, who once voted to amend the First Amendment to empower government to do what his bill now aims to do—ration political communications. For example, his bill would restrict broadcast ads by unions and corporations and groups they support in the two months before a general election or 30 days before a primary if the ads mention a candidate.

In a cri de coeur revealing the main motive for many ''reform'' politicians—a motive having nothing to do with corruption or the appearance of it—Sen. Pat Roberts (R–Kan.) said: ''I'm suffering an independent expenditure missile attack, and I don't have my shield.'' Campaign finance reform is primarily an attempt by politicians to shield themselves from free speech—from, that is, the consequences of the shield James Madison wrote to protect the people from politicians: ''Congress shall make no law . . . abridging the freedom of speech.''

Last Saturday McCain's partner, Wisconsin Sen. Russell Feingold, delivered the Democrats' response to President Bush's weekly radio address. With the reformer's characteristic hyperbole, Feingold attempted to reconnect reform with ''corruption.'' He said: ''Members of Congress and the leaders of both political parties routinely request and receive contributions for the parties of $100,000, $500,000, $1 million.''

Well. There are 535 members of Congress. In the last two-year (1999–2000) election cycle, there were 1,564 contributions of $60,000 or more from individuals and organizations. So all those legislators supposedly ''routinely'' receiving such contributions for their parties receive, on average, fewer than two a year. The total value of all 1,564 was $365.2 million, a sum equal to one-fourteenth the amount Procter & Gamble spent on advertising during the same period.

The New York Times accurately and approvingly expresses McCainism: ''Congress is unable to deal objectively with any issue, from a patients' bill of rights to taxes to energy policy, if its members are receiving vast

open-ended donations from the industries and people affected.'' Oh. If only people affected by government would stop trying to affect the government—if they would just shut up and let McCain act ''objectively.''

If you doubt that reformers advocate reform because they believe that acting ''objectively'' means coming to conclusions shared by the New York Times, read ''Who's Buying Campaign Finance Reform?'' written by attorney Cleta Mitchell and published by the American Conservative Union Foundation. It reveals that since 1996, liberal foundations and soft money donors have contributed $73 million to the campaign for George Soros, founder of drug legalization efforts and other liberal causes, has contributed $4.7 million, including more than $600,000 to Arizonans for Clean Elections—more than 71 percent of the funding of ACE.

Soros and seven other wealthy people founded and funded the Campaign for a Progressive Future. One of those people, Steven Kirsch, contributed $500,000 to campaign ''reform'' groups in 2000—and $1.8 million against George W. Bush. Another reformer, Jerome Kohlberg, donated $100,000 to a group that ran ads saying ''Let's get the $100,000 checks out of politics.''

Let's be clear. These people have and should retain a constitutional right to behave in this way, putting the bouffe in the opera bouffe.

Mr. MCCONNELL. Mr. President, a professor of law at the University of Kentucky College of Law also wrote an excellent op-ed piece in the Lexington-Herald Leader in my home State on Tuesday, essentially echoing many of the arguments a number of us have made against the underlying bill over the last 9 days. I ask unanimous consent that article be printed in the RECORD.

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

[From the Lexington-Herald Leader, Mar. 27, 2001]

CAMPAIGN FINANCE BILL TREADS ON OUR RIGHTS

(By Paul Salamanca)

I've heard it said that more than a hundred legal academics agree that the McCain-Feingold campaign finance reform bill does not violate the First Amendment. I'm not one of them.

Believe it or not, political parties are expressive associations. The First Amendment protects one's right to speak freely, to write freely, to assemble peaceably and to petition the government for redress of grievances (in other words, to complain). The first, second and fourth of these precious, hard-fought liberties are most effectively exercised through association.

That's because almost all of us—me included—are too busy, too poor or too inarticulate to speak effectively by ourselves. But when we pool our time, talent and treasure, we can move mountains, expressively speaking. And the third of these liberties, peaceable assembly, explicitly protects association.

Because political parties are dedicated to the discussion and formulation of ideas, and to the identification and promotion of people who will implement those ideas, the First Amendment protects the American Civil Liberties Union, the Sierra Club, the National Association for the Advancement of Colored People and the National Right to Life Committee. Like these associations, the Democratic and Republican parties are expressive. Thus, limitation on the amount of money people can give to political parties is constitutionally indistinguishable from a limitation on the amount of money people can give to the ACLU or the NAACP.

The upshot of this is simple: The giving of ''soft money'' to political parties is an exercise of First Amendment rights, and a flat ban on soft money is unconstitutional.

One argument to the contrary is that soft money is a weak form of bribery. But this argument operates from the implausible assumption that political parties are, in fact, the government. But this cannot be true. If an association formed to criticize the government is, in fact, the government, then we have a case of a shark trying to eat itself.

Another provision of McCain-Feingold would ban or sharply limit advertising by private groups that refers to a candidate by name. This too would violate the First Amendment. At its core, the First Amendment is designed to facilitate discussion of political issues and candidates by the ultimate sovereign in the United States: ''We the People.'' So, if the First Amendment doesn't protect a group's right to say ''Vote for X because of X's position on such-and-such issue,'' it wouldn't be worth the toner it takes to print it.

Thus, issue advertising, so much maligned these days, is an important form of advocacy. In fact, it's the most effective form of speech available to non-profit expressive associations, such as the NAACP.

To preclude such groups from running ads that refer to candidates before elections—or to impose so many regulations on their ability to do so that many would give up trying—would seriously interfere with free speech.

There are those who say that issue ads—ads that end by saying something like ''Please call X and tell X that such-and-such a policy is bad'' (in other words, the very ads that McCain-Feingold would limit or ban)—are nothing more than thinly veiled pieces of express advocacy.

But this couldn't be a more cruel irony because non-profits would love to expressly advocate the election of X or the rejection of Y without mincing words. The only reason they don't is fear of overly aggressive interpretation of existing federal law by the Federal Election Commission.

Indeed, this state of affairs gives rise to two distinct anomalies. First, people watching TV are annoyed by issue ads that don't come right out and express a preference, when the associations running the ads would dearly love not to mince words. Second, people, like Sens. John McCain and Russ Feingold can use this annoyance, which itself is the product of federal regulation, to justify further regulation of speech.

And make no mistake: McCain-Feingold would regulate speech. To the extent the bill would fall short of literally banning issue advertising, it would accomplish about the same thing, at least with regard to small associations and associations whose members want to remain anonymous, by imposing onerous accounting and reporting requirements on issue advertisers.

McCain-Feingold is unconstitutional. If it passes Congress, the president should veto it—with or without paycheck protection, with or without a severability clause. And Kentucky's senior senator, Mitch McConnell is right to oppose it.

Mr. MCCONNELL. Mr. President, there is much not to like in the Harkin amendment and one provision that has some appeal. I will talk about the provision that has some appeal at the end.

As I understand the Harkin amendment, it is taxpayer funding with a little different twist. What the Senator from Iowa has shrewdly done is suggest that the spending limit in his amendment is voluntary.

What in fact happens is, you have candidate A and candidate B. Let's assume candidate A, who is a well-known incumbent who doesn't need to spend as much to get his message home, is up against an unknown challenger, and that unknown challenger knows he needs to spend more to have a chance to win. As soon as that unknown challenger encroaches above the Government's specified spending limit, the Treasury of the United States provides $2 out of our tax money for every $1 the noncomplying candidate gets to spend. In other words, a hammer comes down on a noncomplying candidate just as soon as they encroach above the Government-specified speech limit—hardly voluntary.

That is sort of like a robber putting a gun to your head and saying: I would like to have your wallet but you, of course, really don't have to give it to me.

If you choose to exercise your right to speak beyond the Government-prescribed limit, bad things happen to you. The Federal Treasury of the United States gives you $2 for every $1 your opponent is spending to bludgeon you into submission.

The second part of the Harkin amendment is interesting in that it relies on volunteered tax money to provide the funding. This is different from the Presidential system where, as we know, we are able, if we choose, to check off $3 of tax money we already owe and to divert it away from things such as children's nutrition and food stamps and other worthwhile activities into a fund to pay for the Presidential elections. As I understand the Harkin checkoff, the taxpayer is actually asked to volunteer an additional sum of money from his return.

I predict to my friend from Iowa, there is going to be darn little participation in that. We know what the checkoff rate has been among taxpayers when it doesn't even add to their tax bill. The high water mark was in 1980, when it was slightly under 30 percent of taxpayers. There has been a steady trend downward to the point last year there were 11.8 percent of taxpayers volunteering money they already owed—it didn't add to their tax bill; it was money they already owed—to go to pay for buttons and balloons and campaign commercials and national conventions.

My colleagues get the drift. There is not a whole lot of interest on the part of the American taxpayer to pay for our political campaigns. In fact, we have a huge poll on that every April 15. The most massive poll ever taken on any subject is taken on the subject of using tax dollars for political campaigns. That poll is taken every April 15 on our tax return. Even when it doesn't add to our tax bill, about 10 percent of Americans choose to participate; 90 percent choose not to.

I say to my friend from Iowa, I don't think this will be a very reliable source of funds if the taxpayer actually has to ante up and provide money for a candidate he doesn't know. The chances of an American taxpayer choosing to donate money to a nameless candidate is virtually nil, I suggest.

A slightly differently nuanced version of taxpayer funding than we had before us earlier, the Kerry amendment, got 30 votes. I hope this amendment will get no more than 30 votes.

We have come a long way on this subject. Earlier in the Senate careers of the Senator from Connecticut and the Senator from Iowa and myself, we were actually debating taxpayer funding of elections and spending limits for campaigns on the floor of the Senate. That kind of bill actually passed the Senate in 1993. We have come a long way.

It is noteworthy that the underlying McCain-Feingold bill does not have any PAC ban in it. It doesn't have any tax money in it. It doesn't have any spending limits on candidates in it. We have come a long way.

Now all we are debating is whether or not we are going to destroy the great national parties, which I think is a terrible idea. We will get back to that issue later.

The Senator from Iowa sort of resurrects one of the golden oldies, one of the ideas from the past that sort of moved right on out of the public debate, by offering once again an opportunity for the taxpayers to subsidize candidates. There is a serious constitutional problem in the Treasury of the United States bludgeoning a noncomplying candidate who chooses to speak as much as he wants to with a 2-for-1 match out of the Treasury, $2 out of the Treasury for every $1 the poor challenger is trying to raise to get his name out. It seems to me that has serious constitutional problems.

There is one provision in the amendment of the Senator from Iowa I do find intriguing, and I commend him for it. That is the importance of the principle of nonseverability in this kind of debate. As I think our colleagues may remember—if they don't, let me remind them—the last three campaign finance reform bills that cleared the Senate, that actually got out of this body, had nonseverability clauses in them. In fact, on this subject of campaign finance, it is more common to have nonseverability clauses in them than out of them. The norm has been to have nonseverability clauses in campaign finance reform bills.

The Senator from Iowa—I commend him for this—links his amendment to the Snowe-Jeffords language in a nonseverability clause. And I commend the Senator from Iowa for doing that because it is a clear understanding that these kinds of bills are fraught with constitutional questions—fraught with them. And it is entirely appropriate to have linkages within these bills. It doesn't necessarily have to apply to the whole bill. And the amendment that the Senator from Tennessee, Mr. FRIST, will be offering early today does not link the whole bill. But it is entirely common and appropriate to add nonseverability clauses in these kinds of bills. I commend the Senator from Iowa for recognizing that principle. Even though I don't like the substance of his amendment, I do think the recognition of the importance of that principle is worthy of commendation. I commend him for that.

Mr. President, beyond that, I find not much to like about the amendment of the Senator from Iowa. I hope it will not be approved. I don't know if we will have other speakers on this side. For the moment, I reserve the remainder of my time, which is how much?

The PRESIDING OFFICER. The Senator has 51 minutes.

Mr. DODD. Before my colleague from Iowa speaks, I wonder if we might do this. For the purpose of informing our colleagues who are inquiring as to when this vote might occur, is it a noon vote? Is that how my colleague feels about that, another half hour?

Mr. HARKIN. That is fine.

Mr. DODD. A noon vote. To let people know, why don't we do a unanimous consent request.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at noon a vote occur on the Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I want to respond and maybe get in a little colloquy with my friend from Kentucky. I appreciate the struggle he has had with the logic of his argument. But, quite frankly, I think the logic is somewhat unsound. My friend from Kentucky talks about a challenger out there, someone who wants to run for the Senate who has a message, such as Senator DODD talked about, someone who has an idea, some convictions and issues they want to bring out. They want to run for the Senate.

The Senator from Kentucky says, rightfully, that they need some money to get that message out and, by putting this limit on it, they would not be able to spend any more to get their message out than, say, an incumbent. Of course, we have access to the airwaves and the newspapers and all that kind of stuff. So a challenger might want to have more money.

Well, again, to attack the logic of that is to look at the facts. In the 2000 election, the average incumbent raised $4.5 million—the incumbent—us—to get our message out. The average challenger raised $2.7 million. So under the present system, the challenger can't get that message out. He is swamped by what we can raise.

Mr. MCCONNELL. Will the Senator yield?

Mr. HARKIN. Yes, I will, in a second.

Now in the amendment I am offering, they would be equal in terms of how much they could raise to spend. In fact, this amendment would help any of those challengers out there to get the message out.

Mr. MCCONNELL. I say to my friend from Iowa, the problem is that spending is not important to the incumbent. As the Senator pointed out, the incumbent is already well known at the beginning of the campaign. If you liken this to a football field, the incumbent is down on the opponent's 40-, maybe 35- or 30-yard line at the beginning of the race, the typical challenger is back on his own 5. If they both have the same amount of money to spend, the incumbent wins. Spending beyond the Government-prescribed amount is way more important to the challenger than it is to the incumbent.

So simply adding up the figures doesn't tell you much. I mean, it is true that incumbents spend more than challengers; but it is almost irrelevant to the problem of the challenger, which is to have enough to get his message across. Having enough clearly is in the eye of the beholder. We incumbents, of course, will always set the limits low enough to make it very difficult for anybody to get at us.

For example, I believe the spending limit in Kentucky is $2.5 million under the Senator's proposal. That is about $300,000 or $400,000 more than I spent 17 years ago in a race in which I was outspent by the incumbent and won. That is about what two competitive House candidates spent last year, each, in one of our six congressional districts.

The proposal of the Senator from Iowa would be a big advantage to me, unless I happen to have been running against Jerome Kohlberg, about whom we have been talking every day. I will get back to that later today in another context. That billionaire put this full-page ad in the Post a couple days ago. These kinds of people are going to be more and more running the show—people of great wealth. This may help you guys because most rich people are liberals. We are going to have to come up with really rich conservatives, too, unless I am running against Jerome Kohlberg, in which case I am going to clearly be outspent. I don't need the Government, if I am a challenger, telling me how much I can spend, and I certainly don't need the Government giving the incumbent $2 out of the Treasury just as soon as I am beginning to get my message across and trying to catch up with that guy to head toward the end zone.

So I understand what the Senator is doing. I appreciate his recognition of the importance of nonseverability clauses. But this won't help challengers at all. In fact, it will be a great boon to incumbents.

Mr. HARKIN. Mr. President, again, the Senator's reasoning flies in the face of facts. That is why his reasoning is specious. Look at the data. In the last election cycle, incumbents had $4.5 million, challengers had $2.7 million. I will tell you what; I dare my friend from Kentucky to go out and ask any

challenger who ran in the last race if they would have accepted this kind of a deal. They could spend as much money as the incumbent in the campaign. I will bet you, you would find very few who would turn that offer down, if they could keep the incumbent down, keep them at the same level. That is why I say I think the reason flies in the face of the facts.

Mr. MCCONNELL. The challenger might accept it, but it would be good for second place. The point is, if in a typical race, if you are a challenger, your biggest problem, unless you are very wealthy, or a celebrity, or war hero, is that nobody knows who you are. The Senator set the spending limits at such a level that almost no incumbent would ever lose.

Mr. HARKIN. Let's take this analogy of the football field. You are right. Both of us have been on the same side. I have been a challenger running against a sitting Senator, and so have you. And we have run as incumbents. We have seen both sides of this. Now, I suppose all things being equal, I would rather be an incumbent, obviously. But there are certain advantages to not being an incumbent. As I remember, when I ran, I had an open field. I am on the 5-yard line, the incumbent Senator is on the 30-yard line. But guess what. I am out there every day. I am in that State every day getting my message out from town to town, community to community, newspaper to newspaper, radio show to radio show. The person sitting here has to be in the Senate all year long. So I had a great advantage. The challenger has a great advantage. That field is open. The Senator starting on the 30-yard line goes from one side, to the other side, to the other side before he gets down to the end of the field. That challenger is open.

So I have to tell you that even though the incumbent has some advantages of being an incumbent in the newspapers and elsewhere, a challenger has advantages from being out there all the time. You know that as well as I do. We have done that in the past.

Mr. MCCONNELL. It may be an advantage to be out there all the time, but if you don't have the money to be on TV, and the Government tells you how much you can advertise, it is not much of an advantage up against the incumbent who is getting all this free coverage—the advantage that any incumbent will have no matter how you structure the deal.

Mr. HARKIN. You are getting that anyway.

Mr. MCCONNELL. It is a great asset.

Mr. HARKIN. Not only are you getting all of this free press and stuff from being a Senator, you are getting the money, too.

Mr. MCCONNELL. Right.

Mr. HARKIN. There is nothing I can do about you getting publicity. That comes with the territory of being a Senator. I am saying you should not have it both ways; you should not have the money and all of the protections that incumbents have. You can't do anything about all the stuff—the stuff a Senator gets. We can set voluntary limits.

I say to my friend from Kentucky I know how strongly he feels about public financing. Perhaps my friend was right the other day when he said polls show that people don't want their tax dollars used for public spending for people such as Lyndon LaRouche. My friend is probably right there. That is why I think there is another hammer—and you are right, this is a hammer—because there is no public financing in my amendment unless and until someone exceeds the limits. It is that person who triggers, then, the financing that comes from a voluntary checkoff.

Now, my friend says, well, there probably won't be enough money there because the people are not checking off as much money as they used to. Is that right? I think the Senator said that is what is happening. Well, the fact is, I have talked to a lot of people about the checkoff. Do you know why they don't want to give money to the checkoff? We just spend it.

We buy more TV ads, we hire more ad agencies, and the price keeps going up and up. They say: Why should I check off money to give to a candidate and all I do is see more of these soap ads, selling them like soap to me?

Under my amendment, a person checking off the money is putting money into a reserve fund to prevent that from happening. There is another hammer there because the person who exceeds the limits is the one who triggers the public financing.

If my friend is right, that people do not like public financing, that is another reason why someone would not exceed the limits. That is another reason why I think people would be more prone to check off the money because the money would basically be used to prevent this unregulated, unlimited spending on ads.

I say to my friend from Kentucky, I do not know if he listened to my argument on that, but this will get people to check off more money because then it would be used not to just add to the coffers of spending and buying more TV ads, but it would be put into a reserve fund as a hammer to keep us from spending more and more money.

Mr. MCCONNELL. I say to my friend from Iowa, he is counting on people who do not contribute to candidates they know to contribute to candidates they do not know, to contribute their money to a nameless candidate and cause with which they might not agree.

The Senator from Iowa is correct; under his amendment there would be no taxpayer funding provided you complied with the Government speech limit. The problem is, if you do not, your complying opponent gets tax dollars from the Government to counter your excessive speech. That is the constitutional problem with the proposal of the Senator from Iowa.

I do not think that makes the spending limit voluntary if, when you encroach above the Government-prescribed speech limit, the Government subsidizes your opponent. That is more than a hammer, that is a sledgehammer.

Also, it is worthy to note that all of the challengers who won last year, as far as I can tell—and the Senator from Iowa can correct me if I am wrong—I believe all the challengers who won last year spent more than the spending limits in his amendment, further proving my point that a challenger needs the freedom to reach the audience. To the extent we are drawing the rules, crafting this in such a way that we make it very difficult for the challenger to compete, we are going to win even more of the time. Of course, incumbents do win most of the time, but we would win more of the time if we had a very low ceiling.

In any event, my view is this is clearly unconstitutional. It is taxpayer funding of elections, more unpopular than a congressional pay raise, widely voted against every April 15 by the taxpayers of this country.

We have had this vote in a slightly different way on two earlier occasions. The Wellstone amendment got 36 votes; the Kerry amendment got 30. I hope the amendment of the Senator from Iowa will be roundly defeated.

I do applaud him, however, for recognizing the importance of nonseverability clauses in campaign finance debates.

UNANIMOUS CONSENT REQUEST—AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 10 unanimous consent requests for committees to meet during today's session of the Senate. They have all have been approved by the majority and minority leaders. I ask that these requests be agreed to en bloc and printed in the RECORD.

Mr. DODD. Reserving the right to object, I ask my friend and colleague if he will withhold that request for a few minutes. I will share with him a message I am getting. I will let him know about it.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. At this juncture, at this particular moment.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Continued

AMENDMENT NO. 155

Mr. DODD. Mr. President, I saw my colleague from Minnesota, but I guess he is not now on the floor. We have a couple minutes. My colleague from Kentucky and I talked about this the other day. He makes a very good point about the declining participation in the checkoff system. In fact, the dollar amounts have been raised. If my friend from Kentucky is correct, originally it was $1 for the checkoff. You are not