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Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of truth, who calls us to absolute honesty in everything we say, we renew our commitment to truth. In a time in which people no longer expect to hear the truth, or what's worse, don't see the need consistently to speak it, make us straight arrows who hit the target of absolute honesty. Help us to be people on whom others always can depend for unswerving integrity.

May the reliability of our words earn us the right to give righteous leadership. Thank You for the wonderful freedom that comes from a consistency between what we promise and what we do. You are present where truth is spoken. Thank You for reigning supreme in this Senate Chamber today. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. E. BENJAMIN NELSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. The Senate will resume consideration of the Campaign Finance Reform Act in a brief minute or two. The Senate will vote on cloture at 1 p.m. We have received word there may be an effort to move the vote up a little bit because of a meeting at the White House. We will be happy to take that under consideration. If cloture is invoked, there will be an additional 3 hours of debate prior to final passage of campaign finance reform.

We have already had a number of requests for people to speak between 12 and 1 p.m. We would like to reserve that time for the two leaders and those who have been so active in supporting this bill: Senators FEINGOLD and MCCAIN, and Senators MCCONNELL and GRAMM in opposition thereto. People desiring to speak on this legislation should get over here and do that now because the time between 12 and when we vote on this will be jammed with Members most directly involved on the bill.

We will move this vote up if the minority wants us to do that, and we ask Members to move as quickly as possible.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we have ended up with a little more time

on this debate than we earlier thought. As the principal opponent of the bill, I want to lock in a time for my final statement on the bill. Should cloture be invoked and we are in the 3-hour postcloture period, I ask unanimous consent I be allowed to give my final statement at 2 p.m.

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

The Republican leader.

Mr. LOTT. Mr. President, I apologize to Senator REID. I came in as he was wrapping up his remarks.

With regard to the time on the vote at 1 p.m., there has been some indication maybe we could start that vote 10 minutes earlier. What is anticipated?

Mr. REID. I indicated there has been some talk of that. I will discuss that with the majority leader. It probably would work to everyone's advantage to move that up. We will do that as soon as possible.

If I could have the attention of the Senator from Kentucky, just so we could have some idea because other people wish to speak, do you have an idea how long you wish to speak at 2 p.m.? You can have as much time as you want.

Mr. MCCONNELL. I believe I control the time on this side, unless the leader wants to control the time. I could use up to an hour during that period, beginning at 2 p.m.

I have one other request on this side for an extensive amount of time, and that is Senator GRAMM of Texas, who was going to speak from 12 to 1, but I gather others are requesting that same period.

Mr. REID. In response to my friend from Kentucky, what we are going to try to do, even though it is not part of the consent, is work back and forth on the time. Senator GRAMM certainly deserves extended time on this most important issue. I was thinking we would do it by process of elimination: majority leader, the minority leader wishes

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to speak, you wish to speak during that period, Senators MCCAIN and FEINGOLD don't wish to speak. Then we will get back to you right away and maybe you want to speak later or both times.

Mr. McCONNELL. Since I will be controlling an hour and a half of the precloture time, I will try to work that out in such a way to accommodate Senator GRAMM. Senator HUTCHISON of Texas is here to use some of our time. We will be happy to begin.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2356, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 1 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Nevada.

Mr. REID. Before the Republican leader leaves, it would be to everyone's interest to have the vote start at 12:50. All other provisions of the unanimous consent agreement would be in effect.

Mr. LOTT. I think that is the wise thing to do. I appreciate the cooperation on that; is that a unanimous consent request?

Mr. REID. It is.

Mr. LOTT. We would have no objection to that. So it is 12:50.

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

The Senator from Kentucky.

Mr. McCONNELL. I yield to the distinguished Senator from Texas such time as she may desire.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kentucky for leading the effort to point out some of the flaws in this campaign finance reform bill. This has been a long process. Everyone knows how hard it is to get a bill into final form. Frankly, we are being asked to vote cloture on a bill that we have not debated since it came from the House. There are some flaws in this bill. I don't think it is unreasonable to request the ability to have some amendments to try to correct the flaws.

Most people would like to see campaign finance reform. There are flaws in the current system. However, this bill does not fix all of them. It does

some harm, in place of good. To have no amendment capable of changing it is a very bad process that will result in a bad bill.

Last year I proposed several reforms that were in a bill I introduced. I am glad to see included in the current legislation a provision that limits the amount of loans a candidate can repay, loans made to his or her own race. But there are several provisions I introduced that are not included in the bill.

First, I believe an inordinate amount of campaign contributions can come from outside a person's home State or district. You can say: Make that an issue. Just tell everyone the majority of a person's contributions are coming from outside the State.

But what we are doing in this bill is exacerbating the problem. In the bill I introduced last year, I said that 60 percent of campaign contributions should come from a Member or candidate's home State or district, because I do not think a group from outside the State should be able to drown out the people of the State or district. The bill that is before us today is going to allow outside groups, whose contributors we do not know, to have unregulated access to the system and limit the capability of parties whose contributors are made public. We are going to have situations, especially in a small State, where the people of that State can be totally drowned out by interest groups in Washington, DC.

I think we are creating a monster by not putting in a limitation on how much you can raise outside the State. I think that could severely hamper the people of the State, especially a small State, from having their views, expressed through their contributions, able to be heard and not be drowned out by outside groups from another State or district. So that was not good in the bill, and I think the provisions that are in the bill make it worse.

One of the provisions that is in the bill that I am very worried about allows unregulated special interest groups to raise and spend unlimited amounts of soft money without any real reporting requirements. I really do not know who the contributors are to a private group that decides to become politically active, which they have the right to do. It is their freedom of speech. Anyone can buy time for a television ad or newspaper ad or send out a flier. You do not have to know who the contributors are. But we have elevated the status of groups such as that by curtailing the ability of our political parties, which have played a vital role in getting out the vote and informing people about the nominees of that political party. We are limiting the amount of soft money that can go to the political parties while outside groups are not limited at all. I think that is a blow to the political system, and I think it is really against what the bill's backers would want.

In addition, I think the bill tramples the principle of freedom of speech by

restricting broadcast advertising for 60 days before an election. This is the part of the bill that I think is unconstitutional. How many times have we heard that a large portion of the voting public really doesn't focus on the campaign until 2 weeks before the election? A poll taken 2 weeks before an election is not really valid, and any candidate will tell you that, because so much can happen in that last 2 weeks. That is when the majority of the public begins to collect the data they have been getting in the mail to start studying it. They start to listen to what is being said on television, which is where most people get their news. Now people are just beginning to tune in, the heat is on, and we are restricting the capability for that broadcast message.

I think this is an area of free speech with which we cannot afford to tamper, to lessen the capability to be heard in this medium. I think this is what will be thrown out in the end.

I have to say I do not like the idea of voting cloture on a bill that has just come back from the House, has been amended in the House, and to say the Senate really should not have the ability to amend the bill because if we do that, somehow it will delay it further and we may not ever get it to the President. That goes against everything we stand for in a representative democracy where we have two bodies. Specifically, we have two bodies so you can make sure you cover all the bases because when one body passes a bill, the other one may see something that is different or they may find a mistake. We have seen that happen many times. To say: do not tamper with this bill that the House just passed, pass it intact, is an incredible statement, especially when the sponsors of a bill say they are trying to open the political system.

We are closing the Senate in an effort to open the political system? Somehow that does not pass the logic test.

I am going to vote against cloture. I think it is premature. If the bill is closed to debate, if cloture is invoked, I will certainly vote against a bill that I think has tremendous flaws in its treatment of fundamental rights in our country.

I would like to see some reforms in our system. I introduced a bill that I thought had legitimate reforms. The few parts of my legislation that are included I appreciate. I think there are good parts of this bill. But I cannot in good conscience vote for a bill that I think will hamper free speech and will tilt the balance of power away from accountable political parties in favor of unaccountable interest groups from Washington, DC, whose supporters I do not even know, I have no idea who they are, and I will not be able to get that information in any reasonable manner under the bill that is being tested today on the Senate floor if we invoke cloture and the bill is passed without any amendments.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.