does at least two very important things. First, it will reduce the amount of big, unregulated donations from corporations and unions and wealthy individuals in our campaigns. Second, it will regulate the huge amounts of money spent by so-called ''independent'' special interest groups on advertising, which is disguised as ''issue ads'' but in fact is designed to advocate the defeat of a particular candidate.

The original McCain-Feingold bill did even more, but the bill had to be scaled back to reduce the objections from some of the opponents to campaign finance reform. I stand ready to support the motion to allow a vote on the modified version of McCain-Feingold. I hope today that minority of Senators who have repeatedly denied the people an up-or-down vote on this bill will change their minds. I hope that with the historic passage of the bill by the House—representing a majority of the voters of the United States—this minority of Senators will see that they should not again thwart the clearly expressed will of the people.

I hope this minority of Senators will not want to be the single force responsible for continuing the undermining of our national political system that is accomplished each day by the millions and millions of dollars of unregulated campaign money when today they have a unique and historic opportunity to change all of that.

So, I hope those who have, in recent months, opposed the will of the people on this vote, on this issue, will vote for cloture, will give the people the up-or-down vote they very much want and very much deserve.

ANGELA RAISH

Mr. BINGAMAN. Mr. President, as most of know, Angela Raish retired at the end of July from her position as Personal Secretary to our colleague, Senator PETE DOMENICI. This is an event viewed with mixed emotions by all of us New Mexicans who have had the pleasure of working with Angela over the years. On the one hand, we are glad that she and her husband Bob are taking some much-deserved time for themselves. On the other hand, and there's always another hand, all of us who have come to know and admire her will miss our day to day dealings with her.

Twenty-one years of service to one Senator, one Senate office and one state—our own New Mexico—represent a remarkable career of attention and devotion. Ever gracious and thoughtful, she has been a wonderful friend to my staff and me. I am pleased to be a co-sponsor of Senate Resolution 272 which Senator DOMENICI introduced on Tuesday of this week. It expresses what we all feel for this lovely person and the work she has done for the Senate. We are fortunate to know her.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Feingold amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The time between 10 a.m. and noon is to be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from Washington, Mr. GORTON, on amendment No. 3554.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to be allowed to control the time of Senator GORTON.

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

Mr. MCCONNELL. I yield to the distinguished Senator from Alaska such time as he may need.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Kentucky, who has labored in the area of campaign finance for an extended period of time, whose expertise many of us depend upon because once again this Senate is being called upon to reform our campaign finance laws.

As with many issues, the issue of so-called reforming the laws is somewhat in the eyes of the beholder. As a consequence, I ask my colleagues to consider this legislation in perhaps a different context. The issue before this body, in my opinion, is simply: To what extent, if any, should the Federal Government regulate political free speech in America? The campaign finance debate is not just about politicians and their campaigns. At the core of this debate are the values and freedoms guaranteed by the first amendment. As a consequence, I suggest when Government attempts to place limitations on speech, it has an overwhelming burden to demonstrate why such restrictions to our fundamental freedoms are necessary. Surely the Government can no more dictate how many words a newspaper can print than it can limit a political candidate's ability to communicate with his or her constituents, yet that is precisely what the sponsors of this legislation are proposing for candidates for office.

The McCain-Feingold legislation bristles with over a dozen different restrictions on speech, provisions that I believe flagrantly violate the first amendment as interpreted by the Supreme Court. I cannot overemphasize the point that was made by George F. Will in a Washington Post editorial. He stated, commenting on the McCain-Feingold bill:

Nothing in American history—not the left's recent ''campus speech codes,'' nor the right's depredations during the 1950s McCarthyism or the 1920 ''red scare,'' not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign ''reforms'' advancing under the protective coloration of political hygiene.

One of the most serious problems with this bill is that it contains restrictions on ''express advocacy'' within 60 days of an election by independent groups. And what is ''express advocacy''?

Mr. President, if this proposal ever becomes law, we can change the name of the Federal Election Commission to the Federal Campaign Speech Police. Every single issue advertisement would be taped, reviewed, analyzed, and perhaps litigated. The speech police will set up their offices in all of the 50 States to ensure the integrity of political advertising. Is that what we in this Chamber really want? I don't think so. But that is what will eventually happen if we adopt McCain-Feingold.

I assure my colleagues, and hope they understand, that this wholesale encroachment on the first amendment would be immediately struck down by the courts as unconstitutional.

Moreover, if a group of citizens decide to pool their money and advocate their political position in newspaper advertisements and television ads, what right does the Federal Government have to restrict their right of speech? Indeed, do we want to turn over the debate on political issues to the owners of the broadcast stations, the owners of the newspapers, and the editorialists during the 60-day period leading up to an election? Would my colleagues who are supporting this bill be ready to stand up and vote to ban election editorials in newspapers and on television in the last 60 days of a campaign?

Many members of the public think we need fundamental changes to our election financial laws because in the 1996 Presidential election they witnessed the most abusive campaign finance strategy ever conceived in this country.

There is an answer to those who abuse power. And the answer does not mean you have to shred the first amendment. The answer is a very simple one. It is that our current election finance laws must be strictly enforced, something that this administration has been extremely reluctant to do for obvious reasons.

Mr. President, as grand jury indictments amass with regard to Democratic fundraising violations in the 1996 Presidential election, we learn more and more about President Clinton's use of the prerequisite of the Presidency as a fundraising tool. It is important to recall some of those abuses as we consider this debate.

You recall, Mr. President, the Lincoln bedroom. During the 5 years that

President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom and generated at least $6 million for the Democratic National Committee.

Presidential historian Richard Norton Smith stated there has ''never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House.''

The Presidential coffees: President Clinton hosted 103 ''Presidential coffees.'' Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms trading company, donated $27 million to the Democratic National Committee.

President Clinton's Chief of Staff, Harold Ickes, gave the President weekly memorandums which included projected moneys he expected at each of the ''Clinton coffees'' and what they would raise. He projected each would raise no less than $400,000.

In the area of foreign contributions, investigations by both the Senate Governmental Affairs Committee and the Department of Justice into campaign abuses into the 1996 Presidential campaign have revealed that the Democrats recklessly accepted illegal foreign donations in exchange for Presidential access and other favors.

A few examples: We recall John Huang. John Huang raised millions of dollars in illegal foreign contributions for the Democratic National Committee which the DNC has already returned.

John Huang, despite being wholly unqualified according to his immediate boss, received an appointment to the Department of Commerce where he improperly accessed numerous classified documents pertaining to China.

John Huang made at least 67 visits to the White House, often meeting with senior officials on U.S. trade policy. The committee had deemed that this was unusual because Huang's position in Commerce was at a very low level.

Senator SPECTER stated that the activities of Mr. Huang at the Commerce Department had ''all the earmarks of * * * espionage.''

Charlie Trie, a long-time friend of President Clinton, raised and contributed at least $640,000 in contributions to the Clinton, Gore Campaign and for the Democratic National Committee.

Shortly thereafter, President Clinton signed an Executive Order that increased the size of the U.S. Commission on Pacific Trade and then appointed Mr. Trie to the Commission.

On January 29th of this year, the Department of Justice indicted Trie on charges that he funneled illegal foreign contributions to the 1996 Clinton-Gore reelection campaign in order to buy access to top Democratic Party and Clinton administration officials.

Vice President GORE was present at an event in a Buddhist temple where $80,000 in contributions to the Democratic National Committee were laundered through penniless nuns and monks.

Vice President GORE offered differing characterizations of the Buddhist temple event. First, the Vice President described the event as a ''community outreach.'' He later characterized it as a ''donor-maintenance'' event where ''no money was offered or collected or raised at the event.''

However, the Department of Justice determined otherwise. So on February 18, veteran Democratic fundraiser Maria Hsia was charged in a six-count indictment by the Department of Justice for her part in raising the illegal contributions for the Democratic National Committee at the Buddhist temple event.

Mr. President, just the day before yesterday, our Attorney General ordered a 90-day inquiry into whether President Clinton circumvented Federal election laws in 1996. This investigation could lead to yet another independent counsel investigation. This 90-day inquiry is in addition to an inquiry focusing on Vice President GORE's statements about his 1996 telephone fundraising calls in the White House.

Mr. President, our current campaign finance system has many flaws, but the point I want to make to my colleagues is that these flaws do not justify shredding the first amendment, especially because the current occupant of the White House pushed the envelope of legality in his search to finance his reelection campaign.

Mr. President, as Floyd Abrams, a noted first amendment lawyer, has stated:

> First amendment principles should guide whatever legislative solution we choose. The first principle is that it is not for Congress to decide that political speech is some sort of disease that we must quarantine.

Mr. President, I urge my colleagues to reject this unconstitutional infringement on free speech.

I yield the floor.

Mr. MCCONNELL. I thank the Senator from Alaska for his outstanding speech and his contributions over the years to this important first amendment discussion.

Mr. MURKOWSKI. Thank you very much.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. There was some discussion yesterday on the floor with regard to the issue of advocacy about a case called Furgatch. And the supporters of McCain-Feingold spent a lot of time trying to interpret the Furgatch decision as allowing the kind of suppression of issue advocacy by citizens that I think clearly is a misreading of the case.

Those who advocate McCain-Feingold and, for that matter, the Snowe-Jeffords substitute regulatory regimes, have precious few court cases on which to base their arguments. Most prominent among these is the ninth circuit's Furgatch decision, dating back to 1987. It is mighty slim, Mr. President, the Furgatch limb upon which their issue advocacy regulation case rests.

While Furgatch is not my favorite decision, it is certainly not the blank check for reformers who seek to shut down issue advocacy, either.

Furgatch was an express advocacy case, nothing short. It was about a different subject. It was an express advocacy case, not an issue advocacy case. It hinged on the content of the communication at issue—words, explicit terms—just as the Supreme Court required in Buckley and reiterated in Massachusetts Citizens for Life.

The words in Furgatch were not those contained in Buckley's footnote 52. Indeed, no one, least of all the Supreme Court, ever intended that the list—also known as ''footnote 52''—was exhaustive. That would defy common sense.

Desperate for even the thinnest constitutional gruel upon which to base their regulatory zeal to extend their reach to everyone who dares to utter a political word in this country, the FEC leapt at Furgatch and won't let go. FEC lawyers misread it, they also misrepresent it, and are rewarded with loss after loss in the courts.

In last year's fourth circuit decision ordering the FEC to pay one of its victims, the Christian Action Network's attorneys' fees, the Furgatch-as-blank-check-for-issue-advocacy-regulation fantasy was thoroughly dissected, debunked and dispensed with.

The court in the Christian Action Network case puts Furgatch in the proper perspective. Let me just read a couple of parts of the Christian Action Network case.

The court says:

> . . . less than a month following the Court's decision in [Massachusetts Citizens for Life], the Ninth Circuit in FEC v. Furgatch . . . could not have been clearer that it, too, shared this understanding of the Court's decision in Buckley. Although the court declined to ''strictly limit'' express advocacy to the ''magic words'' of Buckley's footnote 52 because that footnote's list does ''not exhaust the capacity of the English language to expressly advocate election or defeat of a candidate . . .
>
> Curiously, the Ninth Circuit never cited or discussed the Supreme Court's opinion in [Massachusetts Citizens for Life], notwithstanding that [Massachusetts Citizens for Life] was argued in the Supreme Court three months prior to the decision in Furgatch and decided by the Court almost a month prior to the Court of Appeals' decision. The Ninth Circuit does discuss the First Circuit's opinion in [Massachusetts Citizens for Life], but without noting that certiorari had been granted to review the case. . . . Thus, the Furgatch court relied upon Buckley alone, without the reaffirmation provided by the Court in [Massachusetts Citizens for Life], for its conclusion that explicit ''words'' or ''language'' of advocacy are required if the Federal Election Campaign Act is to be constitutionally enforced.
>
> . . . the entire premise of the court's analysis was that words of advocacy such as those recited in footnote 52 were required to support Commission jurisdiction over a given corporate expenditure.

The point here is that in case after case after case the FEC has lost in court seeking to restrict the rights of individual citizens to engage in issue advocacy. There is no basis for this effort. And the courts have been turning them down and turning them down and turning them down. In fact, there have been three cases in the last few months: North Carolina Right to Life versus Bartlett, April 30, 1998, an issue advocacy case decided consistent with the observations the Senator from Kentucky has made; Right to Life of Duchess County versus FEC, June 1, 1998 of this year, another decision consistent with the points the Senator from Kentucky has made; and Virginia Society of Human Life versus Caldwell, June 5 of this year.

In short, there is no constitutional way—and importantly, we are not going to do that by passing this unfortunate legislation—but there is no constitutional way that the government can shut these people up at any point, up to and including the election. There is no legal basis, no constitutional basis for the assumption that there are any restrictions that can be placed upon the ability of citizens to criticize elected officials, or anyone else for that matter, up to and including the day before the election.

Finally, let me say, as I mentioned yesterday, the institutions in America pushing the hardest for these restrictions on groups are the newspapers who engage in issue advocacy every day, both in their news stories and on their editorial pages, up to and including the election. Their issue advocacy would be totally untouched, and I am not arguing that we should touch it. I think they are free to speak. What bothers me about the newspapers, particularly the New York Times, the Washington Post and USA Today, they want to shut everybody else up. They want to have a free ride when it comes to criticizing political figures in proximity to an election. Fortunately, the courts would not allow that.

This measure is not going to pass so we won't have to worry about it, but it is a flawed concept, and I think it is important for our colleagues to understand that.

How much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 39 minutes remaining.

Mr. MCCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to control the time on our side.

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

Mr. FEINGOLD. Mr. President, I want to just take a moment of the time to point out that once again a case that the Senator from Kentucky has been discussing is a case that is appropriate in some situations but is not really applicable to the current provision of the McCain-Feingold bill that is before the body. The Senator can stand up and cite all kinds of cases about a lot of provisions, but the provisions are not in the bill at this time. So I hope those who are listening don't get confused about case law that has nothing to do with our actual amendment.

Previous versions of the McCain-Feingold bill included a codification of the Furgatch decision, but with the passage of the Snowe-Jeffords amendment in February, the provision that we have before the Senate now simply doesn't include that approach. It takes a different approach to the issue advocacy problem. A number of constitutional scholars, including Dan Ortiz of Virginia Law School, believe this approach is constitutional.

I understand the strategy—keep bringing up aspects of the bill that were concerns in the past, make people think those are still there and get people to be uncomfortable with the bill. I understand the strategy because we have 52 votes already for this amendment as it actually is being presented. So that everyone understands, these are arguments against a bill that is not before the Senate. I assume that is because they don't have very strong arguments against the bill that is, in fact, before the Senate.

This afternoon we will vote once again on the McCain-Feingold campaign finance reform bill. Twice before we have debated this issue and twice we have been blocked by filibusters—I might add, not just by filibusters conducted after an amending process has occurred, but filibusters used to prevent the legitimate and normal process of allowing Members of the Senate to amend a bill.

Some may ask, Why do you keep bringing us back to vote on it? The reason, quite simply put, is that this is a crucial issue. It is a defining issue for the 105th Congress. After all, we spent an entire year investigating the campaign finance abuses of the 1996 elections. That investigation, as the distinguished Senator from Tennessee who led the investigation I am sure will tell us when he speaks today, showed beyond a shadow of doubt that reform is needed. Of course, in response to that, the House has passed a strong campaign finance reform bill, very similar to the amendment we have offered here.

We owe it to the American people to finish the job. The American people elected us to be legislators, Mr. President, not just investigators. Investigations are fine and appropriate, but we will have failed in our duties as legislators if we do not enact laws to address the problems that our investigations uncover. With the House vote early last month, meaningful campaign finance reform is in sight. This Senate has an obligation to address the campaign finance issue, and the public expects us to act. We know that a majority here understands that obligation. The question is whether we can get closer now to the supermajority of 60 votes that we apparently will still need in order to end debate on this amendment and get to a vote on the merits.

I hope that in the short time we have to debate this issue today we will actually debate our amendment, what is before the Senate. Again, yesterday we heard a number of opponents of the bill speak at length about cases that have nothing to do with the provisions that are actually in this bill. We heard a lengthy discussion of the history of campaign spending, with interesting, but really not very relevant, expositions about donors to an unsuccessful Presidential campaign 30 years ago.

I really hope we hear an actual justification from those on the other side today, an actual justification for voting against a ban on the unlimited corporate and labor contribution to political parties known as soft money. I hope that when they wax eloquent again about the first amendment rights of citizens, they will actually direct their criticism to our bill, to the Snowe-Jeffords amendment on electioneering communications, rather than severely exaggerating the effect and intent of those provisions.

To no one's surprise, the headlines this morning in the newspapers are not about campaign finance reform. The scandal that has occupied the Nation's attention for the past 8 months has reached a new and critical phase with the delivery of the Starr report to the House of Representatives. Many Senators are understandably very much concerned about how the impeachment process will play out. But for now, the report is on the other side of the Capitol. We still have a job to do here. We have many things to do here. But first on the list has got to be to somehow address the scandals that occupied our attention for much of 1997. Of course, the matters of 1998 have to be addressed, but are we just going to leave the scandals of 1996 behind, let them be washed away as if nothing wrong was done?

The biggest threat to our democracy still comes from this out-of-control campaign finance system, notwithstanding the very serious news of the day. Let us not be distracted from our duty to address that threat.

There are many Senators who support reform who would like to speak today, and our time is limited. So let me conclude by putting my colleagues on notice. The vote this afternoon on cloture will not be the end of the effort to pass campaign finance reform this year. I am sorry if this is an issue that is inconvenient or uncomfortable for some Senators to deal with. The American people didn't send us here for our convenience or for our comfort. They sent us to do a job, and we are going to do it.

This amendment that is pending will continue to be pending. I hope it will become the subject of a legitimate legislative process. What I mean by that

is, when there is an amendment that has a majority of support in this body, at the bare minimum Senators should be allowed to offer amendments, offer their ideas and their concepts about how to make it better. I understand the argument that you need 60 votes to pass it anyway. That has a lot of truth to it. But this process has repeatedly and cynically denied us the chance to simply amend the bill. That is how they passed it in the House. Everybody didn't love the bill right away. They adopted a number of amendments. They were allowed to offer their ideas and vote on them.

We have been prohibited from improving this bill beyond the Snowe-Jeffords amendment. Of course, we know why. When we did Snowe-Jeffords, lo and behold, we got three more votes and we had a majority. Then the game was declared over. That is not a legitimate legislative process. That is not a fair process. That is the intentional denying of the majority of both Houses their right to fashion a bill that they can send on to the President. So I am not denying the right to filibuster. But denying the right to amend this amendment is well beyond the norm in this body, especially when we have demonstrated that 52 Senators are already committed to this amendment as it currently stands. So they continue to deny the majority even the right to make a reasonable change, to ask each other, ''What change would you like in order to make this bill acceptable to you?'' I think that is highly inappropriate.

So the only way to avoid this discomfort is for Members to vote for cloture and let the majority do its will on this issue.

Mr. President, if the Senator from Maine is interested, I will yield to her. How much time does the Senator need?

Ms. SNOWE. I need 15 minutes.

Mr. FEINGOLD. I yield 15 minutes to the distinguished senior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise today in support of the McCain-Feingold campaign finance amendment before us. It is often said that when it comes to the important things in life, we don't get a second chance. Well, today, we are presented with such a second chance this year to pass comprehensive, meaningful campaign finance reform. We have a third chance this Congress, for which I thank Senators MCCAIN and FEINGOLD for their unflagging determination. I also want to thank the majority leader for allowing us an opportunity to have another vote on this issue on the Interior appropriations bill.

Indeed, it seems, to paraphrase Mark Twain, that reports of campaign finance reform's demise have been greatly exaggerated. I hail authors of the House bill for their tenacity and the Members of the House who defied conventional wisdom and passed a comprehensive reform bill along the lines of McCain-Feingold.

We are back here to attach this legislation to this appropriations bill because the House of Representatives courageously chose to do their part to dispel the cynicism that hung over the Capitol like a cloud. They have brought this issue out into the light of day, and it is long past time that we here in the Senate do likewise.

When you consider the veritable mountain, indeed, the sheer cliff wall of legislative obstacles the Shays-Meehan bill had to overcome, it is unthinkable that we cannot overcome our hurdles in this Chamber. It was truly a ''long and winding road'' for the Shays-Meehan bill which, at first, wasn't even going to be considered. Finally, when the drumbeat for the Shays-Meehan bill would not die, a process was devised that would allow for the consideration of 11 different plans and more than 250 amendments.

The so-called ''Queen of the Hill'' contest played itself out from May 21 through August 6. But in the end, when the smoke finally cleared, the Shays-Meehan bill remained standing in what has to be one of the most remarkable legislative victories in recent memory.

By a vote of 252–179—including 61 Republicans—Shays-Meehan was passed in the House in the face of overwhelming odds and, thus, our mandate was handed to us here in the Senate.

Like the House, we, too, have a majority who are already on record in favor of reform—52 Senators—thanks to the leadership of Senators MCCAIN and FEINGOLD in bringing this legislation to the floor earlier this year. Unlike the House, we have twice failed to pass a bill. We have twice failed to reach the 60 votes necessary to defeat a filibuster. But for the very first time, as a result of the McCain-Feingold vote we had earlier this year, we received a majority in support of that legislation—the very first campaign finance reform bill to receive a majority vote here in the U.S. Senate.

Mr. President, I cannot believe there aren't eight other Senators in this body who understand the fundamental issue we are faced with: the very integrity of this institution, as well as the process that brings us here. When the House of Representatives can get a bipartisan majority of 252 Members to understand the implications, people might wonder why it is so hard to find eight more Senators to do the same. I have asked the same question myself.

Last week, Senator LIEBERMAN, during a widely and deservedly praised speech, stood in this Chamber and appealed to a higher principle than partisanship or the politics of self-preservation. He wasn't speaking of election reform, but his appeal to our more noble instincts is relevant to this debate. In fact, it is integral.

Reforming our broken campaign system is not a Republican thing, not a Democrat thing, but the right thing. It is something we owe to ourselves as leaders, it is something we owe to this institution, and it is something we owe to the American people as participants in the world's greatest democracy.

I know that some have said that the American people actually aren't very concerned about this issue. They point to studies, such as a poll conducted this year by the Pew Research Center, which ranked campaign reform 13th on a list of 14 major issues. But let's look at the reason: The report also said that public confidence in Congress to write an effective and fair campaign law had declined. In other words, the American people have given up on us. They are betting we won't do it. That is a sad commentary. I say, let's surprise them and do the right thing. I say, we have a solemn obligation not to justify their cynicism.

And to those who argue that now is not the time to take up this issue, my response is: What better time than now? This is the most optimum time to change the political dynamic today.

After an election in which the most corruptive elements were brought to bear, after we learn of illegal donations from the Chinese in an attempt to gain influence, after we learn of more than 45 fundraising calls from the White House, after we learn that the President may have controlled advertising paid for by the DNC but aimed at reelecting the President, after the Attorney General launched three separate preliminary investigations in the last 2 weeks into these allegations, after we learn of the explosion of soft money and electioneering ads—after all of these things, now is the time to clean up the system.

Mr. President, I come to this debate as a veteran supporter of campaign finance reform. As someone who has served on Capitol Hill for almost 20 years, I understand the realities and I know there are concerns on both sides of the aisle that whatever measure we may ultimately pass, it must be fair, it must treat everyone as equitably as possible.

In fact, I agree with those concerns. That is the challenge that brought Senator JEFFORDS and me to the table last October when we first attempted to consider this issue. It is what brought us back in February, and it is the reason I am here again today.

I said last year that we should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions. Senator JEFFORDS and I attempted to bridge the gulf between two sides and expand support for McCain-Feingold by making sensible incremental changes.

We were joined in this bipartisan effort by both Senators MCCAIN and FEINGOLD, as well as Senators LEVIN, CHAFEE, LIEBERMAN, THOMPSON, COLLINS, BREAUX, and SPECTER.

I thank them again for their tremendous help and support.

Together we not only won adoption of the amendment, but we helped bring

this body to the first real vote on campaign finance reform and moved the debate forward by actually having the debate, and we solidified majority support for McCain-Feingold.

I would like to take a few moments to speak about the provisions of the Snowe-Jeffords measure and why I think this measure is now considered worthy of the support of my Republican colleagues.

The McCain-Feingold measure we are now considering takes a tremendous step forward by putting an end to soft money, tightening coordination definitions, and working to level the playing field for candidates facing opponents with vast personal wealth spent on their own campaigns. It also addresses the issues concerning the use of unregulated and undisclosed advertising that affects Federal elections, and the concerns that the original bill's attempt at addressing this issue would not withstand court scrutiny. This is important because if the courts had ruled the bill's efforts to address the distinction between true advocacy ads that influence Federal elections to be unconstitutional, then essentially all that would remain would be a ban on soft money. If that were to happen, we would be left with only one-half of the equation, and I share the concerns of those who want to see balanced reform—and a level playing field, not throw it even further off kilter.

The Snowe-Jeffords approach would be much more likely to pass court muster. It was developed in consultation with noted constitutional scholars and reformers such as Norm Ornstein of the American Enterprise Institute and Josh Rosenkrantz, Director of the Brennan Center for Justice at NYU, as well as others. And it goes to the heart of the ''stealth advocacy ads'' which purport to be only about issues but are really designed to influence the outcome of federal elections.

Mr. President, I ask unanimous consent that the document from the Brennan Center for Justice be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Ms. SNOWE. Mr. President, the approach in this amendment is a straightforward, two tiered one that only applies to advertisements that constitute the most blatant form of electioneering. It only applies to ads run on radio or television, 30 days before a primary and 60 days before a general election, that identify a federal candidate. And only if over $10,000 is spent on such ads in a year. What is required is disclosure of the ads' sponsor and major donors, and a prohibition on the use of union dues or corporate treasury funds to finance the ads.

We called this new category ''electioneering ads''. They are the only communications addressed, and we define them very narrowly and carefully.

If the ad is not run on television or radio; if the ad is not aired within 30 days of a primary or 60 days of a general election, if the ad doesn't mention a candidate's name or otherwise identify him clearly, if it isn't targeted at the candidate's electorate, or if a group hasn't spent more than $10,000 in that year on these ads, then it is not an electioneering ad.

If is an item appearing in a news story, commentary, voter guides or editorial distributed through a broadcast station, it is also not an electioneering ad. Plain and simple.

If one does run an electioneering ad, two things happen. First, the sponsor must disclose the amount spent and the identity of contributors who donated more than $500 to the group since January 1st of the previous year. Right now, candidates have to disclose campaign contributions over $200—so the threshold contained in McCain-Feingold is much higher. Second, the ad cannot be paid for by funds from a business corporation or labor union—only voluntary contributions.

The clear, narrow wording of the amendment is important because it passes two critical first amendment doctrines that were at the heart of the Supreme Court's landmark Buckley versus Valeo decision: vagueness and overbreadth. The rules of this provision are clear. And the requirements are strictly limited to ads run near an election that identify a candidate—ads plainly intended to convince voters to vote for or against a particular candidate.

Nothing in this provision restricts the right of any group to engage in issue advocacy. Nothing prohibits groups from running electioneering ads, either. Let me be clear on this: if this bill becomes law, any group running issues ads today can still run issue ads in the future, with no restrictions on content. And any group running electioneering ads can still run those ads in the future, again with absolutely zero restrictions on content.

So to those who will argue, as they did in February, that this measure runs afoul of the first amendment, I say that that is simply a red herring, Mr. President. And you don't have to take my word for it. Constitutional scholars from Stanford Law to Georgia Law to Loyola Law to Vanderbilt Law have endorsed the approach that is now part of this legislation.

If anything, Mr. President, this provision underscores first amendment rights for union members and shareholders by protecting them from having their money used for electioneering ads they may not agree with, while maintaining the right of labor and corporate management to speak through PACs.

This is a sensible, reasonable approach to addressing a burgeoning segment of electioneering that is making a mockery of our campaign finance system. How can anyone not be for disclosure? How can anyone say that less information for the public leads to better elections? Don't the American people have the right to know who is paying for these stealth advocacy ads, and how much?

This problem is not going to go away, Mr. President. The year 1996 marked a turning point in American elections—make no mistake about it.

The Annenberg Public Policy Center at the University of Pennsylvania published a report this year on so-called issue advertising during the 1996 elections, and if any member of the Senate hasn't read it I recommend you get hold of a copy.

As this first chart demonstrates, the report finds that, during the 1996 elections, anywhere from $135 million to $150 million was spent by third-party organizations in the 1996 election on radio and TV ads. This totals almost one-third of the amount of money that was spent in the election; $400 million was spent by all candidates for President, U.S. Senate, and the House, but other organizations spent a third of all of the money that was spent in the last election.

Then chart two, if there is any doubt about the intent of these ads, indicates, according to the Annenberg Report, that in a study of 109 ads that were supported by 29 different organizations, almost 87 percent of those so-called issue ads referred to a candidate, and 41 percent of those issue ads were identified by the public as being ''attack ads''—41 percent. Almost 87 percent of these so-called issue ads identified a candidate. That is the highest percentage recorded among a group that also included Presidential ads, debates, free-time segments, and news program organizations.

Clearly, these ads were overtly aimed at electing or defeating targeted candidates, but under current law they aren't even subject to disclosure requirements. We are only talking about those individuals who provide $500 or more to an organization that runs ads identifying a candidate 30 days before a primary and 60 days before a general election.

But let's look at the ads that I am talking about. Again, we are talking about stealth advocacy ads. First, you get the ''True Issue Ad,'' according to the Annenberg Public Policy Center, which says that ''McCain-Feingold would have no impact on True Issue Ads.'' It says here that it is ''A True Issue Ad.'' It says:

> This election year, America's children need your vote. Our public schools are our children's ticket to the future. But education has become just another target for attack by politicians who want huge cuts in education programs. They're making the wrong choices. Our children deserve leaders who will strengthen public education, not attack it. They deserve the best education we can give them. So this year, vote as if your children's future depends on it. It does.

That is a true issue ad.

Look at chart four. This is what I call a ''Stealth Advocacy Ad.'' This is what McCain-Feingold would define as ''Electioneering Communications.''

That is totally permissible under any of the rulings that have been made and

rendered by the Supreme Court, because those distinctions can be made between electioneering and between constitutionally permitted freedom of speech.

This is a stealth advocacy ad:

Mr. X promised he'd be different. But he's just another Washington politician. Why, during the last year alone he has taken over $260,000 from corporate special interest groups. . . . But is he listening to us anymore?

That identifies a candidate.

I defy anyone to tell me with a straight face that the intent of this stealth advocacy ad is anything other than to advocate for the defeat of candidate X. That is the kind of ad that is covered by the McCain-Feingold measure.

Let me tell you something. This ad could still run. Any group in America can run any ad that they want before the election identifying a candidate. But the fact is it would require disclosure of those donors who provide more than $500 to that organization, if these ads run 30 days before a primary or 60 days before a general election. And the money could not be funded by unions or corporations through their treasuries. If they want to finance these ads, by unions or corporations, they will have to do so by a PAC, if these ads run 30 days before a primary and 60 days before a general election.

So what are we talking about? Disclosure. That is what we are talking about. And 87 percent of these issue ads, these so-called issue ads, are what I would call stealth advocacy ads, because they identify a candidate but we don't know who finances these ads. This, on the other hand, is a true issue ad. It doesn't identify a candidate. Groups can run ads saying: ''Call your Senator. Call your Member of Congress.'' They don't have to identify the candidate. But if they do, it requires disclosure of their major donors.

Mr. President, we are accountable to the people. We are required as candidates for office to file disclosure forms as candidates. PACs are required to disclose. But hundreds of millions of dollars are spent on these ads without one dime being reported—not one dime. And I remind you that one-third of the money that was spent in the last election, in 1996, was spent by organizations that did not have to disclose one dime. And there is no reason to think it will not get worse.

You do not need a crystal ball. Just look at some of the special elections this year. For example, it has been widely reported that just one group spent $200,000 on special election TV commercials. We don't have the total of exactly how much was spent overall, because there is currently no accountability, no disclosure. That is what the McCain-Feingold legislation is addressing.

And think about this. Overall, national party committees raised over $115 million in soft money during the first 18 months of the 1997–1998 election cycle, the most money ever on a nonpresidential election cycle. Total soft money contributions to both Democrats and Republicans have more than doubled during the past 4 years. In fact, soft money contributions to national party committees have grown by 131 percent from the first 18 months of the 1993–1994 election cycle compared to the same period in this 1997–1998 election cycle—grown 131 percent.

Enough is enough. I have said before that it is the duty of leaders to lead, and that means making some difficult choices. I know this is not an easy vote. It requires looking at ourselves and asking what is important, protecting the status quo, or is it protecting the integrity of our system of elections?

How we choose our elected officials goes to the heart of who we are as a nation. It defines us as a country and it defines whether or not we will continue to maintain the integrity of this process. But there is a very great danger that if we do nothing, if we shroud ourselves in the rhetoric of absolutism, if we turn our backs on a monumental opportunity that we now have, then our mantle of greatness will decay from the inside, because if the American people lose faith in the system that elects our public officials, they have lost faith in the integrity of Government itself, and we cannot allow this to happen. We cannot preside over this disintegration of public trust.

Eight votes stand between us and a reform bill. Eight votes stand between us and the passage of the McCain-Feingold legislation. After two tries in the Senate, the labyrinthian parliamentary procedure, hundreds of amendments, and a ''Queen of the Hill'' contest in the House, all that is holding back a reform bill this year is eight Senators. This is our chance, my friends, and I implore my colleagues to seize this historic opportunity. After this vote, there will be no doubt who stands four square behind fair, sensible, meaningful reform and who does not.

Mr. President, I thank the Senator from Wisconsin for yielding me the time and for his leadership and his commitment.

I yield the floor.

EXHIBIT 1

BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW,
New York, NY, February 20, 1998.

Re NRLC objections to the Snowe-Jeffords amendment.

DEAR SENATOR: We write to rebut letters from the National Right to Life Committee (NRLC), dated February 17 and February 20, 1998, in opposition to the Snowe-Jeffords Amendment to the McCain-Feingold Bill. NRLC mischaracterizes what the Snowe-Jeffords Amendment would achieve and misrepresents constitutional doctrine. The Amendment would not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering. But it would prevent them from (1) hiding from the public the amounts they spend on the most blatant form of electioneering; (2) keeping secret the identities of those who bankroll their electioneering messages with large contributions; and (3) funneling funds from business corporations and labor unions into electioneering. These goals, and the means used to achieve them, are constitutionally permissible.

WHAT THE SNOWE-JEFFORDS AMENDMENT WOULD DO

The Snowe-Jeffords Amendment applies only to advertisements that constitute the most blatant form of electioneering. If an ad does not satisfy every one of the following criteria, none of the restrictions or disclosure rules of the Snowe-Jeffords Amendment would be triggered: Medium: The ad must be broadcast on radio or television. Timing: The ad must be aired shortly before an election—within 60 days before a general election (or special election) or 30 days before a primary. Candidate-Specific: The ad must mention a candidate's name or identify the candidate clearly. Targeting: The ad must be targeted at voters in the candidate's state. Threshold: The sponsor of the ad must spend more than $10,000 on such electioneering ads in the calendar year.

If, and only if, an electioneering ad meets all of the foregoing criteria, do the following rules apply:

Restriction: The electioneering ad cannot be paid for directly or indirectly by funds from a business corporation or labor union. Individuals, PACs, and most nonprofits can engage in unlimited advocacy or the sort covered by the Snowe-Jeffords Amendment. The Amendment would prohibit these advocacy groups from financing their electioneering ads with funds from business corporations or labor unions. Since it is already illegal for business corporations and labor unions to engage in electioneering, these limitations are intended to prevent evasion of otherwise valid federal restrictions.

Disclosure: The sponsor of an electioneering ad must disclose the amount spent and the identity of contributors who donated more than $500 toward the ad. This requirement is necessary to prevent contributors from evading federal reporting requirements by funneling contributions intended to influence the outcome of an election through advocacy groups.

THE NRLC'S MISREPRESENTATIONS ABOUT THE SNOWE-JEFFORDS AMENDMENT

The NRLC has so completely distorted the effect of the Snowe-Jeffords Amendment with false and misleading allegations that it is important at the outset to set the record straight.

The Amendment would not prohibit groups such as NRLC from disseminating electioneering communications. Instead, it would merely require the NRLC to disclose how much it is spending on electioneering broadcasts and who is bankrolling them.

The Amendment would not prohibit NRLC and others from accepting corporate or labor funds. If it wished to accept corporate or labor funds, it would simply have to take steps to ensure that those funds could not be spent on blatant electioneering messages.

NRLC and similar organizations would not have to create a PAC or other separate entity in order to engage in the types of electioneering covered by the Amendment. Rather, they would simply have to deposit the money they receive from corporations and unions (or other restricted sources) into separate bank accounts.

The Amendment would not bar or require disclosure of communications by print media, direct mail, or other non-broadcast modes of communication. NRLC and similar advocacy groups would be able to organize their members or communicate with the public at large through mass communications such as newspaper advertisements, mass mailings, voter guides, or billboards, to

the same extent currently permitted by law. There is no provision in the current version of the Snowe-Jeffords Amendment that changes any of the rules regarding those non-broadcast forms of communication.

The Amendment would not affect the ability of any organization to ''urge grassroots contacts with lawmakers regarding an upcoming vote in Congress.'' The Amendment has no effect on a broadcast directing the public, for example, to ''Urge your congressman and senator to vote against ['or in favor of'] the McCain-Feingold bill.'' The sponsor could even give the telephone number for the audience to call. And the ad would be free fom all the Amendment's new disclosure rules and source rules—even if the ad is run the day before the election. By simply declining to name ''Congressman X'' or ''Senator Y,'' whose election is imminent and the outcome of which NRLC presumably does not intend to affect, NRLC could run its issue ad free from both the minimal disclosure rules and the prohibition on use of business and union funds.

The Amendment's disclosure rules do not require invasive disclosure of all donors. They require disclosure only of those donors who pay more than $500 to the account that funds the ad.

The Amendment would not require advance disclosure of the contents of an ad. It would require disclosure only of the amount spent, the sources of the money, and the identity of the candidate whose election is targeted.

BASIC CONSTITUTIONAL PRINCIPLES

NRLC is simply mistaken in suggesting that the minimal disclosure rules and the restrictions on corporate and union electioneering contained in the Snowe-Jeffords Amendment are unconstitutional. The Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech. See FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986). Congress has the power to enact campaign finance laws that constrain the spending of money on electioneering in a variety of ways, even though spending on other forms of political speech is entitled to absolute First Amendment protection. See generally Buckley v. Valeo, 424 U.S. 1 (1976). Congress is permitted to demand that the sponsor of an electioneering message disclose the amount spent on the message and the sources of the funds. And Congress may prohibit corporations and labor unions from spending money on electioneering. This is black letter constitutional law about which there can be no serious dispute.

There are, of course, limits to Congress's power to regulate election-related spending. But there are two contexts in which the Supreme Court has granted Congress freer reign to regulate. First, Congress has broader latitude to require disclosure of election-related spending than it does to restrict such spending. See Buckley, 424 U.S. at 67–68. In Buckley, the Court declared that the governmental interests that justify disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related spending. Disclosure rules, the Court opined, in contrast to spending restrictions or contribution limits, enhance the information available to the voting public. Plus, the burdens on free speech rights are far less significant when Congress requires disclosure of a particular type of spending than when it prohibits the spending outright or limits the funds that support the speech. Disclosure rules, according to the Court, are ''the least restrictive means of curbing the evils of campaign ignorance and corruption.'' Thus, even if certain political advertisement cannot be prohibited or otherwise regulated, the speaker might still be required to disclose the funding sources for those ads if the governmental justification is sufficiently strong.

Second, Congress has a long record, which has been sustained by the Supreme Court, of imposing more onerous spending restrictions on corporations and labor unions than on individuals, political action committees, and associations. Since 1907, federal law has banned corporations from engaging in electioneering. See 2 U.S.C. §441b(a). In 1947, that ban was extended to prohibit unions from electioneering as well. Id. As the Supreme Court has pointed out, Congress banned corporate and union contributions in order ''to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital.'' United States v. UAW, 352 U.S. 567, 585 (1957). As recently as 1990, the Court reaffirmed this rationale. See Austin v. Michigan Chamber of Commerce, 491 U.S. 652 (1990); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). The Court emphasized that it is perfectly constitutional for the state to limit the electoral participation of corporations because ''[s]tate law grants [them] special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation of and distribution of assets,'' Austin, 491 U.S. at 658–59. Having provided these advantages to corporations, particularly business corporations, the state has no obligation to ''permit them to use 'resources amassed in the economic marketplace' to obtain 'an unfair advantage in the political marketplace.'' (quoting, MCFL, 479 U.S. at 257).

The Snowe-Jeffords Amendment builds upon these bedrock principles, extending current regulation cautiously and only in the areas in which the First Amendment protection is at its lowest ebb.

CONGRESS IS NOT STUCK WITH ''MAGIC WORDS''

The Supreme Court has never held that there is only a single constitutionally permissible route a legislature may take when it defines ''electioneering'' to be regulated or reported. The Court has not prescribed certain ''magic words'' that are regulable and placed all other electioneering beyond the reach of any campaign finance regulation. NRLC's argument to the contrary is based on a fundamental misreading of the Supreme Court's opinion in Buckley v. Valeo.

In Buckley, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act (FECA). One section of FECA imposed a $1,000 limit on expenditures ''relative to a clearly identified candidate,'' and another section imposed reporting requirements for independent expenditures of over $100 ''for the purpose of influencing'' a federal election. The Court concluded that these regulations ran afoul of two constitutional doctrines—vagueness and overbreadth—that pervade First Amendment jurisprudence.

The vagueness doctrine demands precise definitions. Before the government punishes someone—especially for speech—it must articulate with sufficient precision what conduct is legal and what is illegal. A vague or imprecise definition of electioneering might ''chill'' some political speakers who, although they desire to engage in discussions of political issues, may fear that their speech could be punished.

Even if a regulation is articulated with great clarity, it may still be struck as overbroad. A restriction that covers regulable speech (and does so clearly) can be struck if it sweeps too broadly and covers a substantial amount of constitutionally protected speech as well. But under the overbreadth doctrine, the provision will be upheld unless its overbreadth is substantial. A challenger cannot topple a statute simply by conjuring up a handful of applications that would yield unconstitutional results.

Given these two doctrines, it is plain why FECA's clumsy provisions troubled the Court. Any communication that so much as mentions a candidate—any time and in any context—could be said to be ''relative to'' the candidate. And it is difficult to predict what might ''influence'' a federal election.

The Supreme Court could have simply struck FECA, leaving it to Congress to develop a narrower and more precise definition of electioneering. Instead, the Court intervened by essentially rewriting Congress's handiwork itself. In order to avoid the vagueness and overbreadth problems, the Court interpreted FECA to reach only funds used for communications that ''expressly advocate'' the election or defeat of a clearly identified candidate. In an important footnote, the Court provided some guidance on how to decide whether a communication meets that description. The Court stated that its revision of FECA would limit the reach of the statute ''to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.''' Buckley, 424 U.S. at 44 n.52.

But the Court emphatically did not declare that all legislatures were stuck with these magic words, or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.

Any more restrictive reading of the Supreme Court's opinion would be fundamentally at odds with the rest of the Supreme Court's First Amendment jurisprudence. Countless other contexts—including libel, obscenity, fighting words, and labor elections—call for delicate line drawing between protected speech and speech that may be regulated. In none of these cases has the Court adopted a simplistic bright-line approach. For example, in libel cases, an area of core First Amendment concern, the Court has rejected the simple bright-line approach of imposing liability based on the truth or falsity of the statement published. Instead the Court has prescribed an analysis that examines, among other things, whether the speaker acted with reckless disregard for the truth of falsity of the statement and whether a reasonable reader would perceive the statement as stating actual facts or merely rhetorical hyperbole. See, e.g., Milkovich v. Lorain Journal Co., 497 U.S. 1, 14–17 (1990). Similarly, in the context of union representation elections, employers are permitted to make ''predictions'' about the consequences of unionizing but they may not issue ''threats.'' The courts have developed an extensive jurisprudence to distinguish between the two categories, yet the fact remains that an employer could harbor considerable uncertainty as to whether or not the words he is about to utter are sanctionable. The courts are comfortable with the uncertainty of these tests because they have provided certain concrete guidelines.

In no area of First Amendment jurisprudence has the Court mandated a mechanical test that ignores either the context of the speech at issue or the purpose underlying the regulatory scheme. In no area of First Amendment jurisprudence has the Court held that the only constitutionally permissible test is one that would render the underlying regulatory scheme unenforceable. It is doubtful, therefore, that the Supreme Court

in Buckley intended to single out election regulations as requiring a mechanical, formulaic, and utterly unworkable test.

THE SNOWE-JEFFORDS AMENDMENT'S PROHIBITION IS PRECISE AND NARROW

The Snowe-Jeffords Amendment presents a definition of electioneering carefully crafted to address the Supreme Court's dual concerns regarding vagueness and overbreadth. Because the test for prohibited electioneering is defined with great clarity, it satisfies the Supreme Court's vagueness concerns. Any sponsor of a broadcast will know, with absolute certainty, whether the ad depicts or names a candidate, how many days before an election it is being broadcast, and what audience is targeted. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard.

The prohibition is also so narrow that it easily satisfies the Supreme Court's overbreadth concerns. Any speech encompassed by the prohibition is plainly intended to convince voters to vote for or against a particular candidate. A sponsor who wishes simply to inform the public at large about an issue immediately before an election could readily do so without mentioning a specific candidate and without targeting the message to the specific voters who happen to be eligible to vote for that candidate. It is virtually impossible to imagine an example of a broadcast that satisfies this definition even though it was not intended to influence the election in a direct and substantial way. Though a fertile image might conjure up a few counter-examples, the would not make the law substantially overbroad.

The careful crafting of the Snowe-Jeffords Amendment stands in stark contrast to the clumsy and sweeping prohibition that Congress originally drafted in FECA. Unlike the FECA definition of electioneering, the Snowe-Jeffords Amendment would withstand constitutional challenge without having to resort to the device of narrowing the statute with magic words. Congress could, if it wished, apply the basic rules that currently govern electioneering to all spending that falls within this more realistic definition of electioneering. Congress could, for example, declare that only individuals and PACs (and the most grassroots of nonprofit corporations) could engage in electioneering that falls within this broadened definition. It could impose fundraising restrictions, prohibiting individuals from pooling large contributions toward such electioneering.

But, of course, the Snowe-Jeffords Amendment does not go that far. The flat prohibition applies not to advocacy groups like NRLC, but only to business corporations and labor unions—and to the sorts of nonprofits that are already severely limited in their ability to lobby. The expansion in the definition of electioneering will not constrain NRLC from engaging in grassroots advocacy or spending the money it raises from its members for electioneering purposes. An individual, any other group of individuals, an association, and most nonprofit corporations can spend unlimited funds on electioneering that falls within the expanded definition and can raise funds in unlimited amounts, so long as they take care to insulate the funds they use on electioneering from funds they collect from business corporations, labor unions, or business activities. Since all corporations and labor unions receive reduced First Amendment protection in the electioneering context—remember. they can be flatly barred from electioneering at all—the application of the new prohibition only to labor unions and certain types of corporation is certainly constitutional.

THE EXTENDED DISCLOSURE REQUIREMENT

NRLC incorrectly argues that the Snowe-Jeffords Amendment's disclosure requirements infringe on the public's First Amendment right to engage in secret electioneering. In short, there is not such right. In McIntyre v. Ohio Elections Commission, 115 S. Ct. 1511 (1995), the Court was careful to distinguish the anonymous pamphleteering against a referendum at issue in that case from the disclosure rules governing electioneering for or against a particular candidate for office that were permitted in Buckley. Similarly, NRLC improperly relies on NAACP v. Alabama, 357 U.S. 449 (1958), which recognizes a limited right of anonymity for groups that have a legitimate fear of reprisal if their membership lists or donors are publicly disclosed. NRLC, like any other group, may be entitled to an exemption from electioneering disclosure laws if it can demonstrate a reasonable probability that compelled disclosure will subject its members to threats, harassment, or reprisals. See McIntyre, 112 S. Ct. at 1524 n.21. But the need for these kinds of limited exceptions certainly do not make the general disclosure rules contained in Snowe-Jeffords unconstitutional.

Since the new prohibition in the Snowe-Jeffords Amendment does not apply to the funds of individuals, associations, or most nonprofit corporations, the First Amendment implications for them are diminished. They will simply be required to report their spending on speech that falls within the broadened definition of electioneering, just as they currently must report the sources and amounts of their independent expenditures. They would be required to disclose the cost of the advertisement, a description of how the money was spent, and the names of individuals who contributed more than $500 towards the ad. Contrary to the NRLC's claim, they will never be required to disclose in advance any ad copy that they intend to air.

The overbreadth and vagueness rules are particularly strict when applied to rules that restrict speech—such as the aspect of the Snowe-Jeffords Amendment that bars business corporations and labor unions from spending any funds on electioneering. But, as the Supreme Court has observed, 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. See Buckley, 424 U.S. at 68. There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputably designed to influence their vote.

CONCLUSION

The Snowe-Jeffords Amendment is a sensitive and sensible approach to regulating spending that has made a mockery of federal campaign finance laws. It regulates in the two contexts—corporate and union spending and disclosure rules—in which the Supreme Court has been most tolerant of regulation. The provisions are sufficiently clear to oversome claims of unconstitutional vagueness and sufficiently narrow to allay overbreadth concerns. The Amendment will not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering, but it will subject their electioneering spending to federal disclosure requirements, which is constitutionally permissible.

Respectfully submitted,

BURT NEUBORNE,
John Norton Pomeroy Professor of Law, NYU School of Law.
NORMAN ORNSTEIN,
Resident Scholar, American Enterprise Institute.
DANIEL R. ORTIZ,
John Allan Love Professor of Law, University of Virginia School of Law.
E. JOSHUA ROSENKRANZ,
Executive Director, Brennan Center for Justice at NYU School of Law.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator MCCONNELL, and I thank all Members of the body for this excellent debate on a very important issue. I suggest that there are different views about what is noble and fair and of the highest order. A jurist at one time said that to talk of justice is the equivalent of pounding on the table; everybody seems to say that their view is just and fair and wonderful. But I think there are a lot of competing principles here, and I would just like to share a few comments on this subject.

I ran in a Republican primary, had seven opponents, two of whom spent over $1 million of their own money, and the total that those seven opponents spent was some $5 million. My opponent in the general election spent about $3 million, the Democratic nominee. But when you figure it on 4 million people in Alabama, that is about $2 per voter.

A number of the expenditures—and it irritated me at the time—were these stealth advocacy ads that have been referred to. Groups ran ads that tried to claim they were advocacy ads but in fact were aimed at me and trying to drive my numbers down and to help their candidate get elected. It irritated me, and when I got here I was irritated with some of the campaign laws. It struck me as somewhat unfair that a man could spend $1 million but I could not ask anybody for more than $1,000. So I was pretty open to reviewing that.

Since I have been here and had the time to do a little thinking about it, talking with Senator MCCONNELL and others, I have become pretty well convinced that we do not need to deregulate the institutional media, allow them to run free doing whatever they want to, and just tell groups of people, even if I don't agree with them, they can't come together, peaceably assemble and raise money and petition their Government.

That is a fundamental first amendment principle. The right to assemble

peaceably and petition your Government for grievances is a right that is protected by our Constitution. In no way can we abridge freedom of speech. We have a number of cases dealing with that.

The particular Snowe-Jeffords amendment that we talked about has been touched upon in a famous case from Alabama. NAACP v. Alabama, in 1958, clearly established that groups have a right to assemble and they do not have to reveal the names of individuals who have contributed to them.

They said: Well, we don't want to demand that of everybody, just if you run a campaign ad 60 days in front of a general election. Only then do we want to know who gave you money; only then do we abridge your right to free speech, because we are abridging it by saying you can't express yourself unless you tell who gave money to your organization only within 60 days of the election. That is the only time we want to do it.

So, Mr. President, I would ask, when do you want to speak out? When do people become concerned and energized about issues? I believe in my State, for example, that we had abuse of the laws of Alabama, and we had too many lawsuits and uncontrolled verdicts, and we needed tort reform. The trial lawyers of Alabama are a very aggressive group. A small group of them contribute huge sums of money. I saw recently where about seven plaintiff law firms, relatively small law firms, had given some $4 million to political campaigns in the last cycle. They spent $1 million—some of these were stealth advocacy ads aimed at me. They ran one ad against a Supreme Court Justice, the skunk ad that was voted the dirtiest ad in America.

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

Mr. MCCONNELL. Mr. President, I yield to the Senator 2 more minutes.

Mr. SESSIONS. I thank the Senator.

We have a robust democracy. People have their say. I am inclined to think this obsession with eliminating the ability of people to speak out freely in an election cycle is unwise. It does threaten the robust nature of this democracy.

I recall last year we had 30 Members here who voted to amend the first amendment to the Constitution so they could pass this kind of legislation.

I think at least they were honest enough to propose a constitutional amendment to amend the first amendment, which I thought was stunning.

But at any rate, my time has expired. I just wanted to share those comments. I thank the Senator from Kentucky.

Several Senators addressed the Chair.

Mr. MCCONNELL. If I could just thank the Senator from Alabama for his important contribution to this debate, he is a distinguished lawyer, well versed in the first amendment. I think his points were very, very well made, and I just wanted to thank him for his contribution to this debate.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield up to 5 minutes to another of our tremendous cosponsors and supporters of this legislation, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as a cosponsor of the amendment being offered by Senators JOHN MCCAIN and RUSS FEINGOLD to motivate the Senate and conclude action on campaign finance reform legislation.

Before I proceed, I would like to point something out about the decision the Senator from Alabama referenced to defend nondisclosure. The Supreme Court in that case said if the people were threatened with bodily injury or death, they did not have to disclose their names. That is hardly, I hope, the case that we have here. I hope people would not rely upon that Alabama decision to say that the present procedure that we have here, allowing people to hide themselves behind their ads, is legitimized by that decision.

I also thank the Senator from Maine, who worked very strenuously on this amendment with respect to disclosure. To me, it is incredible to think anybody can object to what we are suggesting, which is that if people put something on the air obviously aimed at candidates, we ought to know who they are. I just cannot understand how anybody can take the position that is a violation of the freedom of speech.

Also, let me congratulate the House of Representatives for passing campaign finance reform legislation shortly before the August break. This was a first step toward achieving our mutual goal of having a campaign finance system that is fair and equitable. Such a system should ensure that the electorate is fully informed and that the pool of potential candidates is not limited by financial barriers.

Earlier this year we fell eight votes short of passing the McCain/Feingold campaign finance reform legislation. During consideration of this bill an important amendment offered by Senator SNOWE and I was adopted, and I am pleased that Senators MCCAIN and FEINGOLD have included this language in the amendment we are considering today. I think it is a critical amendment. The willingness of my colleagues to include this language and the leadership of the Vermont legislature on this issue last year has convinced me that it is time to move forward and pass this amendment.

The McCain-Feingold amendment with the JEFFORDS-SNOWE language boosts disclosure requirements and tightens expenditures of certain funds in the weeks preceding a primary and general election. The last few election cycles have shown that spending has grown astronomically in two areas that cause me great concern. First, issue ads that have turned into blatant electioneering. Second, the unfettered spending by corporations and unions to influence the outcome of an election. This amendment with the Jeffords-Snowe language addresses these areas in a reasonable, equitable and last but not least, constitutional way.

Mr. President, reform of the campaign finance system is long overdue. The litany of problems and short comings of our current system is long and well known, but the full Congress has so far been reluctant to act.

Since my election to the House in the wake of the Watergate scandal, I have worked with my colleagues to craft campaign finance reform legislation that could endure the legislative process and survive a constitutional challenge. We came close in 1994, and I believe circumstances still remain right for enactment of meaningful campaign finance reform during this Congress. This belief has only been strengthened by the recent actions taken by the House.

The Senate is known for its ability to have full and complete debates on any issue, and campaign finance should be no different, but debate on this important topic should eventually reach an end. We may not agree on the solution, but we must move forward, debate the issue and ultimately reach a conclusion. Let the process run its course, let Senators offer their amendments and get their votes. But, in the end let the Senate complete consideration of this issue.

Mr. President, if Mark McGwire can hit 62 home-runs, Congress can surely pass this important legislation and hit one home-run for cleaner campaign financing. I remain hopeful that my colleagues will join me in allowing the Senate to conclude debate on this issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEFFORDS. I yield the floor.

Mr. DOMENICI. Mr. President, the First Amendment to the Constitution mandates that Congress shall make no laws which abridge the freedom of speech. The freedom to engage in political speech is the bedrock of our democracy. We may not like what people say when they exercise their First Amendment rights, but this Senator acknowledges that everyone has the right to engage in political speech.

This bill places unconstitutional limits on the First Amendment rights of individuals, groups and even unions. The bill creates a rule which virtually prohibits any political ads by individuals, groups and unions which mention specific candidates within 60 days of an election.

That would serve to muzzle political speech at the most critical time during a campaign. Not only is this unconstitutional, it is bad policy, because it will only serve to make the media more powerful.

I have examined the provisions in this bill very carefully, and even on the slightest chance the Supreme Court

would find these provisions constitutional, I ask my fellow Senators: is this good policy?

The reason I ask this question is that, in my view, when you muzzle the political speech of individuals and groups, whose voice will then carry the day?

In our zeal on both sides of the aisle to address the role of certain entities in our elections, we need to ask ourselves: what will be the consequence of restricting the free speech rights of unions, corporations and wealthy individuals to engage in campaign-related speech? In my mind, by restricting freedom of speech for these groups, we will make the media an even more powerful player in the political process.

During the 60 days prior to the election when the so called bright line rule is in effect, the only one who will be able to speak directly about the candidates will be the news media.

We all know the saying around Washington: ''you shouldn't pick a fight with someone who buys paper by the ton and ink by the barrel.'' Because it enjoys the full protection of the First Amendment, we call the media the Fourth Estate, or the Unofficial Fourth Branch of government. The media are the ''Big Opinion Makers''—they write the editorials, present the news and decide which issues deserve the attention of the American people on a daily basis.

We also know that members of the media are only human—and by that I mean that they are opinionated. Their opinion tends to lean in favor of a liberal, Democrat agenda. Recent surveys have shown that close to 90 percent of the media votes for liberal Democrat candidates. What of their independence? What about their role in the election of federal officials?

Thomas Jefferson once wrote: There are rights which it is useless to surrender to the government, but which rights governments always have sought to invade. Among these are the rights of speaking and publishing our thoughts.

This bill is a giant step toward Congress invading the rights of many to engage in political discourse and surrendering those rights to the media. In my view, you can choose McCain/Feingold or you can choose the First Amendment. I choose the First Amendment. Thank you, Mr. President.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the Senator from Kentucky for the time, and particularly for the effort and information that he has participated in giving during this debate.

I am interested in the fact that our fellow Senators talk about having a discussion. How long are we going to discuss this? It seems like we have been through this every year. We have been through it three times last year; we have been through it the second time this year. I can hardly imagine that anyone can make a case that we have not had a chance to talk about this issue.

As a matter of fact, frankly, I just think we have a lot of things to do in the next 3 weeks. I hope we focus on doing those things and not continue to repeat and discuss the same things that we have done before. This subject had three failed cloture votes in 1997. This is the second cloture vote in 1998. We had the opportunity to talk about this, and under the system in the Senate which we all use, this issue has failed to be approved. Frankly, I think it will be one more time. I heard earlier that this is something that everybody in the country is clinging to and wanting to have resolved. I have not seen that. Where people are asked to list the things that are most important to them, where do you see this on the list? If at all, on the bottom.

I think the fact is times have changed. The fact is we do spend more money, perhaps too much money, but we want people to vote. We believe they should be educated, and if you do that, you do that through the public media, which is expensive. So we are changing those things a great deal.

What puzzles me a great deal—and I am not here to talk about the details; others are much more familiar with them than am I—but we find ourselves with the dilemma of having a campaign finance law in place now that we seem to be unable or unwilling to enforce, and in fact what do we want to do? We want to have more laws put on top of the ones that we are not willing to enforce now. That seems to be a real difficult thing for me to understand.

I think it would be a mistake to pile more bureaucracy, more new laws on top of the ones that we have, and then say to ourselves, ''Look at all the things that were illegally done in 1997 or 1996.'' We haven't enforced the laws that we have. It is strange to me there is a pitch for making more laws until we do that.

I will not take much time. I do think there ought to be some changes. I certainly support the idea of strengthening and enforcing disclosure. I think disclosure ought to be there prior to the election, and I am for that. I would even probably support the amount of soft money that can be contributed. But I am also quick to understand that there are lots of ways to do it, and laws simply do not have the effect that sometimes we think they should.

So, I think most everything has been said here, but I did want to rise to say that the notion if you are not for this somehow you don't care about elections, somehow you don't care about voting, that is not true. That is not at all true. All of us want to have an open declaration of spending. We want to have disclosure. We also want to have people have the opportunity to participate as fully as they choose under the first amendment, and there are some restrictions in here.

So, we will continue to talk about this, I presume. But McCain-Feingold is not the answer, in my opinion. That doesn't mean that I don't care about elections, because I do care about them, and so do all of us. That allegation is simply not true.

Mr. President, I thank the Senator from Kentucky for the time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the senior Senator from Wyoming for coming over and participating in the debate and for his insightful observations.

Seeing no speakers on the other side, I yield 5 minutes to the distinguished junior Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Kentucky, and I rise in opposition to the McCain-Feingold amendment to the Interior appropriations bill. Rather than ''reform'' the way campaigns are financed, this amendment would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office, and one of our primary obligations here is to preserve the Constitution of the United States.

While the McCain-Feingold amendment claims to ''clean up'' elections, it does so by placing unconstitutional restrictions on citizens' ability to participate in the political process. We have heard several Members of the Senate bemoan the fact that various citizen groups and individuals have taken out ads criticizing them during their elections.

I must admit that I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. In fact, during my last campaign, some ads were aired against me that were downright false. I do support truth in advertising. Even that, I am told, is an infringement on freedom of speech, and the Washington Supreme Court just ruled that it is OK to lie in campaign advertising.

How do you counter that? During my campaign, my opponent ran a series of ads that said I put a tax on Girl Scout cookies. Fortunately, Girl Scout cookies were delivered during the campaign, and those poor little girls had to say, ''No, he didn't put a sales tax on Girl Scout cookies.'' Had it not been for the delivery of those cookies, I would have had to find a lot of money to counter the false advertising done against me. If we can't get truth in advertising, we don't have campaign reform, and that is an infringement on freedom of speech.

At the same time, I believe in a free society it is essential that citizens have a right to articulate their positions on issues and candidates in a public forum. The first amendment to our Constitution was drafted to ensure

that future generations will have the right to engage in public political discourse that is vigorous and unfettered. Throughout even the darkest chapters of our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny.

The Supreme Court has consistently interpreted the first amendment to protect the right of individual citizens and organizations to express their views through issue advocacy. The Court has maintained for over two decades that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not ''in express terms advocate the election or defeat of a clearly identified candidate.'' As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his or her views. While these holdings may not always be welcome to those of us running in campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech.

Mr. President, this amendment, which parades under the disguise of ''reform,'' would violate these clear first amendment protections. The amendment impermissibly expands the definition of ''express advocacy'' to cover a whole host of communications by independent organizations. The McCain-Feingold amendment attempts to expand bright-line tests for issue advocacy to include communications which, ''in context,'' advocate election or defeat of a given candidate.

Are we comfortable with giving a Federal regulatory agency the power to determine what constitutes acceptable political speech—a Federal regulatory agency the power to determine what constitutes acceptable political speech?

This amendment gives expansive new powers to the Federal Election Commission. This is one Federal agency which has abused the power it already has to regulate Federal elections. Just last year, the Fourth Circuit Court of Appeals strongly criticized the Federal Election Commission for its ''unsupportable'' enforcement action against the Christian Action Network. The network's only crime was engaging in protected political speech. The Court of Appeals required the Federal Election Commission to pay the network's attorney fees and court costs since the FEC's prosecution had been unjustified. Congress should not condone flagrant administrative abuses by giving the FEC expanded new powers and responsibilities.

The McCain-Feingold substitute also includes within its new definition of ''express advocacy'' any communication that refers to one or more clearly identified candidates within 60 calendar days preceding an election. These provisions would allow the speech police to regulate core political speech during the most crucial part of an election cycle. They would also place an economic burden on thousands of small radio and television stations which carry those ads. I don't think we in Washington should be placing any more restrictions on America's small businesses. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit free citizens from entering into public discourse on issues that greatly affect them.

I cannot support legislation that stifles the free speech of American citizens and gives expanded new powers to a Federal bureaucracy. For these reasons, I must oppose the McCain-Feingold amendment. I ask my colleagues to join me in paying tribute to the first amendment and opposing the McCain-Feingold substitute and any other amendment that would unconstitutionally restrict the rights of citizens to participate in the democratic process.

I thank the Chair and yield the floor.

Mr. MCCONNELL. Mr. President, I thank my friend from Wyoming for his participation, once again, in what seems to be an endless debate. We have this periodically, and I thank my colleague from Wyoming for always coming over and making an important contribution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. MCCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-one minutes, 25 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Wisconsin. I commend him and Senator MCCAIN and the bipartisan group that has worked so hard to pass campaign finance reform.

A couple of nights ago, Mark McGwire hit his 62nd home run. In doing so, he defied the odds. He warmed the hearts of Americans everywhere with his grit, his determination, and his dedication. It was a shining moment for American baseball and for America. Today, we should hold him up as our example. We need to show equal grit and equal determination. We need to hit a home run for the American people by passing campaign finance reform.

To do that, we are going to have to defy the odds. The House did it; they defied the odds. They passed campaign finance reform, and now the question that we are going to face in the days ahead is whether we can. Can the Senate rise to the occasion? Or will we go with the status quo, continuing the demoralizing and debilitating money chase that now funds our election campaigns and undermines public confidence in our democracy?

Seventy-five percent of the American people want campaign finance reform. They want limits restored on contributions, real limits. They want the end of the loophole called the soft money loophole.

The House passed a strong bipartisan bill. The President is ready to sign it. A majority of the Senate supports similar legislation which is before us now. We are ready to vote to enact this legislation into law.

But instead of going to a vote on the bill, the majority leader has instead filed a cloture motion. And what is surreal about this cloture motion is that while a cloture motion is usually intended to be a device to close debate on an issue, and to move to a vote, the Senators who signed the cloture motion in this instance do not want to end debate or go to a vote. They oppose their own petition. They hope that the pending legislation and this issue will go away. They hope the supporters of campaign finance reform will withdraw the bill because it is being filibustered.

This is an inside-out filibuster. The opponents of reform want to filibuster the reform bill without actually filibustering it. They are hoping that if supporters do not have the 60 votes to close debate, that the supporters will agree to withdraw their own amendment. I believe it would be wrong to withdraw this bill because opponents are filibustering the bill. Opponents have the right to filibuster under our rules. They have the right to filibuster. But the supporters have no obligation to help them succeed by agreeing to change the subject or by agreeing to withdraw the amendment.

This is an issue of transcendent importance. Huge contributions that come through that soft money loophole have sapped public confidence in the electoral process. The House has acted. They did what conventional wisdom said could not be done. They passed a bill with meaningful campaign finance reform to close the soft money loophole. Our colleague from Kentucky said that when the House passed reform and sent it over here, that the bill and reform was dead on arrival, DOA. Well, it was not. The struggle for life for campaign finance reform will be determined by a test of wills between a bipartisan majority who support campaign finance reform and the minority that is filibustering in opposition to campaign finance reform.

But campaign finance reform is not dead on arrival. It is struggling for life here on the Senate floor in a kind of a titanic struggle which has existed with prior legislation of this importance,

legislation which has such meaning to the country that both its supporters and its opponents are willing to test their strength. Opponents filibustering, as is their right, but supporters not yielding to that filibuster, as is our right.

So just as the House defied the odds by passing a bill, just like Mark McGwire defied the odds by hitting home run No. 62, now it is our turn at bat. The American public is waiting for us to step up to the plate and to fight for campaign finance reform. And that is what our intention is. Again, I commend the bipartisan group that has led this effort. It is a vital effort for the well-being of democracy in this country. It is worth fighting for.

I thank the Chair and I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not submit for the record the 400 campaign finance reform editorials from 196 newspapers across America that have been published just since March 30, 1998.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those newspapers that published editorials, 196 newspapers. It is about a four-page document. I will not ask that the editorials be put in the RECORD.

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

Attached are more than 400 campaign finance reform editorials from 196 newspapers. These editorials have been published since March 30, 1998:

Aiken Standard, Aiken, SC
Akron Beacon Journal, Akron, OH (3)
Times Union, Albany, NY
Albuquerque Journal, Albuquerque, NM
The Morning Call, Allentown, PA (3)
The Ann Arbor News, Ann Arbor, MI
USA Today, Arlington, VA (5)
The Atlanta Constitution, Atlanta, GA (3)
The Atlanta Journal, Atlanta, GA (2)
Kennebec Journal, Augusta ME
Beacon-News, Aurora, IL
Austin American-Statesman, Austin, TX (4)
The Sun, Baltimore, MD
The Bango Daily News, Bango, ME
The Times Argus, Barre, VT
The Herald-Palladium, Benton Harbor-St. Joe, MI
The Birmingham News, Birmingham, AL (2)
the Birmingham News-Post Herald, Birmingham, AL
The Boston Globe, Boston, MA (10)
Boston Herald, Boston, MA (4)
The Christian Science Monitor, Boston, MA (3)
Connecticut Post, Bridgeport, CT (4)
Bridgeton Evening News, Bridgeton, NJ
The Courier-News, Bridgewater, NJ
The Times Record, Brunswick, ME
The Buffalo News, Buffalo, NY (3)
Cadillac News, Cadillac, MI (4)
The Repository, Canton, OH (2)
The Charleston Gazette, Charleston, WV
The Charlotte Observer, Charlotte, NC (2)
Chattanooga Free Press, Chattanooga, TN
The Chattanooga Times, Chattanooga, TN
Press Register, Clarksdale, MS
The Leaf-Chronicle, Clarksville, TN
The Bolivar Commercial, Cleveland, MS
The Brazosport Facts, Clute, TX
The State, Columbia, SC (2)
Columbus Ledger-Enquirer, Columbus, GA
Concord Monitor, Concord, NH
The Dallas Morning News, Dallas, TX
The News-Times, Danbury, CT (5)
Dayton Daily News, Dayton, OH
Daytona Beach News Journal, Daytona, FL
The Denver Post, Denver, CO (3)
Detroit Free Press, Detroit, MI (4)
The Dubuque Telegraph Herald, Dubuque, IA
The Duncan Banner, Duncan, OK
The Home News & Tribune, East Brunswick, NJ (3)
The Express-Times, Easton, PA
The Courier News, Elgin, IL
Star-Gazette, Elmira, NY
The Evansville Press, Evansville, IN (3)
The Journal Gazette, Fort Wayne, IN (2)
Fort Worth Star-Telegram, Fort Worth, TX (6)
The Middlesex News, Framingham, MA (2)
The Gainesville Sun, Gainesville, FL (5)
Great Falls Tribune, Great Falls, MT
Greenville Herald-Banner, Greenville, TX
Greenwich Time, Greenwich, CT
The Greenwood Commonwealth, Greenwood, MS
The Record, Hackensack, NJ (4)
The Patriot-News, Harrisburg, PA
The Hartford Courant, Hartford, CT (10)
The Daily Review, Hayward, CA
The Times-News, Hendersonville, NC (2)
Hood River News, Hood River, OR
Houston Chronicle, Houston, TX (2)
Register-Star, Hudson, NY
The Post Register, Idaho Falls, ID
Jackson Citizen Patriot, Jackson, MI
The Clarion-Ledger, Jackson, MS (2)
The Jackson Sun, Jackson, TN (2)
The Jopin Globe, Joplin, MO
The Kansas City Star, Kansas City, MO (5)
Lake City Reporter, Lake City, FL (2)
The Ledger, Lakeland, FL (5)
The Lakeville Journal, Lakeville, CT
Las Cruces Sun-News, Las Cruces, NM
Bucks County Courier Times, Levitttown, PA
Lexington Herald Leader, Lexington, KY (5)
The Express, Lock Haven, PA
Lodi News-Sentinel, Lodi, CA
Newsday, Long Island, NY (2)
Los Angeles Times, Los Angeles, CA (8)
The Courier-Journal, Louisville, KY (3)
Lubbock Avalanche-Journal, Lubbock, TX (2)
The Lufkin Daily News, Lufkin, TX
The News & Advance, Lynchburg, VA
The Capital Times, Madison, WI (3)
Journal Inquirer, Manchester, CT
The Marietta Times, Marietta, OH (2)
Chronicle-Tribune, Marion, IN
The Times Leader, Martins Ferry, OH
Enterprise-Journal, McComb, MS
The Daily News, McKeesport, PA (3)
Florida Today, Melbourne, FL (2)
The Commercial Appeal, Memphis, TN
Milford Daily News, Milford, MA
Millville News, Millville, NJ
Milwaukee Journal Sentinel, Milwaukee, WI
Star-Tribune, Minneapolis, MN (4)
The Macomb Daily, Mount Clemens, MI
The Muskogee Daily Phoenix & Times-Democrat, Muskogee, OK
The Sun News, Myrtle Beach, SC
The Napa Valley Register, Napa, CA
The Broadcaster, Nashua, NH
The Tennessean, Nashville, TN
The Day, New London, CT
New York Daily News, New York, NY (2)
The New York Times, New York, NY (33)
The Star-Ledger, Newark, NJ (4)
The New Jersey Herald, Newton, NJ (2)
The Virginian-Pilot, Norfolk, VA
The Hour, Norwalk, CT
The Oakland Tribune, Oakland, CA
Ocala Star-Banner, Ocala, FL (2)
The Olympian, Olympia, WA
The Orlando Sentinel, Orlando, FL
The Paris Post-Intelligencer, Paris, TN
The Parkersburg Sentinel, Parkersburg, WV
North Jersey Herald & News, Passaic, NJ (5)
Journal Star, Peoria, IL
The Philadelphia Inquirer, Philadelphia, PA (6)
Post-Gazette, Pittsburgh, PA (2)
The Berkshire Eagle, Pittsfield, MA
Mountain Democrat, Placerville, CA
Tri-Valley Herald, Pleasanton, CA
Port Arthur News, Port Arthur, TX (3)
Maine Sunday Telegram, Portland, ME
Portland Press Herald, Portland, ME (2)
The Oregonian, Portland, OR (4)
The News & Observer, Raleigh, NC (5)
The Press-Enterprise, Riverside, CA
Roanoke Times & World-News, Roanoke, VA
Rochester Democrat & Chronicle, Rochester, NY
Rocky Mount Telegram, Rocky Mount, NC
Roswell Daily Record, Roswell, NM
The Daily Tribune, Royal Oak, MI
Today's Sunbeam, Salem, NJ
The San Antonio Express-News, San Antonio, TX (6)
The San Diego Union-Tribune, San Diego, CA (4)
San Francisco Chronicle, San Francisco, CA (3)
San Gabriel Valley Tribune, San Gabriel, CA
The San Jose Mercury News, San Jose, CA
The Telegram-Tribune, San Luis Obispo, CA
The County Times, San Mateo, CA
The Sentinel, Santa Cruz, CA (3)
The Press Democrat, Santa Rosa, CA (2)
The Tribune, Scranton, PA
The Sheboygan Press, Sheboygan, WI
The Times, Shreveport, LA
The Sioux City Journal, Sioux City, IA (3)
South Bend Tribune, South Bend, IN (2)
The Springfield State Journal-Register, Springfield, IL (3)
Union-News, Springfield, MA
Springfield News-Sun, Springfield, OH (3)
St. Louis Post-Dispatch, St. Louis, MO (2)
The Stamford Advocate, Stamford, CT
Northern Virginia Daily, Strasburg, VA
Pocono Record, Stroudsburg, PA
Sturgis Journal, Sturgis, MI
The Daily News-Sun, Sun City, AZ
The Post-Standard, Syracuse, NY (2)
Tarrentum Valley News Dispatch, Tarentum, PA (2)
Temple Daily Telegram, Temple, TX
The Terrell Tribune, Terrell, TX
The Blade, Toledo, OH
Daily Breeze, Torrance, CA
The Register-Citizen, Torrington, CT
The Times, Trenton, NJ (3)
The Arizona Daily Star, Tucson, AZ (4)
The Tullahoma News & Guardian, Tullahoma, TN (2)
Tulsa World, Tulsa, OK
Utica Observer-Dispatch, Utica, NY (2)
The Columbian, Vancouver, WA
Vincennes Sun-Commercial, Vincennes, IN
Waco Tribune-Herald, Waco, TX (3)
The Tribune Chronicle, Warren, OH
The Washington Post, Washington, DC (14)
The Waterloo Courier, Waterloo, IA (2)
Central Maine Morning Sentinel, Waterville, ME (2)
The News Sun, Waukegan, IL
Westfield News, Westfield, MA
The Palm Beach Post, West Palm Beach, FL (9)
The Reporter Dispatch, White Plains, NY (4)
Valley News, White River Junction, VT
The Wichita Eagle, Wichita, KS (2)
The Citizens' Voice, Wilkes Barre, PA
The Times Leader, Wilkes Barre, PA
The News Journal, Wilmington, DE
The Winchester Star, Winchester, VA
Winston Salem-Journal, Winston Salem, NC
The Gloucester County Times, Woodbury, NJ
The Telegram & Gazette, Worcester, MA (4)
The York Dispatch, York, PA
The York Sunday News, York, PA

Mr. MCCAIN. Mr. President, I do think it is of interest that newspapers from the Aiken Standard all the way to the York Sunday News, 196 newspapers—some of them more than once; some of them as many as five or six times—have editorialized in favor of campaign finance reform.

Mr. President, one of the people that I admired and revered in many ways, and in many ways was a mentor to me when I was in a different avocation, was Senator John Tower. On March 28, 1974, Senator Tower rose to speak in favor of campaign finance reform. At that time, it was S. 3261, a bill to reform the conduct and financing of Federal election campaigns, and for other purposes.

Senator Tower gave a speech at that time, and I ask unanimous consent that this statement be printed in the RECORD.

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

[From the Congressional Record, March 28, 1974]

Mr. TOWER. Mr. President, today I am introducing the Federal Campaign Reform Act of 1974. The bill generally encompasses President Nixon's election campaign reform proposals as outlined in his message delivered to the Nation on March 8. As one package, it represents the most comprehensive set of reform proposals yet to be offered. It does not subject the political process to the abuses that would naturally flow from public financing of Federal elections as envisioned by S. 3044.

I need not dwell on the necessity for campaign reform that works. What I do wish to emphasize now are the specific ways in which this bill is in the Nation's best interest.

First, this bill requires each candidate to designate a single political committee, which would ultimately receive all contributions made in his behalf. That committee would make all expenditures by check from a designated federally chartered bank. These provisions would substantially ease the administrative burden of enforcing compliance with campaign laws.

Second, a candidate's political committee would be prohibited from accepting more than $3,000 from an individual donor in any Senate or House election, and not more than $15,000 in any Presidential election. All contributions from any kind of organization would be prohibited, except those made by national committees or political action groups.

Third, comprehensive and timely reporting and disclosure requirements are imposed upon political committees and political action groups. For example, political action groups would be required to disclose the ties their principal officers have to political parties.

Fourth, an independent Federal Election Commission is established with the independence necessary to effectuate the provisions of the bill.

Fifth, the bill provides real safeguards against express or implied intimidation or coercion used against corporate employees and union members in soliciting campaign contributions.

Sixth, specific prohibitions against so-called ''dirty tricks'' are provided. Such activities have no proper role to play in any campaign, and this bill successfully draws the line between constitutionally protected campaign activity, and activity which is universally recognized as intolerable.

Seventh, a shortening of Presidential campaigns, and a corresponding reduction in the costs of campaigning, are provided for by prohibiting the holding, before May 1 of an election year, of Presidential primaries or conventions at which delegates to the national nominating convention are selected.

A central theme of the bill is the restoration of the dignity and power of the individual donor to a proper role in political campaigns. For too long, big organizations have run roughshod over the wishes of their individual members. Implicit intimidation or coercion has often been used to compel contributions which cannot fairly be characterized as voluntary. Individual contributors have often been misled as to the true nature of the political action groups to whom they gave. Individuals have also felt of insignificant value in campaigns because of the enormous contributions made by many organizations.

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

I must admit that I have philosophical reservations about placing limitations on an individual's privilege to determine the amount of his personal contribution. There even might well be constitutional problems with such a congressional mandate. However, as I have previously stated, excesses can and have occurred. Thus, absent judicial reversal of the concept, such limitations are inevitable and represent a significant part of this reform package.

Mr. President, I shall consider offering this bill as a substitute amendment for S. 3044 in substantially the same form as I am introducing it today. Therefore, I urge my colleagues to review it carefully.

Mr. McCAIN. In the body of his remarks, Senator Tower said:

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

The bill he is referring to is the campaign reform bill that was then being considered by the Senate.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

Mr. President, Senator Tower described the situation pretty much as it is today. Each voter does not believe that his or her contribution counts as much as others. We have seen manifestations of that in virtually every primary this season. Every voter does not believe that there is fair and representative influence on the part of the many. In fact, the voters, in recent polls that have been taken, believe that there is undue influence on the part of special interests. And I, having witnessed it myself, am convinced of it.

In 1974, on August 8, Representative Anderson said:

Under our representative system of government, the people elect fellow citizens to speak for, vote on behalf of, and represent their interests in the legislative bodies—the House and Senate—and they elect a President to administer the laws, conduct foreign affairs, and established priorities. And, I believe this to be the best system of government devised by man.

If some people, however, are given preferential treatment because of their ability and willingness to contribute large sums toward the election of an individual, then the system breaks down. If some are ''more equal'' than others, then our representative system fails and the interests of all the people are aborted.

And this is a very serious threat to our democracy. It is a very serious threat if the interests of the rich and powerful are placed above the interests of the weak and the poor.

Our country was founded on the principle of equality—all are equal in the eyes of the law. But, if the rich and the powerful have a greater influence on writing and administering the laws, is not equality a sham, a farce?

Mr. President, yesterday I noted a document that was put out by the Democratic National Committee in the 1996 election where a broad variety of privileges would be extended to those who contributed $100,000. One of the most egregious were seats on trade missions. These things have consequences, Mr. President. One of the ongoing controversies—in fact, we will have a hearing in the Commerce Committee next week on the transfer of technology to China being directly related to the issue of these ''trade missions.''

Mr. President, both parties do this. Both parties do this as far as many of these are concerned. This is a memo from the Democratic National Committee. If you want to give a contribution of $100,000 annually:

Two annual Managing Trustee Events with the President . . .

Two annual Managing Trustee Events with the Vice President.

One annual Managing Trustee Dinner with senior Administration officials.

* * * * * *

Two Annual Retreats/Issue Conferences . . .

Invitations to Home Town Briefings

As senior Administration officials travel throughout the country, Managing Trustees are invited to join them in private, impromptu meetings.

Monthly Policy Briefings

Administration officials discuss topics ranging from telecommunications policy to welfare reform at regular Washington policy briefings to which Managing Trustees are invited.

Personal DNC Staff Contact

Each Managing Trustee is specifically assigned a DNC staff member to assist them in their personal requests. [et cetera.]

But of course the one that strikes me is:

Annual Economic Trade Missions
Managing Trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad.

Is that equal opportunity? Could any American citizen go on these trade missions? I think it is pretty clear that if you are willing to give $100,000 annually, then indeed you can take those trade missions.

A memorandum from whoever Ann Cahill is:

To: Ann Cahill
From: Martha Phipps
RE: WHITE HOUSE ACTIVITIES
Two reserved seats on Air Force I and II trips.

Is that the way you ride on Air Force One and Two, Mr. President?—''In order to reach a very aggressive goal of $40 million this year . . . very helpful if we could coordinate the following activities between the White House and the Democratic National Committee.''

Let me repeat that memorandum: ''. . . coordinate the following activities between the White House and the Democratic National Committee.''

Two reserved seats on Air Force I and II trips . . .
Six seats at all White House private dinners . . .
Six to eight spots at all White House events (i.e. Jazz Fest, Rose Garden ceremonies, official visits).

And in this memorandum it says who the contact is. Ann Stock seems to be a person to contact; and Alexis Herman, now Secretary of Labor.

Invitations to participate in official delegation trips abroad.
Contact: Alexis Herman . . .
Better coordination on appointments to Boards & Commissions . . .
White House mess privileges.

Patsy Thomason was the contact for that.

White House residence visit and overnight stays.

Ann Stock was the person on that.

Guaranteed Kennedy Center Tickets (at least one month in advance) . . .
Six radio address spots
Contact: David Levy . . .
Photo opportunities with the principles . . .
Phone time from the Vice President.

That was Jack Quinn's job, Mr. President, general counsel. He was responsible, he is the contact, for phone time from the Vice President. That would be the subject of some ongoing inquiry.

Ten places per month at White House film showings . . .
One lunch with Mack McLarty per month.

Boy, it makes me better understand why Mr. Mack McLarty decided to go into private life.

One lunch with Ira Magaziner . . .

I think that might be a penalty rather than a benefit.

One lunch with the First Lady per month.

I will leave that unremarked.

Use of the President's Box at the Warner Theater and at Wolf Trap . . .
Ability to reserve time on the White House tennis courts . . .
Meeting time with Vice President Gore.

Again, Jack Quinn was the contact person.

To be very clear, this is a memorandum of May 5, 1994, to Ann Cahill from Martha Phipps, and it is titled ''White House Activities.'' Again, it reads:

In order to reach our very aggressive goal of $40 million this year, it would be very helpful if we could coordinate the following activities between the White House and the Democratic National Committee.

I have stated several times that every institution of government was debased in the 1996 campaign. I think that this document certainly indicates that was the case.

We will have a vote on a tabling motion by my dear friend from Wisconsin here in a few minutes and then we will have a cloture vote later this afternoon. I will have a lot more to say before we finish this debate.

How do we go home and tell our constituents that we are all equal when this kind of thing has become commonplace? And the same kinds of things are done by the Republican Party. Obviously, they didn't have the White House boxes and those other conveniences or perks. How can we tell the American people that they are equal when these kinds of things go on?

The reason I bring this up, this all has to do with the most egregious aspect of the present system, and that is soft money. When you look at the dramatic increase in soft money over the last couple, three cycles, it is dramatic. So there will be more memorandums like the one I just cited and there will be more soft money and there will be more requests for large contributors.

I see a couple of my colleagues who are waiting to speak. I believe—and I will say this again before the final vote—this issue will be resolved over time and we will prevail because the American people won't stand for this. They won't stand for it, and I believe they will demand we clean up this system either sooner or later.

I will talk again later on. I yield the floor.

Mr. FEINGOLD. Mr. President, I inform my colleagues I will not be offering a motion to table at 12:00 noon. Instead, as I understand it, we will continue to debate until the cloture vote at 1:45. We will have the opportunity to vote on this issue again in the days to come, so I don't see a need for another vote before our cloture vote.

May I inquire of the Chair, am I correct that the time after 12:00 noon but prior to 1:45 will be equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I ask unanimous consent I control the time on our side.

Mr. MCCONNELL. Reserving the right to object, I didn't hear the earlier unanimous consent.

Mr. FEINGOLD. I did not propose a prior unanimous consent; the only unanimous consent I propose is I control the time after 12 noon and prior to 1:45 on our side.

Mr. MCCONNELL. So the suggestion was, we will continue to divide the time until 1:45?

Mr. FEINGOLD. That is correct.

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

Mr. FEINGOLD. How much time do we have remaining on our side prior to 1:45?

The PRESIDING OFFICER. The Senator from Wisconsin has 54 minutes.

Mr. FEINGOLD. Prior to 1:45?

The PRESIDING OFFICER. That is correct, and the Senator from Kentucky has 63 minutes.

Mr. FEINGOLD. Mr. President, I yield 5 minute to the distinguished Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I thank Senator FEINGOLD for yielding the time, and I both thank and commend Senator FEINGOLD and Senator MCCAIN for their leadership on this very critical issue. They have been fighting a very lonely—at times lonely—but a very extraordinary battle for not only the reforming of our campaign system but, many suspect, the continued viability of our political system.

We have a campaign finance system in place, but that system has literally collapsed. The exceptions, the loopholes, the ingenious ways around, have in fact devoured the rules and we no longer really have a system of campaign finance. What we have is an all-out race for dollars, constantly, incessantly, and then an all-out escalation of spending and political campaigns which has left our constituents amazed and at times disgusted. We have a responsibility and an obligation to change this system today, with the opportunity to vote for very modest reform which will begin to, once again, make elections about ideas and policies, and not auctions to the highest bidder.

The McCain-Feingold compromise seeks to accomplish two basic goals: First, to ban the unlimited, unregulated gifts by corporations, wealthy individuals and labor unions to political organizations, the so-called soft money; second, to regulate the so-called issue advertisements which impact on campaigns and which are growing in frequency and in their emphasis impact on campaigns. By ending soft money contributions, we will do what we persistently have said we want to do, and that is to prevent corporations from participating directly in elections.

This is not radical reform, this is commonsense consistent reform that we thought we accomplished back in 1973 and 1974 with the original campaign finance reform system.

Second, this legislation would attempt to provide a modicum of control over the new phenomenon of the issue ads. They would require the disclosure of the contributions by these individuals and also indicate who is sponsoring these advertisements, or where they are getting their money. We have

seen, over the last several years, an amazing phenomenon—candidates are in a race and they are discussing the issues and, suddenly, out of nowhere, comes a mysterious advertisement on television attacking one or praising another. And they both claim that they had nothing to do with it. It is no longer their campaign. They are, in a sense, bystanders on issue advertisements and issue campaigns of which they themselves, many times, disclaim having any knowledge. All of this takes out of the hands of the candidates and, ultimately, the hands of the electorate, what should be at the heart of every election—a vigorous debate between individual candidates about their vision of the future of this country.

So we have to do these things. We have to ensure that our campaigns are not tainted by soft money and not overwhelmed by these issue advertisements. This is a problem that plagues both of our Houses. As Senator MCCAIN pointed out, it is not just a situation with the Democrats or just with the Republicans; both sides are locked into this inexorable, it seems, race for dollars. In doing that, we have created a situation where the American people, in many cases, are increasingly disenchanted; they are voting less and less and are getting to the point of being contemptuous of the best political system the world has created to date.

We have to do this modest reform today. Frankly, this is just modest reform. There are many things that we could and should do that we are not even talking about today on the floor of the Senate. The States—the so-called laboratories of reform—are doing things today that we should be at least contemplating. In my own State of Rhode Island, we implemented voluntary spending limits with limited public financing. The States of Maine and New Jersey have done the same thing. The State of Vermont has implemented strict limits on candidate spending—legislation which directly challenges the Court's decision in Buckley v. Valeo, which I believe incorrectly equates money with speech.

In fact, I have introduced similar legislation in this body which would legislatively put limits on and legislatively force the Court to reevaluate Buckley v. Valeo. These are very aggressive steps that we should take. These are things we should do to ensure that our system is entirely resistant to the ravages of money that is affecting it today. But at least today we can stand up with Senators MCCAIN and FEINGOLD and say that we must stop the influence of soft money. We must at least have the disclosure rule behind these issue advertisements. This is the first step toward long-term campaign finance reform that will not only make races about ideas, but will, in fact, I believe, restore the faith of the American people in their system of government and what we do for them.

I yield back my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

Very properly, Senator MCCAIN made reference to the bipartisan nature of the problem and the bipartisan nature of the effort. I commend Senator MCCAIN for doing that, for his strong leadership, which is essential if this is going to succeed.

I want to put in the RECORD some documents, for the sake of completeness, showing how bipartisan this problem is. Senator MCCAIN, very appropriately, put in a document relative to what the benefits of major contributors to the Democrats are going to be offered. I don't know if that was actually implemented under that document or not, but plenty was implemented.

I ask unanimous consent that these two documents be printed in the RECORD.

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

1997 RNC ANNUAL GALA, MAY 13, 1997, WASHINGTON HILTON, WASHINGTON, DC

GALA LEADERSHIP COMMITTEE

Cochairman—$250,000 fundraising goal

Sell or purchase Team 100 memberships. Republican Eagles memberships or Dinner Tables.

Dais Seating at the Gala.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Vice Chairman—$100,000 fundraising goal

Sell or purchase Team 100 memberships, Republican Eagles memberships or Dinner Tables.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Deputy Chairman—$45,000 fundraising goal

Sell or purchase three (3) Dinner Tables or three (3) Republican Eagles memberships.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Dinner Committee—$15,000 fundraising goal

Sell or purchase one (1) Dinner Table.

Preferential Seating at the Gala Dinner with the VIP of your choice.

VIP Reception at the Gala with the Republican members of the Senate and House Leadership.

(Note.—Benefits pending final confirmation of the Members of Congress schedules.)

1992 REPUBLICAN PRESIDENT'S DINNER

BENEFITS FOR TABLEBUYERS AND FUNDRAISERS

Tablebuyers/tablehosts	Fundraisers (two tables)	Fundraisers ($92,000 and above)	Top fundraisers
Private reception hosted by President and Mrs. Bush at the White House; 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole and Congressman Bob Michel, 2 people. Option to request a Member of the House of Representatives to complete the table of ten. With purchase of a second table, option to request one Senator or one Senior Administration Official.	Private reception hosted by President and Mrs. Bush at the White House, 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Reception with Senator Bob Dole at U.S. Capitol, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole, and Congressman Bob Michel, 2 people.	Photo Opportunity with President Bush; 1 person ..... All Fundraiser Benefits listed above.	Opportunity to be seated at a head table with the President or Vice President based on ticket sales. All Fundraiser Benefits listed above.

Note.—Attendance at all events is limited. Benefits based on receipts.

Mr. LEVIN. One of these documents is an invitation to the Republican National Committee Annual Gala 1997, in which for $250,000, the contributors to the Republican National Committee get to attend a luncheon with Senate and House leadership and the Republican Senate and House committee chairmen of your choice. That is $250,000. You get a luncheon with the committee chairmen.

Next is a 1992 Republican President's Dinner. Major contributors got a private reception, among other things, hosted by President and Mrs. Bush at the White House. And the Republican Eagles promised major contributors who became members of the Republican Eagles' contributor group ''foreign economic and trade missions,'' in which the Eagles have been welcomed enthusiastically by heads of state, such as Premier Li Peng of the People's Republic of China.

Again, Mr. President, I think the point Senator MCCAIN very properly made is that we have a major, massive, bipartisan problem that is undermining public confidence in elections in this country. It is a bipartisan problem. It requires a bipartisan solution, and hopefully this coalition will stand together in the face of a filibuster and

say, yes, you have a right to filibuster; that is your right, but we need not withdraw in the face of a filibuster.

This problem is so huge that it requires action, and we cannot simply defer it year after year. There has never been a better time for action than when the House has acted on reform, against the odds, just as we have to act against the odds if we are going to succeed. I thank Senators MCCAIN and FEINGOLD, the leaders on both sides of the aisle, who can succeed if we hang tough here and not withdraw in the face of a filibuster.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, let me first strongly concur with the remarks of the Senator from Michigan. We have to proceed on this issue. We will proceed on this issue this year until we get the job done. I am grateful for his strength and leadership on this.

I am pleased now to be able to yield some time to the distinguished junior Senator from Maine, who brings many important qualities to this issue, but the two that I will list at the top are her extremely genuine commitment to this issue and her courage. It is a difficult thing to be a part of this bipartisan issue. I see her involvement as being absolutely central to the fact that we are even here today still discussing it.

With that, I yield 12 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to start by commending the Senator from Wisconsin for his leadership and thanking him for his kind comments.

It is with a renewed sense of enthusiasm that I rise today to urge this body to pass much-needed reforms to our campaign finance laws. I am buoyed by the courage shown by my Republican colleagues in the House who were willing to put their commitment to good government ahead of their parochial interests.

Mr. President, this amendment is needed because the twin loopholes of soft money and bogus issue ads have virtually obliterated our campaign finance laws, leaving us with little more than a pile of legal rubble. We supposedly have restrictions on how much individuals can contribute to political parties; yet, at last year's hearings before the Senate Governmental Affairs Committee, we heard from one individual who gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. Another mockingly testified that the next time he is willing to spend $600,000, rather than $300,000, to purchase access to the White House.

We supposedly prohibit corporations and unions from financing political campaigns; yet, the AFL–CIO reportedly spent $800,000 in Maine on so-called issue ads which anyone with an ounce of common sense recognized were designed to defeat a candidate for Congress. And as reported in Sunday's Washington Post, when the class action lawyers collect their tens of billions in fees from the tobacco lawsuits, the resulting flood of cash to the Democratic Party will make past contributions look like pocket change.

We in this body decry legal loopholes, but we have reserved the largest ones for ourselves. Indeed, these are more like black holes, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations rushing into party coffers.

Why should this matter, we are asked by those all too eager to equate freedom of speech with freedom to spend? It should matter because political equality is the essence of democracy, and an electoral system fueled by money is one lacking in political equality.

Mr. President, the hope of Maine support campaign finance reform. If my colleagues will indulge me a bit of home state pride, I think the Maine perspective results from old fashion, Down East common sense. Maine people are able to see through the complexities of this debate and focus on what is at heart a very simple, yet very profound, problem. As long as we allow unlimited contributions—whether in the form of hard or soft money—and as long as we allow unlimited expenditures, we will not have political equality in this country. It is not just that there will not be a level playing field for those seeking public office, but more important, there will not be a level playing field for those seeking access to their government.

The Maine attitude may well be shaped by the fact that many people in my state live in communities where town meetings are still held each year. I am not talking about the staged, televised town meeting that has become so fashionable of late. I am talking about a rough and tumble meeting held in the high school gym or in the grange hall. Attend one of these meetings and you will observe an element of true democracy; people with more money do not get to speak longer or louder than people with less money. Unfortunately, what is true at Maine town meetings is not true in Washington.

Mr. President, the amendment pending before this body is dramatically different from the original McCain-Feingold bill. It does not seek to radically alter how we finance our campaigns. Indeed, it does not alter at all the basic framework that Congress established more than two decades ago in the 1970s.

Before us today is legislation designed simply to close election law loopholes that undermine the protections the American people were promised in the aftermath of Watergate. Put differently, this amendment does not create new reforms, but merely restores reforms adopted two decades ago.

Let me be more specific. Gone from this version of the legislation are the voluntary limits on how much a campaign can spend. Gone is the free TV time, as well as the reduced TV time. Gone is the reduction in PAC limits. Gone are the restrictions on certain types of so-called issue ads run by nonprofit organizations, replaced instead by a requirement that they disclose their sources of funding.

Most of these continue to be very important reforms to which I remain personally committed. But in the interest of securing action on the major abuses in the current system, we who support the McCain-Feingold proposal have agreed to significant compromises. This is now a modest bill but nevertheless, a critical first step in the journey toward reform.

Mr. President, history demonstrates that the current uses of soft money and issue ads were not intended by the framers of our election laws. Go back to the early 1980s when soft money was used only for party overhead and organizational expenses, and you will find that the contributions totaled a few million dollars. By contrast, in the last election cycle when soft money took on its current role, these contributions exceeded $250 million.

Bogus issue ads were such a small element in the past that it is impossible to find reliable estimates of the amounts expended on them. Unfortunately, that is no longer the case, and these expenditures have now become worthy of studies, the most prominent of which estimates that as much as $150 million dollars was spent on these ads in 1995–96.

When I ran for a seat in this body, I advocated major changes to our campaign finance laws, but I recognize that goal must wait for another time. The challenge before us today is far more modest. Are we prepared to address loopholes that subvert the intent of the election laws that we enacted more than two decades ago? Are we willing to restore to the American people the campaign finance system that rightfully belongs to them?

Those are the questions before this body. Mr. President, a strong majority of the Members of the House of Representatives support reform as do a majority of the Members of the Senate. I would hope that the Senate this week will finally vote to reform a loophole-ridden system. The American people deserve no less.

Mr. President, it remains to be seen whether campaign finance reform is an idea whose time has come. But I can assure my colleagues of one thing—it is an idea that will not die.

Thank you, Mr. President. I urge my colleagues to support the McCain-Feingold amendment, and I am proud to be a cosponsor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I again am grateful for the comments of the Senator from Maine and for her support.

I am also delighted to be able to yield time to someone who has been deeply involved in this issue, both as a supporter of our legislation and one of the original supporters of the legislation, but who also of course is intimately familiar with the problems that have occurred because of the campaign finance scandal—the chairman of the Governmental Affairs Committee. At this point I would like to yield 20 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Senator from Wisconsin very much.

Mr. President, I rise to support this amendment. I do so not only because of what I believe to be the inherent merits of the amendment but because I think it has broader implications for us today in the times that we live in.

We have had good times in this country for some time now—economically, we have low unemployment, we have low inflation, and we have prosperity. When we look abroad, we have had peace. We are the lone remaining superpower in the world.

It seems that during times like this, Washington becomes irrelevant to a lot of people, and in some ways perhaps that is good. But we are not very mindful of the need for leadership in times of trial and times of trouble. But the fact of the matter is that in more recent times we have seen the beginnings of such times of peril and trouble. Many people think that we have some serious chickens coming home to roost and that both peace and prosperity are at issue now.

As we look at what is going on in this country and the fact that we cannot forever remain the only buying nation in a world of sellers—that we cannot be immune to what is going on in the Pacific rim, the Soviet Union, perhaps Japan and South America, and the troubling economic conditions there—we cannot forever be immune, and our economy cannot be immune, from what is going on in the rest of the world.

We see, as we broaden our perspective, a foreign policy that is in shambles in many respects. We see that we are losing the respect in many ways that the United States has had around the world. It is evidenced by our troubled coalition with regard to Iraq. It is evidenced by a very, very troubling policy with regard to Iraq where the credibility of the Nation's leading figures is at issue.

It is at issue when you look at a country such as North Korea, with whom we are supposed to have a nuclear understanding and agreement, as they send missiles across our ally in Japan. We are told by the Rumsfeld Commission that rogue outlaw nations are going to have the capability within just a few years of launching a missile containing biological or nuclear or chemical weapons to hit the continental United States.

So all of this is before us now, and the American people, I think, are going through somewhat of a period of readjustment in their thinking because we have not only that, but we have very much of a troubled Presidency. We have seen for some time now that while nobody has been paying much attention to a lot of these things, the level of cynicism continues to go up in this country.

We see the Pew report, for example, which shows that our confidence in the leadership in this country is low. We see that this lack of confidence is even greater among our young people. A lot of people used to attribute the growing cynicism and lack of confidence in many respects—and it is somewhat affected by the economy as it goes up and down—but fundamentally the cynicism grows and lot of people say because of Watergate, because of Iran Contra, because of various other things, the assassinations of one generation that we saw, Dr. King and the President, and so forth, but what we are seeing now in these reports is that the cynicism and the concern is the greatest among our young people who have never witnessed or had to experience many of these things. So it makes it even more troubling.

So all of this goes to the point of now that we see the need for strong leadership, after we have done so much to destroy the confidence that the American people ought to be having in the leadership of this country, who is going to listen to our leaders? I have been saying for well over a year now that with peace and prosperity we can go on autopilot for a little bit. But if our people continue to be distrustful of their own Government and the cynicism levels rise, especially among our young people, when that pendulum swings back, as it invariably does, and we no longer have peace and we no longer have prosperity, where is the leadership going to be, and who is going to follow the leadership of those of us in Washington who stand up and say here is the way; here is what we need to do; this is the way out of this problem. We have been in problems before, and we can get out of this one if you follow us. Who is going to follow us?

That is the question yet to be answered. We do not know what we have done to our institutions, in many cases by our own actions, in many cases for other reasons, but we don't know the answer to that. And when the tough times come, as they invariably will in the short term or the long term, I only hope that we are strong enough in our institutions, in the Presidency, in the Congress, and the respect for our court system to be able to lead the American people.

Mr. President, that is why this issue that we are discussing today is doubly important. It has to do with the very fundamentals of our Government. It has to do with the way we finance campaigns in this country, the way we elect the elected leaders who in turn are supposed to lead us when we need that leadership. I must say, in my opinion, we now have the worst campaign finance system that we have ever had in this country. In fact, you cannot call it a campaign finance system at all. It is a situation that is an open invitation to abuse. It is an open invitation to corruption. It is an open invitation to cynicism. And after the scandal of the 1996 campaign, if we do not do something about it, the level of cynicism that I talked about earlier, I think, is going to be even higher.

If people think that we have gotten over the hump and everyone loves Congress now, you wait until that economy dips just a little bit; it will come back to the trend it has been following for a long, long time. It is a scandal waiting to happen. It is a system that after all this time has come to the point where there is no limitation on big corporate contributions or big labor contributions, and we are spending more and more and more time going after more and more money from fewer and fewer people who have the millions of dollars that is fueling our system, the same people who come back before us wanting us to either pass or defeat legislation.

Mr. President, I have said ever since I have been in the Senate, I say here again today, that is a system that cannot last. That is an inherently defective system that cannot last over any period of time. So now because of that system, everybody is onto it and the race is on, and we are seeing the millions go to tens of millions and the tens of millions go to the hundreds of millions being put in by the large corporations and the large labor unions and the large vested interests that have those kinds of dollars.

It makes me wonder how the small donor, which has been the bedrock of my party, perceives himself in all this. We are not getting enough checkoff on the tax returns in the Presidential system right now, and that is probably going to fail. Voter turnout is getting down there now with some of the banana Republics, and I think part of that has to be due to the fact that in a system that I have just described the average person does not see that it has a whole lot to do with him or with her.

The ironic part about it is that this is not even a system that we created in Congress. We could not. No one would ever come in here and offer a piece of legislation that would create the system that we have today. We can discuss that a little bit further in a moment.

We have had a lot of good discussion about the details of the amendment and the details of the legislation and some discussion about the broader principles involved, but the crux of it all has to do with whether or not we think it is a good idea to have unlimited corporate, labor, and individual contributions to political candidates and to incumbents and to have those contributors come in and try to get legislation passed after they have given us all that money. I think asking the

question answers it. When you put it out like that, I think it answers itself. I think the answer is, no, we do not want that even though that is what we have.

Why do I say that I think we do not want that when people seem to be so afraid of reform? Well, it is because throughout our entire history we have indicated that we do not want that because we ourselves learn some things sometimes from history, and we look around the world and we see that almost 2,000 years ago scholars were saying that this is the sort of thing that brought down the Roman Empire. The Venetians imposed strict limitations on contributions and money that would go to public officials. In their system, if donors had favors to ask, they were not allowed to give anything.

We have seen that political influence money brought down entire political systems in times past in Japan and Italy. We have seen corruption in South Korea and Mexico. It is all around us—at the end of the last century, influence buying scandals; the Watergate; campaign finance scandal—time and time again.

So, we have seen that. And we also understand that it is a potential problem from our real world experience. People are sometimes surprised that a conservative Republican like myself would feel strongly about campaign finance reform, and they say: Why would that be? I say for the same reason Barry Goldwater was for campaign finance reform. We will talk about that in a minute, too.

But I think it has more to do with the fact that up until 3 or 4 years ago I was not involved in the political system, I was not running for office or holding office. But I did prosecute cases. I did defend cases. And I am very familiar with the idea that if you have people making decisions, you have to be very careful about how those decisions are influenced. If you are a purchasing agent, for example, you cannot take favors from someone from whom you are considering to buy something. If you are a loan officer at a bank, you cannot take favors from people whom you are considering for a loan. People get prosecuted for things like that all day, whether or not it was the real reason that the loan was made. The point being—the analogy is not perfect—but the point being, we have always been very concerned about that. We have gratuity laws in this country where, regardless of whether or not it bought anything, there are some people under some circumstances that you cannot give gifts to, because we are very mindful of the appearances of that.

We even do that with regard to our own activities. We passed gratuity laws that pertain to the Congress so now a friend cannot buy you dinner. He can go out here and raise $100,000 for a committee and, in turn, it will go to your benefit, he can bundle a few hundred thousand dollars for you, but he cannot buy you dinner. So at least we are paying some lip service to the idea that we have to be somewhat mindful of money going to those who are in positions of decisionmaking power.

We recognized that in 1907 when, as a Congress, as a nation, we prohibited corporate contributions. We recognized it again in 1943 when, in the same manner, we prohibited labor contributions and set up political action committees. We recognized it further as a Congress when we set up the current system of $1,000 limitations and $5,000 limitations on PACs, and so on and so forth.

You can argue over the amounts. I certainly think those amounts now are ridiculously low. They ought to be raised. The hard money limits ought to be raised. That is a debate for another time. But the fact of the matter is, we have been mindful of that. We addressed that. We always said, in this country, it is a bad idea to have wealthy individuals being able to give large amounts of money, unlimited amounts of money, to politicians. It is a bad idea to have big corporations who are usually involved in government contracts giving unlimited amounts to politicians or big labor unions. Yet that is what we have.

By the same token, we are mindful of that, especially with regard to our Presidential campaigns and our Presidential elections. That is why we set up a public finance system for our Presidential elections. It is in shambles now because we have an Attorney General who is not doing her job and has a singular, a unique way of interpreting laws. But the fact of the matter is, we set up a system to take our candidates for President out of the money grubbing system. If you agree to take public financing, then you get public money, and the public, the taxpayers, were willing to run those campaigns on their own money, on their dime, in order to keep their candidates above and separate and apart from having to raise large amounts of money from these large contributors.

We have always been mindful that large amounts of money and the decisionmaking of government are things that we have to be very, very careful about. We do allow some contributions. We do have a system—it takes money to run campaigns and all of that. We can argue over the amounts and so forth. But hardly ever has anybody, really, in this country, carried on a serious debate espousing the idea that all bets ought to be off, that any big corporation or any big labor union could give any amount that they wanted to regardless of whether or not they had legislation pending.

So, if that is the case, how in the world did we get to where we are today, where, I say, there are no limitations anymore? You have to jump through a few hoops and you have to be hypocritical—which is no big hurdle to overcome—and you have to run it through the right kind of committee and so forth, and you have to word the ad a little bit correctly, and a few other things that 100 years from now we will look back on—somebody will look back on, and laugh at, as to how we ever had a deal like this.

But essentially, whether you are running for President now—under the Attorney General's current interpretation, running for President now or to be a Member of Congress or a Member of the U.S. Senate, you can basically take any amount of money or get the benefit from any amount of money from anywhere, including the other side of the world. That has not been fully pushed yet, but I assure you, unless things change, that will be the next shoe to drop. There are people arguing in courts in this country right now that there is no limitation, under current law, on foreign contributions—foreign soft money contributions to our political parties. So that is the next step.

So, how did we get here? If Congress, if we as a people, have always been mindful of this problem and Congress has legislatively set up a restrictive framework, then how did we get to where we are? It is really pretty simple when you distill it all down. It happened over a period of time, but essentially the FEC, Federal Election Commission, decided to open up a little soft money crack and said parties can use a little soft money in their party-building activities. Then they went a little bit further and said parties can use some soft money, a certain percentage of soft money, in their TV issue ads.

And what happened then? The Clinton-Gore campaign took that crack and ran a Sherman tank through it and basically said, not only are we going to do that, but we are going to totally coordinate that entire activity so it will not be independent at all, and that we will sign the certification that we will take public financing and raise no more money, but we will really pretend like this is not money for our campaign.

The PRESIDING OFFICER (Mr. GRAMS). The Senator's 20 minutes have expired.

Mr. THOMPSON. I ask unanimous consent for an additional 10 minutes.

Mr. FEINGOLD. I just want to inform my colleague, we only have a total additional 16 minutes for other Senators, and that will bring some difficulty here unless I ask unanimous consent that an additional 10 minutes be added to our time.

The PRESIDING OFFICER. We reserve the right to object until we have a——

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. FEINGOLD. Yes, I will.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. What was the consent agreement?

The PRESIDING OFFICER. The request was for Mr. FEINGOLD to add 10

additional minutes to his side for the debate.

Mr. MCCONNELL. Thereby making the vote later?

The PRESIDING OFFICER. That will be the effect, yes.

Mr. MCCONNELL. Reserving the right to object——

Mr. FEINGOLD. Mr. President, in light of something I was informed of after I put in my request, I withdraw my unanimous consent request and I simply yield an additional 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for another 2 minutes.

Mr. THOMPSON. All right. I was not aware that there was a time agreement. So I apologize for the necessarily abbreviated nature of the rest of my remarks, which basically have to do with the fact that we have an interpretation now by the Attorney General which permits that.

Therein lies part of the problem of those who advocate for campaign finance reform, because those who advocate it in many cases have lost the high ground. The President certainly lost the high ground because of his behavior, and I must say that after our congressional hearings on this subject where we saw foreign money coming in, people taking the fifth amendment, unlimited access to the White House, shakedowns with regard to American Indians and Buddhist nuns, use of the White House, setting people up in positions with classified information, and then raising money and all of the coverups attendant to that, while we need to address that from a campaign finance standpoint for the future, we have not adequately addressed what has gone on in the past.

When we look around for blame to assess with regard to the fact we can't move this legislation, we have to come to terms with the fact that those who want to reform cannot be content with saying all we need is reform and forget about the past. We have not adequately addressed the past. Those who have let those things go by without blowing the whistle on them, without seeing anything wrong, without saying that is wrong conduct, as we saw for the last year in this country in our hearings, have lost the moral high ground with regard to this legislation.

I am hoping we can do better in the future. I think those of us who want reform have to understand, yes, we need to clean up the past, but we cannot let this hold us hostage for what we need to do in the future. Those of us who promote campaign finance reform need to understand that before we can really have it, we have to have justice for the past. I thank the President and yield the floor.

Ms. MIKULSKI. Mr. President, once again the Senate is considering campaign finance reform. As my colleagues know, the House of Representatives in August passed a strong reform measure. I'm pleased that their action has prompted a renewed effort here in the Senate to pass a comprehensive campaign finance reform measure.

I started my career in politics as a community activist, working to prevent a highway from demolishing my Fell's Point neighborhood. I don't want the next generation of community activists shut out of the process. I want them to know that their efforts matter. I want people to have an opportunity to participate in their communities and in our political process. I want to restore each American's faith and trust in government. The McCain-Feingold amendment is an important part of that effort.

I have consistently supported campaign finance reform, so I will gladly vote to close debate on the McCain-Feingold amendment. I hope we will invoke cloture, and move quickly to a vote on final passage of this amendment. Vote after vote this year has shown that a majority of the Senate supports McCain-Feingold.

Unfortunately, through parliamentary tactics and filibuster, a majority of the Senate has not been able to work its will on this issue. I hope we will be successful today in at last ending the filibuster on this issue.

During my time in the United States Senate, I have voted 19 times to end filibusters on campaign finance reform. So I know we have a fight on our hands. But it is time for action, and it is time for reform. The American people are counting on us.

I believe we need campaign finance reform for a number of reasons. First and most important, we need to restore people's faith in the integrity of government, the integrity of their elected officials, and the integrity of our political process.

Many Americans are fed up with a political system that ignores our Nation's problems and places the concerns of working families behind those of big interests. Our campaign finance system contributes to a culture of cynicism that hurts our institutions, our government and our country.

When Congress fails to enact legislation to save our kids from the public health menace of smoking because of the undue influence of Big Tobacco, it adds to that culture of cynicism. When powerful health care industry interests are able to block measures to provide basic patient protections for consumers who belong to HMOs, that adds to the culture of cynicism. Is it any wonder that Americans do not trust their elected leaders to act in the public interest?

Today we have a chance to help break that culture of cynicism. We can enact legislation to eliminate the undue influence of special interests in elections.

How does this amendment do that? First of all, it stems the flood of unregulated, unreported money in campaigns. It will ban soft money, money raised and spent outside of federal campaign rules and which violates the spirit of those rules. It will end the sham of ''issue ads'' that are really designed to support or oppose federal candidates.

This amendment will improve the disclosure of contributions, and expand the Federal Election Commission's enforcement capabilities. It will codify the Beck decision, by allowing non-union members who pay fees in lieu of union dues to obtain a refund of the portion of those fees used for political activities. It will make it less likely for wealthy candidates to try to buy elections, by barring political parties from making coordinated expenditures for candidates who do not agree to limit their personal spending.

These are all reasonable reforms. They will get the big money and the secret money out of campaigns. They will help to strengthen democracy and strengthen the people's faith in their elected officials.

Mr. President, we can improve our political process, making it more fair and more inclusive, without compromising our rights under the Constitution.

By limiting the influence of those with big dollars, and increasing the influence of those with big hearts, we can bring government back to where it belongs—with the people.

The McCain-Feingold amendment will help us to do that. I am proud to support it with my voice and my vote.

Mr. CHAFEE. Mr. President, twice during this Congress, the Senate has debated reforming the manner in which campaign funds are raised and spent. A majority of Senators clearly believes that the current system is in need of reform. Progress has been made during this Congress in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

It would be a shame to sully this bipartisan progress by resorting to political tactics, as too often has occurred in past debates. In 1992, both the House and the Senate approved a campaign reform bill that had no hope of becoming law. It was wholly unacceptable to President Bush, and he had no recourse but to veto it. In 1993 some of us worked hard with Members from the other side to craft serious legislation. But the Senate bill was not agreeable to House Democrats, and it languished in the House for months before any action occurred. As the election year adjournment neared, the Democratic leadership reached an agreement on what would be included in a conference report before the conferees had ever met, and that agreement was far from the reform that I had hoped for and supported. In 1996, another election year, a far less acceptable version of the McCain-Feingold bill was debated and defeated.

This year, supporters of reform find themselves in a slightly more hopeful position. The bill before us has been greatly improved; it has bipartisan support; and the House has already approved very similar legislation.

The paramount goal of any true effort to reform the system of financing elections for federal office must be to reduce the influence of special interest money on elected officials. Although the proposal before us may not be the final resolution to the problems that afflict the current system of campaign fundraising, it provides a better starting point than we have had in previous years.

I urge my colleagues on this side of the aisle to take another look at the modified version of McCain-Feingold that is before us today. This is a solid proposal that addresses the soft money abuses that have effectively obliterated federal election law. It addresses the problem of unregulated, unrestricted, and unreported spending by anonymous donors. It addresses blatant electioneering disguised as issue advocacy. And it eliminates enormous soft money contributions from corporations and big donors. In other words, it goes a long way to reducing the influence of special interests.

And I urge my colleagues on the other side not to let this debate degenerate into political gamesmanship.

Mr. SARBANES. Mr. President, last fall, the Majority Leader and the other Republican opponents of campaign finance reform denied the will of a majority of the Senate—and a majority of the American people—by denying an up or down vote on the McCain-Feingold bill. This past February, we witnessed again successful efforts to block consideration of this proposal. At that point, I stated that such maneuvers violate the Senate's well-earned reputation for thoughtfulness and deliberation, in which it rightly takes such pride, and I noted that full consideration of the campaign finance issue by the Senate is crucial to maintaining the public's confidence in its government.

Mr. President, the McCain-Feingold bill is before us again, but under changed circumstances which make the need for Senate consideration of campaign finance reform all the more vital. We must now consider this most important issue in the context of House passage of its own campaign finance legislation—passage which occurred only after determined members of both parties successfully navigated a minefield of amendments erected by the House Republican leadership with the goal of killing campaign finance reform there. Despite these efforts, a majority of the House held together and enacted legislation that gives voice to the belief of the American public that our system of campaign financing needs fixing.

I hope that this time the Senate leadership will give us the same opportunity to express our support for campaign finance legislation that the members of the House earned this summer. I am a cosponsor of the McCain-Feingold bill, and will therefore vote in its favor when—if—the issue comes before the Senate. Others oppose this legislation. What the American public deserves at least, however, is an up or down Senate vote that gives effect to the will of the majority and that makes the American public confident that the issue has received thorough review by its elected representatives. Based on prior votes, I suspect that such review will in fact yield a decision by a majority of the Senate that campaign finance reform is appropriate and necessary. But even if I am mistaken and a majority of Senators now oppose such legislation, a fair Senate process demands that an up or down vote take place as soon as possible and that the will of the majority be allowed to carry the day.

In February I noted that the Senate's failure to consider the McCain-Feingold bill on an up or down vote merely increases the public cynicism that makes campaign finance reform necessary. Now that the House has acted, my prior statements are even more true. I therefore once again urge the Majority Leader to observe a process consistent with the Nation's desires and needs.

Mr. HATCH. Mr. President, my colleague from Kentucky has, as usual, made a persuasive case why the McCain amendment is, as it has been for several years, flawed beyond salvage. I commend him for his leadership on this issue.

Like most of my colleagues, I do not oppose reform of our campaign finance laws if it is done in a constitutionally sound manner. But, I do not think passing campaign finance reform—this McCain-Feingold amendment, for example—just to say we've enacted reform gives us any sort of bragging rights. There is no virtue in passing a bad bill.

I would like to spend just a few minutes addressing what, in my mind, is a much greater issue: the investigation of the fundraising abuses during the 1996 election cycle. At a time when the supporters of McCain-Feingold are urging adoption of an unprecedented increase in federal regulation of campaigns and public discourse, which would be enforced by this administration, that same administration has made almost no progress in finding out whether the laws already on the books were trampled by the Clinton/Gore campaign, the White House, and the Democratic National Committee. Unfortunately, the Attorney General of the United States, Janet Reno, has continued to refuse to do what the law compels her: appoint an independent counsel to conduct the investigation of the fundraising activities surrounding the 1996 reelection campaign. And her own investigation, mired in obvious conflict of interest, has been a dismal failure.

Last week I met for almost three hours with Attorney General Reno and top officials and staff of the Justice Department, including Deputy Attorney General Holder and Former Task Force head Charles LaBella, along with House Judiciary Chairman HYDE, House Government Reform and Oversight Chairman BURTON, and Ranking Member WAXMAN, regarding the campaign finance investigation and the application of the independent counsel statute to this widespread and dangerous scandal.

I had requested this meeting in late July after the existence of the so-called LaBella memorandum had come to light. In that memo, Mr. LaBella, the handpicked lead investigator with the most extensive knowledge of the facts of this scandal, concluded that the facts and law dictated that a broad independent counsel be appointed to investigate campaign finance abuses by the 1996 Clinton/Gore reelection campaign, the Clinton administration, and the Democratic National Committee. This memo came several months after a similar written conclusion made by the Director of the Federal Bureau of Investigation, Louis Freeh.

Under federal law, the Attorney General must apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds finds information that a high-ranking official included in a specific category of individuals within the executive branch may have violated federal law.

More than one and a half years ago, all ten Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel and demonstrating the evidence which requires such an application concerning the campaign finance scandal.

After reviewing redacted versions of the memos prepared by Mr. LaBella and Director Freeh, it is clear that both gentleman have advanced strong, convincing arguments in support of a broad-based independent counsel. Importantly, when I asked the Attorney General and her top advisors why those recommendations have, thus far, been rejected, the answers I received were vague, insufficient, or unconvincing.

I have urged Attorney General Reno to appoint a broad-based independent counsel for campaign finance for well over a year. I have written the Attorney General numerous times to demonstrate how she is misapplying and misunderstanding the independent counsel law. The law allows her to appoint a independent counsel if she has information that a crime may have been committed, but she has read the law as requiring that the evidence shows without a doubt that a crime has been committed. By setting up this legal standard, she basically has required that a smoking gun walk in the doors of Justice Department before she appoints an independent counsel.

As has been widely reported, numerous individual investigations are being

handled by the task force. Yet, the task force has reportedly never conducted an investigation or inquiry into the entire campaign finance matter in order to determine if there exists specific and credible information warranting the triggering of the independent counsel statute. Indeed, as has been reported, the task force has been utilizing a higher threshold of evidence when evaluating allegations that may implicate the Independent Counsel Act or White House personnel.

I have admired the courage of FBI Director Freeh and lead investigator LaBella in discussing, within applicable rules, their views on these important issues. They made it clear that the independent counsel is required under the law, that there are no legal arguments for the Attorney General to hide behind. Director Freeh stated that covered White House persons are at the heart of the investigation. Investigator LaBella said there was a core group of individuals at the White House and the Clinton campaign involved in illegal fundraising.

Now some may attempt to defend the Attorney General by noting that she has gone through the process of legal reviews of many aspects of the campaign finance scandal. These actions are good, although clearly incomplete, steps. Each month that goes by sees the Attorney General lurch towards a real investigation of the campaign finance scandal. We now have action on several peripheral fronts, including the independent counsel investigating Bruce Babbitt, the reviews of potential false statements by the Vice President concerning his fundraising calls and by Harold Ickes regarding his involvement with unions, and now the review of the President's control of DNC advertising.

My primary focus, however, has been and remains the infusion of foreign money and influence on our campaigns. Until we have a broad-based independent counsel investigation, we will only be looking at the loose threads of the scandal and not the most serious alleged violations.

In addition, I hope that the Attorney General will not take the entire three months to make decisions on these latest matters. The campaign finance violations we are discussing happened two and three years ago and every day that passes means leads are drying up, evidence is lost, and statutes of limitations are running.

While Lead Investigator LaBella and FBI Director Freeh recommended that the Attorney General appoint an independent counsel to look into the coordination issue, it is clear that they both think an independent counsel should be appointed to handle the whole scandal, not just these peripheral issues. Any independent counsel must be given authority to delve into the most important questions of the scandal. As the New York Times concluded, a limited appointment would be a ''scam to avoid getting at the more serious questions of whether the Clinton campaign bartered Presidential audiences or policy decisions for contributions. A narrowly focussed inquiry could miss the towering problem of how so much illegal foreign money, possibly including Chinese government contributions, got into Democratic accounts.''

I must also take issue with the Attorney General's assertions that the current investigation is not a failure because it has secured a limited number of indictments. Let's remember that the ongoing campaign finance investigation has only indicted the most conspicuous people who made illegal donations to the DNC or the Clinton/Gore campaign. It has made no headway in finding out who in the administration or DNC knew about or solicited these illegal donations. Until it does so, the investigation is a failure.

In closing, let me quote the New York Times, which, I believe, captured the situation perfectly: ''Ms. Reno keeps celebrating her stubbornness as if it were some sort of national asset or a constitutional principle that had legal standing. It is neither. It is a quirk of mind or personality that has blinded her to the clear meaning of the statute requiring attorneys general to recuse themselves when they are sunk to the axle in conflict of interest.''

The inability of the Justice Department to investigate and prosecute the violations of existing laws is the real scandal here. That is what we should be talking about, rather than legislation which would represent an unconstitutional, unwise, and partisan trampling of our electoral system and First Amendment rights.

One final note, Mr. President. I believe that the American people want accountability in the electoral market place—not more restrictions on what they can and cannot do to participate in it. Accountability is a desirable thing in campaigning. I have always favored disclosure, and I believe we can take steps to enhance the information available to the press and to the public. But, accountability is not the same as regulating, which is what we are debating here today.

This measure imposes new restrictions without necessarily increasing accountability, and it does so at a time when there has been little effort to effectively enforce the campaign laws we already have on the books. I join the Senator from Kentucky in urging defeat of this amendment.

Mr. GLENN. Mr. President, in the next few weeks I will be casting my final votes and concluding my four terms in the Senate. During this last term, a significant amount of my time has been devoted to investigating abuses of our current campaign finance system. What I have learned is that this is a problem which cannot wait. I am pleased that one of my remaining votes can be cast in support of important reform, however, I am disappointed that the Senate will likely not pass this much needed legislation.

Although I have always been a supporter of campaign finance reform—and indeed I personally believe that a system of campaigns fairly and equally underwritten by all Americans through some form of publicly supported financing is the only way to ensure public officials are not unduly influenced—but this last session has been a lesson for me on just how urgently we need to fix the campaign finance laws.

When we originally passed the current campaign finance laws it was in the wake of allegations that the presidential campaigns of the early 1970s had accepted hundreds of thousands, even millions, of dollars from secret contributors not known to the voters. The goals of that law were right and for many years it served us well. But there are few things that change as quickly as campaigns and politics. By 1996 our law had been eroded to the point that it was barely recognizable.

In 1996, we again faced a system totally out of control—filled with soft money and thinly disguised political advertisements masquerading as ''issue'' advertising funded by secret sources. We faced an election in which even the Members of this body—the people governed by the campaign finance laws—did not know what was legal and what was not.

The amendment that is before us today and the bill that passed the House are a direct product of the chaos of the 1996 election. They are good legislation that address the two key problems of our campaign finance system—the proliferation of soft money and the use of thinly disguised ''issue'' advertisements. In addition, the legislation takes important steps to strengthen the Federal Election Commission. The goals of the bill before us today are the same as those of the original law: to deter corruption, to inform voters and to prevent wealthy private interests from exercising disproportionate influence over the government.

There is no question that most problems we saw in the 1996 election stemmed from legal activity. There is also no question that both political parties and groups supporting candidates on both sides of the aisle in 1996 took advantage of these loopholes in their quest to win. The problems of soft money being used to purchase access and of secret contributors funding their own attack advertising campaigns without disclosing their identity can not be solved by any other means than by passing a new law.

The proposals in this bill are carefully drafted to protect the First Amendment right of voters to engage in political speech. The legislation simply requires public disclosure and compliance with contribution limits. To those who see no problem with soft money advertising campaigns by parties and issue advertising by unknown and undisclosed contributors I can only wonder what they will say after the next time they run for re-election and

discover they no longer have any control over the course of their own campaigns?

No one can seriously argue that the system of soft money and secret issue ads is consistent with the spirit of the campaign finance laws. Together, the soft-money and issue-advocacy loopholes have eviscerated the contribution limits and disclosure requirements in federal election laws and caused a loss of public confidence in the integrity of our campaign finance system. By inviting corruption of the electoral process, they threaten our democracy. For parties to accept contributions of hundreds of thousands—even millions—of dollars, from corporations, unions and others to air candidate attack ads without meeting any of the federal election law requirements for contribution limits and public disclosure is a fundamental step backwards.

Twice in the past year we have voted on the amendment before us today. Each time, although a majority of the Members of this body have voted in support of the bill—a minority opposed to reform has blocked its passage.

Today we again take up this measure—but this time with a difference—this time the House of Representatives has worked together in a bi-partisan manner, recognized the critical need for reform, and passed a bill. By coming together and passing this reform legislation we in the Senate can take advantage of a narrow window of opportunity and turn these bills into a new and vital campaign finance law. This is a rare chance to fix a major problem. If we fail, it will plague us in many elections to come.

Over the course of my Senate career, I have watched as public cynicism about government increases, and trust in government declines. In 1996, for the first time, less than half the people in this country eligible to vote cast a ballot. We must assure the integrity of our campaigns if we are to have any hope that young Americans will continue to have the faith in our government and in its public servants.

If we do not act we here in the Senate will be responsible when the abuses witnessed by the American people in 1996 are repeated. All that will change is that amounts of money will continue to increase and public faith will continue to decline. In less than two months we will see the loopholes ripped open in 1996 resulting in an even greater flood of money into the system as each party tries to elect their chosen candidates, and the candidates battle to be heard against the flood of issue advertising.

There is nothing I should like to be able to say so much as that I left the Senate having helped to pass into law the amendment before us today. I would ask that my colleagues join with me to cast a vote to enact into law these sensible reforms that we know we need. Only then can I depart with the confidence that we have acted to protect our electoral process from the apathy and cynicism that are a danger to democracy.

Mr. KENNEDY. Mr. President, with this amendment the United States Senate has an excellent opportunity to restore public faith in the political system by enacting long overdue campaign finance reform. After cynically withdrawing the McCain-Feingold campaign finance reform bill last winter, the Senate followed the lead of the House and passed a needed new law to limit the role of money in election campaigns.

The current system is a scandal, and I commend Senator MCCAIN and Senator FEINGOLD for their leadership in demanding that the Senate act on reform. The vast sums of special interest money pouring into campaigns are a cancer on our democracy. The voice of the average citizen today is scarcely heard over the din of lobbyists and big corporations contributing millions of dollars to political campaigns and buying hundreds of TV ads to promote the causes of their special interests.

Every Democrat supports the proposal before us. If enough Republicans join us, this reform will pass.

It is time to end special interest gimmickry in campaign advertising. Currently, special interests can run as many so-called issue ads as they wish as long as they do not specifically advocate a candidate's election. The American people aren't being fooled—they know that these are campaign ads in disguise and should be regulated accordingly.

Democrats also want to close the gaping loophole on soft money, which allows special interests to bypass legal limits on giving money directly to candidates. Big corporations and other special interests use this loophole to funnel money to candidates through the back door, by making so-called ''soft-money'' contributions to political parties and other political organizations that are spent to benefit candidates.

More than $250 million in soft money contributions played a part in the 1996 elections. McCain-Feingold proposal will ban this practice.

The fact is that phony issue ads and soft money contributions have created a climate in which our elections and our legislative agenda are determined more and more by how much money candidates can raise and less and less by issues of concern to families and communities across America. The public doesn't have to look any further than the Senate floor to see the effect big money has on the Republican legislative agenda.

For example, Republicans are determined to pass a bankruptcy bill bought and paid for by the consumer credit industry, despite the pleas of bankruptcy judges, scholars, and consumer groups.

Why is Congress moving so quickly to pass legislation that raises such grave concerns? Who benefits from the bill? Is it working families, the elderly, women and children? The answer is a resounding ''no.'' If you want to know who benefits from this legislation, just look at the corporate interests making soft money contributions—the consumer credit industry gave $5.5 million in soft money during the 1995–1996 election cycle. Common Cause reports that since 1995, Republicans in the House of Representatives have received more than twice the PAC and soft money contributions from consumer creditors as Democrats, and—not surprisingly—Republicans voted wholesale for the bankrtupcy bill. In the House of Representatives, the bill had the support of every Republican.

The tobacco industry's total PAC and soft money contributions are less than half of what the credit industry gave during the same period—but, it was enough for the Republican leadership to reject needed anti-tobacco legislation and prevent it from being enacted.

The Campaign for Tobacco-Free Kids reports that Senators who voted consistently against the tobacco reform legislation took far more money from the industry—four times more—than those who supported the bill. In the past ten years, Senators supporting the tobacco industry's position have accepted an average of $34,000, while those who support reform measures accepted about $8,000 in contributions.

The challenge of managed care reform is another example of the power that big corporations can wield against the interests of individuals and families in the political process. In the halls of Congress, big money from campaign contributors is drowning the voices of our constituents.

A year ago, in a private strategy meeting called to defeat the Patients' Bill of Rights, staff from the Senate Republican leadership exhorted insurance industry lobbyists to ''Get off your butts, get off your wallets.'' And lo and behold, the industry ingloriously responded.

In fact, Blue Cross/Blue Shield and its state affiliates have made $1 million in political contributions during the 1997–1998 cycle, with four out of every five dollars going to Republicans. They are also the number one PAC donors to leadership committees. They more than doubled their contributions during the 1995–1996 election cycle and 98 percent of the contributions were directed to Republicans.

According to the Center on Responsive Politics, managed care PACs—including the American Association of Health Plans, the Health Insurance Association of America, and Blue Cross/Blue Shield—gave $77,250 to leadership political action committees. All but $1,500 went to the Republican majority. As of July 1, these industry PACs have made $1.8 million in political contributions during this election cycle, and 70 percent of the money is directed to Republicans.

These same corporations have also funded a multi-million dollar advertising campaign of disinformation and distortion on managed case reform.

The same corporations profit by denying care to patients who have faithfully paid their premiums. These same corporations, with their crocodile tears, claim that patient protections will bankrupt them or force them to raise premiums by hundreds of dollars.

These same corporations are spending millions of dollars—taken from premiums paid by patients—on political campaign contributions and advertising to defeat the very legislation that patients need and deserve.

What did this significant investment buy? Just what they wanted. Inaction by Congress. Stonewalling. A ''just say no'' strategy. At the behest of their big donors and special interest friends, the Senate Republican leadership has delayed and denied consideration of the Patients' Bill of Rights for nearly a year and a half.

The choice is clear. Will the Senate stand with patients, families, and physicians, or with the well-heeled special interests that put profits ahead of patients?

It is clear that the majority of Senator Republicans are standing with the special interests. There is no mystery about what is going on. The Republican Leadership's position is to protect the insurance industry instead of protecting the patients. They know they can't do that in the light of day. So their strategy has been to work behind closed doors to kill the bill. Keep it bottled up in Committee. No markup. No floor debate or vote.

Bill Gradison, the head of the Health Insurance Association of America, was asked in a interview published in the Rocky Mountain News to sum up the coalition's strategy. According to the article, Mr. Gradison replied ''[t]here's a lot to be said for 'Just say no.' '' The author of the article goes on to report that:

> [a]t a strategy session . . . called by a top aide to Senator Don Nickles, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Opponents will rely on Republican leaders in both chambers to keep managed care legislation bottled up in committee.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protection legislation.

That is why the Republican leadership is trying to hide its tactics of delay and denial behind a smokescreen of parliamentary maneuvers and phony procedural justifications. They say we don't have time to debate managed care. They reject offer after offer from the Democratic leader, thereby continuing the stall of this critically important legislation. I say, the American people aren't interested in excuses. They want action. They want reforms. They want clean elections. This legislation will give it to them and it deserves to pass by an overwhelming majority of the Senate.

Mrs. MURRAY. Mr. President, this is the sixth year I have been a Member of the U.S. Senate. And this is the sixth year I can recall debating campaign finance reform. I have voted to pass campaign reform legislation in 1993, 1994, 1996, 1997, and now 1998. We actually passed a good bill in the Senate in 1993. Each time it has been killed off by filibuster.

Each time I thought, this is it. This is our chance to make some changes that the people of this country will notice and respect. This is our chance to restore a measure of faith in American democracy. While I've had my share of disappointments, today we are here again with a rare and valuable opportunity to actually get a bill signed into law.

Mr. President, it is critically important that we pass campaign reform legislation. The health of our democracy is not good. Yes, the economy is strong, crime is down, and people are generally feeling good about their lives. But there is an undercurrent that I find deeply troubling, and it's been building for the past two decades.

People simply do not like government. They do not trust government, and they do not feel like they are part of the process. They are losing faith and I think it would be terrible if we did not do something to re-invigorate peoples' interest in American democracy.

If any of my colleagues doubt this, just look at voter turnout rates and voter registration rates. People just are not participating any more, and it gets worse each year.

What exactly is the problem? Money, plain and simple. Too much money, having too much influence over our democratic process.

The campaign system is so clogged with money, there is hardly room left for the average voter. Political campaigning has become an industry in this country. In the last election, over a billion dollars were spent on federal elections alone. To what end?

That money—much of it undisclosed, from dubious sources—flowed into the political arena and dictated the terms of our elections to the people. Like water, it flowed downhill into campaigns all across the country. Some of it came out in the form of national party ads attacking candidates in the abstract; some came out in the form of issue-ads by interest groups trying to influence the outcomes. Some of it came out in the candidates' own TV ads.

It reaches the point where you almost cannot hear the voices of the candidates or the people anymore, only the voices of the dueling special interests. We do not know who pays for these ads, where they get their money, or what they stand to gain if their candidate wins. Yet they have found ways to have a huge influence over the election process.

Opponents of reform argue against the McCain-Feingold bill on free speech grounds. They argue politicians and political parties should be able to take money in any amount from anyone in order to make the case for their re-election. They believe that having more money entitles one to a greater influence over our campaigns and elections. I find this argument shocking, Mr. President. I find it profoundly undemocratic, and un-American.

The last time we debated reform, I told a story of a woman who sent my campaign a small contribution of fifteen dollars. With her check she enclosed a note that said, ''please make sure my voice means as much as those who give thousands.'' With all due respect, Mr. President, this woman is typical of the people who deserve our best representation. Sadly, under the current campaign system, they rarely do.

I have tried to live by my word on this issue. My first Senate campaign was a shoe-string affair. I was out spent nearly three-to-one by a congressional incumbent. But because I had a strong, grassroots, people-based effort, I was able to win.

Since then, I have worked hard to keep to that standard. I have over 35,000 individual donors. The average contribution to my campaign is 69 dollars. Nearly 75 percent of my contributions come from within Washington state. I firmly believe that's the way campaigns should be run: by the people.

We need more disclosure, not less. We need more restrictions on special interest money, not fewer. We need less money in the system, not more. We need to amplify the voices of regular people, instead of allowing them to be shouted down by special interests.

Mr. President, the opponents of reform miss the point. In America, money does not equal speech. More money does not entitle one to more speech. The Haves are not entitled to a greater voice in politics than the Have-nots. In America, everyone has an equal say in our government. That is why our Declaration of Independence starts with, ''We, the people.''

When this Congress started, I thought this might really be our chance to pass a bill. The public was paying more attention. The excesses of the last campaign season, brought to light through the good work of the Government Affairs Committee, made campaign reform a front-burner issue in every kitchen in America. More than one million signatures were delivered to the Capitol from people all over America who joined a nationwide call for reform.

A bipartisan group of Senators committed to reform worked overtime to craft a reasonable reform measure that makes sense for America. I think we

all owe a debt of gratitude to Senators MCCAIN and FEINGOLD for their work. They generated public support, made their case to the media, and pushed for the last few votes necessary to pass a bill. Well, the time has come to see if this is our chance to do the right thing.

Our like-minded colleagues in the other body did find the votes, and they did pass a good strong bill. The Senate has more than enough votes to pass the same bill on an up-or-down vote. All we need are eight more votes from the majority party to do the right thing for America. Mr. President, who will it be? Who will be the heroes on this vote? And who will let down the millions of American citizens who have grown sick, tired, and alienated from our democratic system?

Mr. President, I believe we have made this debate way too complicated. After all the maneuvering, the cloture petitions, the technicalities, the procedural votes, this issue boils down to one basic question: are senators willing to make some modest reforms to reduce the influence of big money in politics and encourage greater voter participation? Or are they more interested in protecting the current system, and the ability of parties and politicians to turn financial advantage into political advantage?

Are you for reform, or against it? Are you with the people, or against them on the need for a more healthy democracy? The votes we are taking today will show the answers to these questions.

Mr. CAMPBELL. Mr. President, today I add my voice to the on-going debate on the campaign finance reform bill that is before us once again. Let me say right up front, so that there is no confusion, I support, and I have always supported enforceable, reasonable, common-sense reform. Unfortunately, I don't believe the amendment offered by Senators MCCAIN and FEINGOLD before the Senate meets those standards, nor do I believe it would stand a Constitutional challenge. As I stated with my friend and fellow Coloradan, Senator ALLARD, in a joint editorial printed in the Denver Post back in October, ''real campaign finance reform protects the right to free speech under the First Amendment while guaranteeing the public's right to know through full disclosure.'' This amendment does not contain that kind of reform. The Constitution guarantees all Americans the right to freedom of speech and association in the First Amendment.

The Supreme Court applied those words to campaign spending in the landmark case Buckley v. Valeo to mean that money spent in favor or against a candidate is a form of speech, and therefore entitled to this protection. That decision has been reinforced over and over again. Given this ruling, I cannot believe that the Court, or the Founding Fathers, intended to impose a sixty- or thirty-day moratorium prior to elections on this right, as this amendment would do. I believe the Founders wanted Americans to have the unabridged right to speak their minds and show their support for candidates by using a collective voice, including showing support by making contributions to one candidate or another.

In order to have an educated electorate, money must be spent on spreading candidates' messages. In our free market system, advertising rates are determined by the industry. I would note that these days, there is hardly such a thing as a ''free exchange of ideas,'' as nearly all forms of communication cost money. The exchange of ideas and opinions is what allows the public to become informed about the candidates that are seeking office. But limiting the amount candidates can raise and spend severely limits the ability to spread information about their backgrounds and opinions, and only harms citizens. I cannot understand why this amendment targets some forms of spreading these messages while allowing others to continue unchecked. Doesn't that signal to the American people that the First Amendment only applies to speech that is printed, and not speech that is broadcast?

I would note that my colleagues and I have been under tremendous pressure this session to pass this particular legislation. But until we have found a solution that answers all the Constitutional concerns that have been raised, I am reluctant to act on this particular measure. As was stated in an editorial that appeared in my state's Rocky Mountain News, this ''particular piece of legislation would have betrayed several of the nation's most important principles, not the least of all is its guarantee of free political speech.'' I wholeheartedly agree with this sentiment.

Thank you, Mr. President. I yield the floor and ask unanimous consent that the text of this editorial be printed in the RECORD.

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

THE MCCAIN-FEINGOLD FRAUD

As those of you with the radio on last week probably know, Sen. Ben Nighthorse Campbell has been the target of an ad campaign by a coalition that supports something known as the McCain-Feingold bill, a campaign finance reform that died last Thursday in the U.S. Senate.

Various local journalists also joined the crusade, in one instance publishing Campbell's office phone number as a service to readers who wished to complain about his failure to support the bill.

But, in fact, that particular piece of legislation would have betrayed several of the nation's most important principles, not least of all its guarantee of free political speech. Under one of its provisions, for instance, groups focused on particular issues would be prohibited from mentioning the names of candidates in advertisements as elections drew near.

Can anyone with any understanding of the First Amendment honestly believe that Congress can constitutionally prohibit any organization of Americans from saying any politician at nay time it chooses?

The American Civil Liberties Union has correctly identified one probable result of McCain-Feingold: ''to shut down citizen criticism of incumbent officeholders standing for re-election at the very time when the public's attention is especially focused on such issues.''

The truth is, McCain-Feingold would probably have fixed very little on its way to hampering democratic discussion. It would not have become easier—and might well have become harder—to challenge an incumbent, especially if you happened to be a third-party candidate. For that matter, the most publicized campaign spending scandals of the past year involved activity that was already illegal. If the bill had been enacted, politicians probably would have figured out ways to circumvent it—and the Supreme Court probably would have declared it unconstitutional.

Sure, the present system is not pretty to look at. Politicians work constantly to raise money for their campaigns, and special interest groups are forever trying to influence legislation with their donations, usually by helping those who have helped them in the past. One possible reform is full, instant disclosure of contributions so that voters can themselves determine whether candidates are in danger of being bought.

Give people liberty, and their political system is going to be messy. Taking away some significant portion of that liberty is too high a price for cleaning things up.

Mrs. BOXER. Mr. President, I strongly support the McCain-Feingold amendment to reform the federal campaign finance system.

It is clear that a majority of the United States Senate supports the McCain-Feingold amendment. I urge senators to stop filibustering this extremely important matter, and let us pass the plan and send a bill to the president.

I want to explain what the amendment does and the kinds of abuses of the system that it would prevent.

First, it bans unlimited ''soft money'' contributions, which are contributions to national political committees like the Republican and Democratic National Committees.

Under current law, ''soft money'' contributions are unlimited and virtually unregulated. This means that a corporation with an interest in legislation pending in Congress—such as an oil company—can give hundreds of thousands of dollars to the national political parties in an attempt to influence the outcome of the legislation.

The McCain-Feingold amendment would shut down the special interest money machine by imposing limits on contributions to the national political parties.

Second, the McCain-Feingold amendment bans attack advertising disguised as ''issue ads'' by corporations and unions within 60 days of an election. The amendment also requires others—individuals and nonprofit organizations—to disclose their contributors and expenditures for these ads.

Current law allows anyone to launch vicious attacks against candidates and not disclose their true identity or the sources of their contributions, as long

as the ad doesn't say ''vote for'' or ''vote against'' the candidate.

For example, a group of tobacco companies can get together, form a phony organization called ''Citizens for Good Government'', and have that ''organization'' spend millions of dollars for television ads attacking a congressional candidate who supports tougher tobacco laws. And those companies never have to disclose what they did.

This isn't just a hypothetical: In my own state, outside special interest groups regularly spend millions of dollars attacking California congressional candidates, often leaving those candidates mere spectators in their own election campaigns.

The amendment prohibits corporations and unions from buying these stealth attack ads, and anyone else—individuals and nonprofit organizations—has to disclose what they are doing.

Third, the amendment fixes a major problem in the law governing ''independent expenditures'', which are efforts on behalf of a candidate by someone not affiliated with that candidate's campaign.

Under current law, a political party can make ''independent expenditures'' on behalf of a candidate at the same time it is making expenditures that are coordinated with the candidate's campaign. Mr. President, this is an absurd situation! Clearly, a political party can't—at the same time, with the same political operatives, from the same office—be both ''independent of'' and ''coordinate with'' a political campaign!

The McCain-Feingold amendment allows a political party to do only one or the other: If the party makes ''independent expenditures'', it can't also make ''coordinated'' expenditures for the campaign.

Finally, the amendment requires faster and more complete disclosure of contributions to campaigns.

Mr. President, for these reasons, I urge my colleagues to vote for cloture on this amendment and move to passage so that we can send a bill to the president and make these changes in our campaign finance system.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. In light of the fact we have limited time, I ask that any time that is open here, a quorum call time, be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I confess, I was not particularly attentive. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent request was that any quorum calls be charged exclusively to the time under the control of the Senator from Kentucky.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. I ask that the time be equally divided with regard to the quorum call.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. I ask my colleague from Wisconsin whether I can speak for 10 minutes.

Mr. FEINGOLD. I inform the Senator from Minnesota, we only have a total of 16 minutes remaining. Mr. MCCAIN would like some time. If the Senator would like to speak for 3 minutes.

Mr. WELLSTONE. That is fine.

The PRESIDING OFFICER. The Senator from Wisconsin is to be advised that he has 11 minutes, 45 seconds remaining. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, I had a chance to speak yesterday for about half an hour, so let me summarize this way:

First of all, I thank Senator FEINGOLD who I think has just emerged, really, as a leading reformer before the U.S. Senate for his work, along with Senator MCCAIN. This is a bipartisan effort, and I, frankly, think it speaks to the core issue.

What I tried to say yesterday on the floor of the Senate is that as I think about a whole range of questions, over and over and over again, I come back to the fact that too few people have way too much wealth, power, and say, and too many people are just locked out. The polls show people want to have faith in our political process, people want to believe in what we are doing, but the conclusion that many people have reached is that if you pay, you play, and if you don't pay, you don't play, and that, basically, the same investors pretty much control both political parties; they control the political process.

So many people in Minnesota and across the country have reached the conclusion that when it comes to their concerns about themselves and about their families and about their neighbors and about their communities, that their concerns are of little concern here in the corridors of power.

I can't think of a better thing for us to do than to pass this piece of legislation. The Shays-Meehan bill passed in the House of Representatives. That was a very important victory. We now have an important vote on the floor of the Senate. There is an effort on the part of those who are opposed to reform to block this. That is what this is all about. We have a majority support on the floor of the U.S. Senate. I hope that other Senators will step forward and support this important piece of legislation, this important amendment offered by Senator MCCAIN and Senator FEINGOLD.

As a Senator from Minnesota, a good government State, a progressive State, a State that cares about clean money and clean elections, a State that believes integrity in the political process is the most important thing that we can focus on, this piece of legislation, this amendment is the most important amendment that we will be voting on during this Senate.

I hope my colleagues will vote to end this filibuster and support this legislation.

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

Mr. FEINGOLD. Mr. President, in light of the fact that we have very limited time remaining, I ask that any time under subsequent quorum calls not be charged against our time.

The PRESIDING OFFICER. Is there objection? As a Senator from the State of Minnesota, I lodge an objection.

Mr. FEINGOLD. Mr. President, I am about to put in a quorum call. I am going to ask unanimous consent that we be able to use our remaining time near the conclusion of this debate. We have how much time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has control of 8 minutes, 40 seconds.

Mr. FEINGOLD. I ask unanimous consent that we be permitted to use that time just prior to the end of the debate.

The PRESIDING OFFICER. Again, as a Senator from the State of Minnesota, I have to object. I can equally divide—objection is heard.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Sean O'Brien, who is an intern in my office, be granted the privilege of the floor today.

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

The PRESIDING OFFICER. Who requests time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have control of the time. Who seeks time? The Senator has control of time on the floor.

Mr. FEINGOLD. I suggest the absence of a quorum and ask that it be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I wonder if the distinguished proponent of this bill from Wisconsin, Senator FEINGOLD, would be willing to yield some time. Does the Senator have any additional time?

Mr. FEINGOLD. Precious little. I can yield the Senator 2 minutes of our remaining 8 minutes.

Mr. BUMPERS. My speech will be much better than sitting in a quorum call. I thought I might get more time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Mr. President, I came over to express my very strong support for campaign finance reform. From the time I ran for Governor in 1970 until 28 years later—this very moment—I have abhorred the system of financing campaigns in this country. One of the reasons—not the main reason, but certainly one of the reasons I decided not to seek reelection this year was because I detested going out and raising money.

Let me also say that it is reaching the point in this country where the cost of campaigning goes up every single year—and there is no end in sight.

Right now the Attorney General is conducting a 90-day interim period investigation on whether or not the DNC coordinated a 1996 campaign with the President of the United States. The same thing is going on with the Vice President. And the same thing will go on forever until we change it, and change it dramatically—soft money, hard money, issue ads, attack ads.

I close, Mr. President, by saying I consider not only the method of financing campaigns in this country ominous, quite frankly, I consider it rotten to the core.

I also want to say to the American people——

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

Mr. BUMPERS. Thirty seconds?

Mr. FEINGOLD. I yield the Senator 30 additional seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. Anybody who believes that a democracy can survive when the people you elect and the laws you pass depend on how much money is given for the cause are daydreaming. It is dangerous to our system. It is dangerous to our democracy. I plead with my colleagues to vote for cloture on this matter.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, under the unanimous consent agreement, the vote is scheduled for the hour of 1:45?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. This side has used all but 8 minutes of its time, and the other side has not used a significant amount of its time because there is an hour and 15 minutes approximately between now and when the vote is scheduled.

What we are trying to achieve here is, one, allow the debate to continue, and, two, allow the proponents of the legislation the opportunity to continue the debate.

I thought that this whole debate was being conducted in an atmosphere of comity. When I have been in other debates here on the floor of the Senate and there has been no one to speak in opposition or in favor of a particular amendment, then those who wanted to speak were allowed to speak.

If we are going to depart from that, Mr. President, OK. But I am asking unanimous consent, one, that the last 20 minutes be equally divided, 10 minutes on each side, but also I am asking unanimous consent that if there are no speakers in opposition to the legislation, that speakers in favor of the amendment be allowed to speak rather than just throw the Senate into a quorum call.

The PRESIDING OFFICER. Is there objection?

In the Chair's capacity as a Senator from Minnesota——

Mr. MCCAIN. Could I make one addition? I ask unanimous consent to add one addition to that. That is, when Senator MCCONNELL returns, and if he or any of the opponents wish to use their time, they clearly would be allowed to do so.

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

Mr. MCCAIN. I thank the President, and I thank my colleagues for their cooperation.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Under the unanimous consent agreement, I understand, as long as there are not opposition speakers present, that we can go forward without that being charged against our remaining time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Thank you, Mr. President.

In light of that, I wonder if the Senator from Minnesota has any additional remarks. I am prepared go forward, if he does not.

Mr. President, we have heard a lot of criticism of our bill during this debate on constitutional grounds. The Senator from Kentucky said once again yesterday something that he has said many times. He expressed his opinion that there is ''absolutely no way'' that our bill will be held constitutional by the U.S. Supreme Court. And obviously I disagree with that analysis.

Our bill has been carefully crafted to be consistent with the Court's decision in Buckley v. Valeo. The only way to find out who is right, of course—because you cannot call up the Chief Justice and ask him for advice or his opinion—the only way is by passing this bill, and allowing a court challenge to take place. I and other supporters of the McCain-Feingold bill are ready to defend this bill in court, and I sincerely hope that we will have a chance to do so.

The Senator from Kentucky does have one group on his side that does specialize in the first amendment, the American Civil Liberties Union. And he is fond of reminding us that the ACLU, ''America's expert on the first amendment,'' as he likes to say, opposes our bill. Let me say, I have a great deal of respect for the ACLU in many areas. In fact, I may have agreed with them on more issues over the years than the Senator from Kentucky. But I think it is worth pointing out two things with respect to the ACLU's position on campaign finance reform.

First, the ACLU is on record many times as opposing the Court's decision in Buckley that limitations on campaign contributions are constitutional. In other words, the ACLU disagrees with the Court's ruling in Buckley. The ACLU believes, for example, that limitations on soft money donations to political parties would be unconstitutional. But that is an opinion that is by no means in the mainstream of constitutional thought.

In fact, as we have noted many times over the last year, we have a letter signed by 127 law professors who wrote to Senator MCCAIN and to me and gave their opinion that a soft money ban would be fully consistent with the first amendment and the Buckley decision and therefore would be constitutional.

Senator MCCONNELL once said it would be easy to find 127 law professors of his own to say that soft money cannot be banned, but so far no such letter has ever materialized. Senator MCCONNELL has been completely unable to come up with a list of constitutional scholars that would suggest that we cannot ban soft money, and I doubt that he ever could.

Second, there is a serious split within the ACLU itself. One of the most interesting and significant developments in this whole debate occurred just this past June during the House debate on campaign finance reform when a group of former leaders of the ACLU released a statement on their opinion of the

constitutionality of the House version of the McCain-Feingold bill.

Mr. President, this isn't just one, if you will, disgruntled former leader of the ACLU. This statement was released by nine former leaders of the organization. They include every living person who has served as president, executive director, legal director, or legislative director of the ACLU for the past 30 years, except for one person who is currently in Government service and is not free to express his opinion.

That is quite a thing—all of those former ACLU officials indicating they do believe that this bill is constitutional. Let me just read from the letter of June 19, the statement of persons who have served in the American Civil Liberties Union in leadership positions supporting the constitutionally of efforts to enact reasonable campaign finance reform. They say:

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and we continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

Later in the letter the same individuals said,

. . . even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the ''soft money'' loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation to the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words ''vote for'' or ''vote against''. We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called ''issue advertisements'' that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

These individuals conclude by saying:

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents of reform should no longer be permitted to hide behind an unjustified constitutional spokescreen.

I ask unanimous consent that the full statement of these nine former members of the ACLU be printed in the RECORD.

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

JUNE 19, 1998.

STATEMENT OF PERSONS WHO HAVE SERVED THE AMERICAN CIVIL LIBERTIES UNION IN LEADERSHIP POSITIONS SUPPORTING THE CONSTITUTIONALITY OF EFFORTS TO ENACT REASONABLE CAMPAIGN FINANCE REFORM

We have served the American Civil Liberties Union in leadership positions over several decades. Norman Dorsen served as ACLU General Counsel from 1969–1976 and as President of the ACLU from 1976–1991. Jack Pemberton and Aryeh Neier served as Executive Directors of the ACLU from 1962–1978. Melvin Wulf, Bruce Ennis, Burt Neuborne, and John Powell served as National Legal Directors of the ACLU from 1962–1992. Charles Morgan, Jr., and Morton Halperin served as National Legislative Directors of the ACLU from 1972–1976, and 1984–1992, respectively. Indeed, except for one person currently in government service, and, therefore, not free to express a personal opinion, we constitute every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director during the past 30 years, with the exception of the current leadership.

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

We believe that Buckley v. Valeo, the 1976 Supreme Court case that makes it extremely difficult to reform the current, disastrous campaign financing system, should be overruled for three reasons. First, the Buckley opinion inappropriately treats the spending of money as though it were pure speech, no matter how high the spending limits may be. But such an approach ignores the long-established Supreme Court rule that when speech is inextricably intertwined with conduct, the conduct may be regulated if it threatens to cause serious harm. While we agree that unreasonably low spending limits would unconstitutionally impinge on free speech, the Buckley Court failed to recognize that there is a compelling interest in defending democracy that justifies reasonable spending limits. Reasonable spending limits would free candidates and officials to concentrate on substantive questions of public policy, instead of spending excessive time raising campaign funds. Reasonable spending limits would also free candidates from becoming trapped in an arms race mentality, where each candidate is forced to continue raising money, not because they wish to, but to prevent being outspent by an opponent.

Second, the Buckley opinion makes an untenable distinction between campaign contributions, which may be subjected to stringent government regulation, and campaign expenditures, which are virtually immune from regulation. The bright-line distinction between contributions and expenditures is neither analytically nor pragmatically defensible. By upholding limits on the size and source of campaign contributions, while preventing any effort to limit the demand for campaign funds by capping spending, the Buckley Court inadvertently created a system that tempts politicians to break the law governing campaign contributions in order to satisfy an uncontrollable need for campaign cash.

Third, the Buckley Court erred in refusing to permit the establishment of reasonable spending limits designed to avoid unfair domination of the electoral process by a small group of extremely wealthy persons. Instead of ''one person-one vote'', the Buckley decision has resulted in a regime of ''one dollar-one vote'' that magnifies the political influence of extremely wealthy individuals and distorts the fundamental principle of political equality underlying the First Amendment itself, causing great harm to the democratic principles that underlie the Constitution.

It is our hope that the current Supreme Court, confronted with the unfortunate practical implications of the Buckley decision, and the serious flaws in its constitutional analysis, will reconsider the decision, and permit reasonable legislative efforts to reform our campaign financing system.

Moreover, even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the ''soft money'' loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation of the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words ''vote for'' or ''vote against''. We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called ''issue advertisements'' that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents or reform should no longer be permitted to hide behind an unjustified constitutional smokescreen.

Norman Dorsen, Jack Pemberton, Aryeh Neier, Melvin Wulf, Bruce Ennis, Burt Neuborne, John Powell, Charles Morgan, Jr., Morton Halperin.

Mr. FEINGOLD. Mr. President, I think this is a very significant letter that undercuts this, frankly, false notion that the soft money ban and some of the other key provisions in our bill are unconstitutional.

I am delighted now we have worked out the logjam on time and that the distinguished Senator from Arkansas is here to continue his remarks on this issue.

Mr. BUMPERS. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to lead off with one of Mo Udall's great statements: Everything that needs to be said has been said but everybody hasn't said it. So I want to get my two cents in before we vote on this measure this afternoon.

A moment ago, I said everything about this issue I feel strongly about, except for one thing: While I strongly support this legislation, I also believe that the ultimate solution to this problem is public financing. Unhappily, I will no longer be a member of this distinguished body when this Country and Congress finally comes to its senses and realizes that until we go to public financing, our democracy is simply not going to work. I am reluctant to make an admission today, but I have always prided myself on standing up for things that oftentimes were unpopular but I felt strongly were right.

I say to my colleagues, that I believe that one of the things that has sustained me is the reputation of having taken a tough stance from time to time. But since I announced that I would not seek reelection last June, and as I have walked on the Senate floor to vote, I have pondered how much the freedom of not running for reelection has influenced my vote. Now, that being said, I have cast many unpopular votes that have irritated the people of my State, on such subjects as the Panama Canal Treaty, and partial-birth abortion. However, after I announced I wouldn't run again, I have asked myself, How would I vote on this if I were up for reelection and knew I had to raise $3 or $4 million?

I believe there isn't a person in this body who can truthfully and frequently say they are willing to take on interest groups. After all, we are supposed to be servants of our constituents. But oftentimes there are interest groups back home we are trying to satisfy because they have a block of votes. We might vote their way. Even if we vote our conscious, the public can never be sure our votes were untainted.

The second thing that influences our vote is how our support or opposition will affect our money supply. I saw a comparison in the paper this morning of two PACs, of House and Senate leaders and the amount of money that certain individual groups gave those leaders for their PACs. Staggering amounts of money. I don't care how altruistic it is for ''Mr. Smith Goes to Washington,'' it is foolish in the extreme to argue that this is a free speech debate. Mr. President, 94 percent of the people who run for office in this country win if they have more money than their opponents. A lot of good men and women are defeated every year in this country because they are not incumbents and they can't raise money. The people who give the big bucks don't like to give their money to challengers because they start out behind and usually stay behind. Of the 33 Senate races this year, I daresay there will be very, very few changes, in any, of those seats. In almost every instance, the candidate who has the most money and spends the most money will win the election.

Sometimes I think about debates. I have the first amendment that we will consider on the Interior bill when we go back to it this afternoon. It is mine, and it is one that the mining industry of this country doesn't like. It is an environmental issue. I will make all of the arguments that I have made on this floor time and again, not only on that amendment but the whole issue of the 1872 mining law, which has been out of date for over 100 years now. God gave us one planet, only one. We don't get a second chance. Incidentally, I have always argued that the No. 1 problem in the world, of course, is population, but you can't argue that here because the first thing you hear is that somebody has converted it into an abortion argument. So we continue to neglect the No. 1 problem in the world; namely, the growing population of the planet. I saw a bumper sticker the other day that said, ''Help save the planet, kill yourself.'' Clearly, that is a pretty draconian way to save the planet. We ought to be talking sensibly about population growth, as we have been regarding campaign finance reform.

I can go on and on about this, and will continue to do so until the taxpayers of this country understand that this is not an issue of free speech. If the American people buy this argument, they are essentially saying, ''I'm willing for somebody else to have more free speech than I do because they have more money.'' As we all know, about 90 percent of the people in this country can't afford to contribute and don't contribute.

I had a few more remarks, but I understand the Senator from Georgia is pressed for time. I now yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the suggestion by the Senator from Arkansas. I have to depart in a few minutes, so he may choose to continue his remarks at that point.

Let me say that I respectfully disagree with the comments we just heard from the Senator from Arkansas, as does the Supreme Court of the United States. I am comfortable that if every member of the Founding Fathers were here today, they would rise up in a loud chorus. The first amendment to the Constitution, in the Bill of Rights, makes it absolutely and abundantly and succinctly clear that there shall be freedom of speech. It doesn't define that somebody has this big a bucket and somebody has something else. It doesn't say a newspaper has the right to say anything it chooses, but some other kind of company will be constrained and managed by the Government.

Of all the things that I believe the forefathers were most concerned about, it was the management of expression, the management of speech. They were very careful. They were going to protect the American citizens' right to assemble. Until the late 1700s, in Great Britain two people could not get together in a club or in an association. Why? Because the government was afraid of people coming together. They might think up ideas; they might want to talk about them. So they said there will be freedom of speech, there will be freedom of the press, there will be a right to assemble, and there will be a right to petition the government—they didn't say it, but without fear. These four things are in the first amendment of the Bill of Rights. They are probably, to this day, the core of the American Constitution.

This has been tested over and over, and the Supreme Court has said that expression costs money. If you are going to have a town hall meeting, you have to rent the town hall. If you want to covey a message to a large audience, you can't go door to door; you are going to have to do it in a television ad or a newspaper ad. By the way, what is the difference between a corporation that publishes a newspaper or runs a television station and a corporation that makes tractors? Does one have a higher standing? Not under the Constitution. The outfit that makes tractors can spend money and express themselves just like a newspaper. Heaven help us if we ever come to the point where the only institution in our country that has freedom of speech is the media. If everything a political person does or a Government official does is only interpreted by the media, heaven help us. I used to say, if you are for the Government managing what people say, you better know the manager. You better know the manager.

This whole issue is dominated by the subject of freedom of speech. I heard the distinguished Senator from Kentucky say many times that if this ever became law, it won't last. The Supreme Court will strike it down, which is probably the case, but it ought not to become law. It ought not to become law. Anybody reading the rulings of the Supreme Court understands very clearly that expression and financing expression are one and the same and cannot be separated.

The last institution in the world that the forefathers would have ever wanted to manage speech is the Government. In fact, if you look at the Constitution from top to bottom, it is designed to protect us from Government—our own Government. They fought a revolution over this. They knew well what was happening in Europe. They looked over and saw what was happening in Ireland and said that is not going to happen in America. Of all the language in the Constitution, the most carefully crafted language for which there can be no question about its interpretation is the first amendment of the Bill of Rights. Freedom of speech shall not be abridged.

This legislation does that. It abridges and begins to manage who can say what, when they can say it, and how much of it they can say. And any Government official ought to be very wary of a situation where one group of Americans can say anything they choose, at any time, with any intensity, and another group of Americans can only say what somebody else decided they should say, when they should say it, and how much.

Mr. President, I could never support anything like that, as frustrated as we all get. Every American, at some point, has been affronted by freedom of speech. It has been frustrating to them to hear what somebody says or how they express themselves. I have been and everybody else has been. But better to suffer the frustration than to give that liberty to somebody to manage speech. America would never be the same.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just conclude my remarks by reiterating something I said earlier about the issue of free speech. We all know that the difficulty is a constitutional one because the courts have ruled that this is a free speech issue. But it can be overcome. It can be overcome with the McCain-Feingold bill. It can be overcome with public financing. There are all kinds of ways to amend the way we finance campaigns in this country without violating free speech. But let me just ask my constituents—no, let me ask my colleagues—no, my colleagues have already made up their minds. Let me ask the American people: Do you think we have a nice, democratic, fair system of electing Members of the House and Senate when some fat cat can give a candidate $4,000; he and his wife can give a candidate $4,000—$2,000 for the primary, $2,000 for the general. I ask you, how much can a working man making $10 an hour on an assembly line give? The question answers itself. If he has a wife and two kids, he can't give anything. I don't care how much he may love a candidate; he is not in a position, at $10 an hour, to be making political contributions.

The second question: When a candidate gets $4,000 from a fat cat—when legislation is being considered in the U.S. Congress, who will get the candidate's attention? The poor stiff with a wife and two children to feed, educate and clothe and who is trying to make a living? How much attention is he going to get compared to the guy who gave $4,000? Now, that is an illustration that is palpably clear to everybody.

Herman Talmadge, one of the great Senators who served here, had a lot of sayings in making speeches. He said, ''If you want your audience to pay attention, you've got to throw the corn where the hogs can get to it.'' You have to say it so people can understand it. What I just said is understandable. It is essentially as much a one-line description of what this debate is about as anything I can conjure up.

The guy that gave $4,000 gets a lot of free speech, and a lot of the free speech he gets goes right into the ear of the Senator or the Congressman that got the $4,000. And when the phone call comes into the office from the poor guy making $10 an hour, with a wife and kids, because he wants a passport or because he knows a friend from Bolivia that is being mistreated under the immigration laws, do you know where his phone call goes if it is answered at all? It goes back to the staff. Where does the call go from the guy who gave $4,000? You and I both know where it goes. It goes directly into the office of the Senator. Do you call that free speech? Do you call that a democracy?

It is impossible to keep up with the campaign finance laws as they are written today. One of the things AL GORE is charged with is making a phone call from his office to solicit money.

I am not going to say anymore about that because everybody here understands that. The President is under investigation now under a 90-day sort of determination by the Attorney General as to whether or not in 1996 his campaign coordinated some ads with the Democratic National Committee.

Today my side is going to lose. The way we finance campaigns is going to continue exactly as it has been since the memory of mind runneth not, and investigations of either Democrats, or Republicans, or both will continue. It is impossible to level the laws of this country, and in this very hostile partisan environment.

Sometimes I think about offering a resolution in the Senate saying it is the sense of the Senate that there are some Democrats who have not yet been investigated and we want to know why.

We will continue to lose this debate until the American people wake up not only to the corruption of the financing laws of the country, but to the fact that their democracy is disappearing right under their nose.

It is so difficult at times to get people to focus on something that is a little bit complicated. They don't understand. Since it doesn't really relate to them, they just do not want to be bothered.

Republicans—I will hand it to them. They are zealots. Rain or shine, they go vote. My party—we have to ride in the sunshine. In all fairness, I have to say that we represent a lot of people who do not own automobiles. They oftentimes don't have ways to get to the polls, unless some of that campaign money is given to drivers to go out and get them and bring them in.

I saw a poll that showed that 71 percent of all Republicans say they are going to vote, and about 60 percent of the Democrats say they are not going to vote. Unless that figure changes, I can tell you what this election is going to do. I assume the President has to take some responsibility for that. I just do not know. He is my friend, and that is a separate subject. We will deal with that later.

But even absent the Starr report, absent Monica Lewinsky, we had a plateful for the American people to ingest. Part of that plateful is corruption, which is, in my opinion, as threatening to the Nation as the Kenneth Starr report is.

I suspect this country is in a bit of a funk today. I haven't looked at the market yet. It started off down this morning. I think that is all the result of people being upset and depressed—and, is the country leaderless? How is this all going to come out? Is it going to take 5 or 6 months to get this resolved? All of those things.

Tonight, when you listen to the news, that is all you will hear. Tomorrow night, when you listen to the news, that is all you will hear.

And here is something that goes right to the heart of whether we survive as a democracy, or not. Frankly—I hate to condemn the public—they are not paying attention. Every poll shows it. What is the most important thing to you? Campaign finance is about tenth on the list. Democrats keep trying to make it a big issue, trying to get people to pay attention to it, and in all fairness, seven or eight Republicans. But how can you expect them to when they hear absolutely nothing on the evening news but Monica Lewinsky and Kenneth Starr's report. As I say, I am not condemning the American people. That is just the way we are made. That salacious stuff is a lot more exciting than talking about campaign finance reform, which is complex.

Mr. President, I have said all that I want to say, and all that I need to say. But I especially wanted to put in the part about free speech.

It is so tragic that everybody here knows who is getting the free speech, and everybody knows whose voice is not heard because of the way we finance campaigns. I say that we ought to go to public financing. That way every person in this country who is a taxpayer would know that his vote was as important as anybody else's. His voice would be as important as anybody else's. As long as it is the richest and the wealthiest people who determine the outcome of elections in this country, where do you think we are headed? I will leave that question with you.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. GRAMS. Mr. President, I am pleased to rise today to express my

concerns about the pending McCain-Feingold amendment.

Since the beginning of the 105th Congress, I have heard from Minnesotans on a variety of important issues such as high taxes and the future of social security. Despite the public outcry by my constituents to address these issues important to America's working families, I am very concerned that the Senate is again debating a proposal to regulate political speech.

I commend Senators MCCAIN and FEINGOLD for their deeply held views that the only way to restore the public's trust in their government is to reform the system for financing our federal campaigns. As someone who has heard first-hand of the public's growing mistrust of their government, I strongly agree with their belief that the people's trust in their government should be restored and their participation in our democracy encouraged.

However, I respectfully disagree with their approach to the passage of new campaign finance laws.

By the way, these new laws become even more restrictive on who can be involved, what they can say, and how they can be a participant in the public policies of this country.

The people's faith in the Government can be restored, I believe, by encouraging greater enforcement of our existing campaign finance laws, rather than going out and trying to ignore the laws that were broken, and passing new laws that again would only silence those Americans who wish to have their voices heard.

Each time the Senate has considered a version of the McCain-Feingold proposal, Minnesotans have contacted me in large numbers not in support of its passage but out of great concern for its potential impact upon their first amendment right of free speech guaranteed by the U.S. Constitution. Moreover, they have demanded that Congress focus more on the allegations of campaign finance irregularities during the 1996 campaign cycle rather than passing new campaign finance laws. In other words, not to brush over those laws that were broken or those who broke those laws and try to camouflage this by saying all we have to do is pass new campaign finance laws and everything will be fixed. That is like trying to pass new laws every day to take care of old problems. We need to get to the source of the problem.

In this regard, I am encouraged by Attorney General Reno's recent decision to initiate a 90-day investigation of whether President Clinton's involvement in Democratic National Committee campaign advertisements in 1996 circumvented election laws. And the Attorney General should also be commended for continuing the Justice Department's investigation of whether Vice President GORE unlawfully raised campaign contributions from the White House, and the activities of former White House Deputy Chief of Staff, Harold Ickes, during the 1996 campaign cycle.

Current law works if we enforce it. Despite the modifications that proponents of McCain-Feingold have made to improve support for this initiative, my views on its basic premise have not changed. Similar to the previous versions of this bill, this proposal will discourage rather than promote greater participation in the democratic process. They always talk about big money and how that controls the process and how we should be encouraging and what we should be doing to encourage more people, those $10-an-hour workers who we have heard about in the Chamber today, to become a voice no matter how small, and to participate in the political process. The way they can do that is through PACs, political action committees, and that is where a lot of people with little incomes can put their money together to have a stronger voice in how their government works and how it operates, and we should encourage that, not discourage it.

Most fundamentally, the McCain-Feingold proposal continues to be based upon the belief that there is too much money spent on American elections—too much money. About $3.50 per person per year is spent on campaigns, totally, in this country. That is less money than we spend on a Value Meal at McDonald's.

I remember talking to somebody about the United Nations. We spend about $3.81 per person per year supporting the United Nations, and everybody thinks we get a great deal out of that. But yet we spend less money per person to support our way of government in this country, and somehow they say that is spending too much money. So the whole political process in this country is worth less to the supporters of the McCain-Feingold bill than our support perhaps, say, for the United Nations. I think we need to support this form of government and encourage more people to participate, not to close the door and say that this is how you can participate or we are going to manage what you say, how you say it, when you can say it, and who can afford to say it.

If we accept this assumption, then Congress has decided to assert questionable authority to suppress the rights of Americans to become involved in the political process and suppress the rights of many Americans to have their voices heard.

As my colleagues know, the belief that there is government justification for regulating the costs of political campaigns was rejected by the Supreme Court in the landmark case of Buckley v. Valeo. The importance of conveying the ideas of those who seek office to the electorate is critical and was upheld by the U.S. Supreme Court in Buckley. And in Buckley the Court declared that ''a restriction on the amount of money a person or groups can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.''

That is from the Buckley v. Valeo Court decision. They label this bill as an effort to protect and preserve democracy. They say that democracy is disappearing because of this. But this bill would not protect free speech. It would only limit free speech. I would like to ask those watching today that if you can restrict the speech of one American today, whose speech can you restrict tomorrow? Are you going to give the government this much control and say, well, let's do it today to protect this process, but in doing this we are going to have to take away some of your freedoms? We are going to have to impose restrictions. We are going to manage those who want to participate in the political process. And if we can do that today, who is going to come tomorrow and say, well, let's squeeze these restrictions a little more? And then who is going to come the next day and say, well, let's squeeze these restrictions a little more? And pretty soon we are going to take the ability of free speech, to participate in our political process, away from Americans. And then who is going to have a voice? Is it going to be the media, the newspapers, television? Are they going to be the ones that define my campaign or Senator MCCAIN's campaign or maybe Senator FEINGOLD's campaign? I think we need to have that freedom.

For these reasons, I remain concerned about the core provision of the McCain-Feingold bill which continues to place, again, questionable new restrictions upon the ability of national parties to support State and local party activities as well. We should not pursue a suspect expansion of government control of national parties; rather, recognize that political parties enjoy the same rights as individuals to participate in the democratic process.

For nearly two decades, political parties have been allowed to raise money for party building and similar activities without limits on the size of contributions. Additionally, the Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, in which the Court found that Congress may not limit independent expenditures by political parties, makes it questionable whether these restrictions would be constitutional.

We have a responsibility to the American people to help restore their faith in government. However, this cannot be accomplished by placing new and expansive restrictions on the communication of ideas or the issue of free speech. And above all else, we should not use violations of existing laws that have raised a lot of this concern and ire of Americans over campaign financing—those violations of existing laws should not be used as an argument today to suppress our right of free speech.

I thank the Chair. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, no one has been more active in the vineyards of the first amendment than the Senator from Minnesota. I thank him for his important contribution to this debate and his astute observation that to the extent the parties and groups are quieted, the voices are enhanced on the other side, or that is anybody's voice that is not quieted is necessarily enhanced by that action, and in particular the fourth estate, our friends in the press, who love this issue, would have a dramatic increase in political clout as a result of the quieting of the voices of so many other Americans.

So I thank my friend from Minnesota for his observations.

Mr. GRAMS. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, the fundamental notion underlying the McCain-Feingold bill is that politicians should be allowed to control all of the political speech in proximity to an election except for that by the press. The press would be free and unfettered in engaging in issue advocacy, in endorsing candidates, and doing anything it wanted to under the first amendment at any time, up to and including the last 60 days before an election. I do not dispute that. I think they should have that right. But I find it disingenuous at best—absurd, the more you think about it—that the press would like to quiet the voices of others.

First, they would like to quiet the voices of the parties by eliminating so-called soft money. Mr. President, ''soft money'' is a pejorative term for non-Federal money. This is a Federal system. There are State elections, there are local elections; the two great national parties frequently care who gets elected Governor of Arizona or who gets elected to the city council in Phoenix. The notion that the Federal Government should federalize the two great national parties is absurd, inappropriate, and unwise.

In addition to that, it would provide for the Federal Election Commission the power to supervise every election in America. In other words, we would federalize the entire American political system. This kind of notion of Federal power grabs and the quieting of voices also applies to what the McCain-Feingold bill seeks to do to individuals and groups.

Under this bill, it would be very difficult if not impossible for individuals to express themselves, or groups to express themselves, within 60 days of an election. ''Quiet those voices, too,'' the politicians say. So we will quiet the parties by making it impossible for them to involve themselves in State and local elections, and make it impossible for them to engage in issue advocacy, constitutionally protected speech, and we will also reach over to the issue advocacy of everybody else and we will make it impossible for them to criticize any of us within 60 days of an election.

This is a great idea for incumbents. We all would like to control our elections, and this would sure give us a way to do it. We would not have to worry any longer about those nasty interest groups that don't like our voting records going out there in the last 2 months before an election and saying bad things about us; we would shut them up. We wouldn't have our political party coming in to defend us or, for that matter, the other political party coming in to attack us; we would shut them up.

In short, we would just sort of hermetically seal the environment for 60 days before an election, with the exception of the New York Times, the Washington Post, USA Today, and all the other folks who would still be free—as they should be free—under the first amendment to have their say at any point in the course of a year, including the last 60 days before an election.

Mr. President, this is terrible public policy—terrible public policy—disguised as some kind of positive reform. The good news is, we are not going to pass this bill, but if we had passed it, the issue advocacy restrictions on outside groups would certainly not survive the first Federal district court in which it landed, and I guarantee you, it would land there very, very quickly. When something is so clearly and obviously unconstitutional, it seems to me that the Senate ought not to pass it.

With regard to the political parties, why in the world, Mr. President, should we prevent the political parties from engaging in issue advocacy? Everybody else in America will be able to do it, because I guarantee you, the restrictions on independent groups in this bill would be struck down. There is not a serious constitutional lawyer in the country who doubts that.

Everybody would be free to have their say in the last 60 days before an election: Outside groups, because the restrictions on them would certainly fall as unconstitutional; the newspapers, because no one really wants to shut them up. We don't frequently like what they have to say, but they have a right to say it. But the political parties are conceivably taken off the playing field—the one entity in American politics that, for example, is willing to support challengers, those trying to come from nowhere to get elected. It is not easy to be a challenger. The one entity out there willing to support challengers is the political parties. We ought not to be making them weaker, we ought to be encouraging them to be strengthened.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 50 seconds remaining.

Mr. MCCONNELL. I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator for yielding.

Sometimes the wrong debate happens at the wrong time, and the debate that we have heard on this floor for the last several days, in my opinion, is the wrong debate for a lot of reasons. We shouldn't be talking about changing laws, but enforcing the very laws we have.

I think all of us watched as the Congress decided to change campaign laws a good number of years ago to make them much tougher and tighter, to create reporting thresholds, and to make sure that the public was well aware what went on in the campaign business of our country and in the fundraising business of our country.

Several of our colleagues have already spoken today about the ongoing investigations into campaign finance abuses. Those abuses didn't happen because the laws were inadequate. It doesn't mean that you are going to get character change all of a sudden because of a myriad of new laws that this Congress might pass.

Now the spin machines are using the issue of campaign finance reform to suggest that the entire system is crooked and corrupt. Mr. President, and American citizens, that just ''ain't'' so. There are some people in the system who have chosen to corrupt it, but the campaign system we have today is alive and well, as it should be. Most of us play by the rules, and the rules are tough, and they are exacting. The reason they ought to be is to assure the right of all political candidates to speak out and to make sure that the American public can have, as they should have, the proper access to the political process.

The votes that are going to occur on this floor in the next few moments are absolutely critical. I am frustrated by many of my colleagues who stand up and suggest that the political system that we have today is a corrupt system. It has been corrupted by some, and those who are corrupting it are under investigation today. But clearly it is a system that works—it works very well—reporting to the public, as we should, what is the right and responsible thing to do, particularly at a time in our history when confidence has been shaken in some of our institutions.

It is absolutely imperative that we do not put new restrictions into the ability of the politician, the public person, to communicate with his or her

constituents in an open and frank manner. Existing law allows that. I don't think we need to be tampering with our first amendment or suggesting in some way that we can make it a lot better. We just simply need those few who corrupt the system to abide by the laws as they are currently written and currently administered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has 30 seconds remaining.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Idaho for his contribution to this debate and the other Senators who spoke on our behalf during this discussion. This is a very important issue affecting the first amendment and the rights of all Americans to speak in the political process. I am confident that the motion to invoke cloture will not succeed.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin controls the time.

Mr. FEINGOLD. Mr. President, I yield such time as the Senator from Arizona requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first, let me begin by thanking all those who have fought so very hard to pass campaign finance reform, both within this body and without. I specifically mention by name the measure's cosponsors: Senator THOMPSON, Senator SNOWE, Senator COLLINS, Senator LEVIN, Senator LIEBERMAN, and Senator JEFFORDS. All have expended great energy to keep this issue before the Senate.

Also, I again thank my colleagues in the House, Congressman SHAYS and Congressman MEEHAN. We would not be doing what we are doing today if it had not been for their signal and unpredicted victory.

Most importantly, I thank my partner on this 4-year journey, the Senator from Wisconsin, RUSS FEINGOLD. His work on this issue has been outdone by none. His efforts are tireless, and he deserves great praise for bringing us to this point today. Together we have worked to do the bidding of the majority of the American people. We worked to pass legislation that is supported by majorities in both Houses, although a minority has continued to thwart our efforts. But time is on our side.

Yesterday and today, I have quoted previous debates on this subject. One fact that is clear in every one of these debates is that, with persistence, we will prevail. I hope we prevail today. If we do not, I will be back to offer campaign finance reform legislation again and again and again. Neither I nor the Senator from Wisconsin will relent. The will of the American people, their desire to see what they perceive as a corrupt election system cleaned up, cannot be perpetually ignored. The public wants us to act.

Low voter turnout—and we will perhaps see the lowest voter turnout this century, this November—is ample proof of the growing cynicism of the electorate. That cynicism, if left unchecked, will grow to contempt and shake the foundations of this great Nation. Let us not procrastinate further. Let us confound public cynicism and accede to the country's wishes today.

The Senate was conceived by our Founding Fathers as an institution that acts deliberatively. Certainly we have seen this occur on this matter. But it was not conceived to block indefinitely the will of the people. Many significant matters have been slowed or stalled in this body. Many have taken years to pass. Campaign finance is undoubtedly one of those subjects. But to repeat myself yet again, this body will act and pass campaign finance reform. If not today, then soon. It will happen. Delay is not resolution, merely postponement of the inevitable and thus pointless.

Until we recognize the futility of procrastination, the money chase in this hallowed Capitol, the debasement of the White House, the selling of trade missions, the never-ending series of fundraising scandals that leads the public more and more to believe that elected officials only represent monied special interests will not end.

Congress can and must and will change this system. If we do not act, there will be more scandals, both parties will be further tainted by this system, no one will be left unscathed, and that fact will force this body to do what is right.

When do we as a body come to realize that something must be done? And to my Republican colleagues: When will we realize it was our ideas, not our fundraising prowess, that got us to power? The American public granted us the majorities in both Houses because, I would argue, our ideas were superior to those of the opposition. Our ideas represented what a majority of Americans felt and believed. We do not need to fear a new campaign finance regime so long as we continue to best represent the public interests. And because I so strongly believe that fact, I appeal to my Republican colleagues to support cloture and allow us to move forward on this matter.

Finally, Mr. President, let me close by again putting my colleagues on notice. If we cannot move forward today, we will soon. To those who will proclaim the issue dead, nothing—I repeat, nothing—is further from the truth. As long as I am privileged to serve in this great institution, we will revisit campaign finance reform again and again. We will revisit the subject until it becomes the law of the land. We will revisit it because the will of the majority over time always prevails. And we will revisit it because it is the right thing to do.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. How much time is remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

Let me take this opportunity to thank all of the cosponsors and all the supporters of this bill, especially the senior Senator from Arizona who came here with the idea for this legislation I guess it is now 4 years ago.

I thank everyone for their efforts in the past but, more importantly, for their continued efforts in the future, including this year, on trying to finish the job. So I have a feeling of gratitude, not only for what we have done but for what we will accomplish before we are done.

Let me take the very brief time I have just to refer to a statement by the Senator from Idaho which I think really sums up this whole issue. He just got done saying on the floor that the current campaign system is ''a system that works very well.'' He said, ''The campaign finance system is alive and well, as it should be.'' That is what the Senator from Idaho said.

Well, if you agree with that statement, I guess you will want to vote against cloture. But that is not what the American people believe. They think this system is broken. And it is not just a few people who are corrupting the system, it is the system that is corrupt, and we have to do something about it now.

So, Mr. President, I urge my colleagues to vote for cloture. The time has come for the additional eight Senators to allow the majority of both Houses of the Congress to send this bill on to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator has 1 minute remaining. Does he wish to yield the time?

Mr. FEINGOLD. I reserve the time.

I yield the remaining time I have to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the struggle for life for campaign finance reform is going to be determined by a test of wills between the bipartisan majority that believes in it, reflecting the will of the American people, and the minority that will attempt to filibuster this bill to death.

The supporters of campaign finance reform need not withdraw, should not withdraw, and I believe and hope will not withdraw the bill if the filibuster survives this cloture vote. It will then be up to the filibusterers to continue the filibuster. Hopefully, over time they will see that the American people are determined to change a system which is not only corrupt but has a corruption which permeates and undermines public confidence in our democratic electoral process.

I thank the Chair and yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate

the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending campaign finance reform amendment:

Trent Lott, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Wayne Allard, Rod Grams, Larry E. Craig, Kay Bailey Hutchison, James M. Inhofe, Richard G. Lugar, Mitch McConnell, Jeff Sessions, Rick Santorum, Don Nickles, Dan Coats, and Lauch Faircloth.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3554 to S. 2237, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—52

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—48

Abraham	Faircloth	Lugar
Allard	Frist	Mack
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Campbell	Hagel	Santorum
Coats	Hatch	Sessions
Cochran	Helms	Shelby
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Smith (OR)
D'Amato	Inhofe	Stevens
DeWine	Kempthorne	Thomas
Domenici	Kyl	Thurmond
Enzi	Lott	Warner

The PRESIDING OFFICER (Mr. ROBERTS). On this vote, the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized in morning business for 1 hour.

The Senator from Florida is recognized.

Mr. FEINGOLD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. FEINGOLD. Mr. President, upon the conclusion of the time of the Senator from Florida, what is the regular order?

The PRESIDING OFFICER. The pending business will be the Interior appropriations bill.

Mr. FEINGOLD. Will the current amendment, the Feingold amendment, be the pending business?

The PRESIDING OFFICER. That will be the pending question.

Mr. FEINGOLD. Thank you, Mr. President.

The PRESIDING OFFICER. The distinguished Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Thank you, Mr. President. Mr. President, I ask unanimous consent that Delia Lasanta, a congressional fellow, Mary Jo Catalano, and Luis Rivera, interns in my office, be allowed floor privileges for the duration of this 1 hour of morning business.

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

NATIONAL HISPANIC HERITAGE MONTH

Mr. GRAHAM. Mr. President, today I rise to honor Hispanic Americans.

National Hispanic Heritage Month is celebrated every year from September 15 to October 15.

This month-long observation, established in 1968, is now a celebration of the history and achievements of Hispanic Americans.

During the August recess, among the many visits I made throughout my state, I had the opportunity to once again visit the historic city of St. Augustine.

A visit to St. Augustine is always very special but this time it was more so because accompanying me on this trip were my triplet granddaughters. I took advantage of this occasion to teach my granddaughters about the rich and wonderful history of St. Augustine, of Florida and of our Nation. And they taught me something about the thrill of seeing castles and historic sites for the first time through the fresh eyes of a 3-year old.

Hispanic presence in what is now the United States began long before our Nation existed.

In 1513, Juan Ponce de Leon sailed from Puerto Rico to the east coast of Florida.

A Spanish explorer, Ponce de Leon is best remembered as the discoverer of Florida and for his early attempts to colonize in 1521.

He was also the first Governor of Puerto Rico which today is home to 3.8 million U.S. citizens.

In 1565, Pedro Menendez de Aviles, another Spanish explorer, established St. Augustine, the first permanent European settlement in what is now the United States. This settlement predated the Jamestown colony in Virginia by more than 40 years.

When he reached the shores of La Florida, Menendez de Aviles and his crew celebrated with a feast with the Native American Indians of the region, by bringing red wine, roast pig and garbanzo beans. Thus began another part of our rich Hispanic heritage.

Nearly 300 years later, the United States was rapidly developing and experiencing its first 50 years of democracy. Hispanic Americans played their role in that development.

The first Hispanic American to serve in the Congress was Joseph Marion Hernandez, who was elected in 1822 as a Delegate to the U.S. Congress from the territory of Florida. Today there are 5,170 Hispanic elected officials nationwide, 81 of them proudly serving in my State of Florida.

Of the 18 Hispanic Members of the 105th Congress, two are from Florida, Congresswoman ILEANA ROS-LEHTINEN, who in 1989 became the first Hispanic woman Member of Congress and her fellow Cuban-American Congressman LINCOLN DIAZ-BALART.

Today Florida is an example of the rich diversity of this country, as we have residents from all the Spanish speaking countries of the world.

Sadly, many of these residents came to this country from countries such as Cuba and Nicaragua seeking refuge from persecution and denial of basic human rights which they were denied in their homeland.

These residents hold a strong patriotic fervor for their new land in the United States equally with their hopes of restoring liberty and democracy to their former home in Cuba. They will return to a democratic Cuba with their experience in the United States being a significant contribution, whether they are there on a permanent or a temporary basis, to the restoration of that island nation, which has suffered so long under autocratic rule.

The latest Census Bureau figures now estimate that the U.S. Hispanic population nears 30 million, representing 11 percent of the total population of the United States.

The Bureau also estimates that by the year 2005 Hispanics will be the single largest minority group in this country.

Hispanic Americans have achieved notable success in every aspect of our society.

It is important to highlight the level of entrepreneurial spirit that Hispanic Americans bring to the work force, leading to economic growth for all Americans. According to the Small Business Administration, the largest growing sector of small businesses are owned by Hispanic women.

Hispanic owned businesses have grown three times faster than the average of all business growth in the United States.

Hispanic Americans have played, and will continue to play, a key role in our country's future.