

SENATE—Tuesday, March 20, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable MIKE DEWINE, a Senator from the State of Ohio.

PRAYER

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

Spirit of the living God, fall afresh on this Senate Chamber. Enter the mind and heart of each Senator and reign as Sovereign over all that is said and done this day. We praise You for the dedication of the Senators and for their earnestness to deal with the crucial issues before our Nation. May these days of genuine exchange of concerns and convictions move the Senate forward to an agreeable solution for the future of campaigning for office in America.

Lord, we are here to serve You and Your best for our Nation. Thank You for all the people who contribute to the Senate with such loyal and excellent service. Today we praise you for the life of John Roberson who worked in the Disbursing Office for 20 years. Now as his family and friends grieve his death, we ask You especially to care for his son Dave who has followed in his father's footsteps with his own 20-year period of loyal service.

Today, we renew our commitment to do all we can to serve the best we can and express Your care for whomever we can. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE DEWINE, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. DEWINE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately resume consideration of the campaign finance reform legislation. An amendment regarding self-financed campaigns is expected to be offered, with up to 3 hours of debate in order. It is also expected that some debate time will be yielded back and that a vote will occur sometime around noon today—certainly before the weekly party luncheons. We will be in recess from approximately 12:30 until 2:15 p.m. for the weekly conferences to meet. Amendments are expected to be offered throughout the day and therefore votes on amendments are expected to occur approximately every 3 hours.

I am concerned about the very inauspicious beginning that the Senate had on this legislation yesterday. I had described it as a jump ball, where everybody would have a free and fair opportunity to offer amendments and have debate but there would be votes on those amendments after 3 hours. I expected we would have a vote sometime between 5:30 and 6:30, as we did yesterday, and there would be debate on the next amendment last night and we would be ready for a vote now. That is not the case because of the spectacle that occurred at the end of the vote yesterday.

I thought it did not go well, and I thought the Senate looked very close to being silly on our first amendment on this very important issue. I was stunned, quite frankly; on an amendment as broadly supported as I know the amendment is, to give candidates that are running against superwealthy candidates some way to be able to compete, I can't help but believe that when we get a direct vote on that issue, it will pass overwhelmingly. My assumption was that it got tangled up just because it was the first vote and there was a desire to show that one side or the other was going to win. I was very disappointed in that.

I am also concerned, with the agreement that was reached, in all fairness, on both sides, that we would have amendments and regular votes every 3 hours, we had already slipped 3 hours on that. And also I hope, once again, that objections to Senators amending their own amendments will not be heard. The tradition around here is

that we allow colleagues to amend their own amendments. I think that is when the confusion began yesterday in a very disappointing beginning.

But Senators on both sides worked last night and worked this morning, and I understand an agreement has been reached as to the amendment that will be offered in a few minutes. After that is offered, we will come back and have another amendment on this side of the aisle and Senator MCCONNELL and others will have an opportunity.

I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I tell the majority leader that we have an amendment. I don't believe it will take all 3 hours because it was debated last night. We have an agreement which is being written up now. So I believe that we could, within a fairly brief period of time, have a vote on it and move on to another amendment from the Republican side, thereby sort of catching up from yesterday.

I mention also that we were supposed to start at noon yesterday, but we didn't start until 1. I don't know whose decision that was. That is not important. We can catch up this morning. We met this morning and we are getting the final details, which we needed to do. This is a very complex, extremely complex issue.

The challenges of a millionaire declaring his or her candidacy in Wyoming are significantly different from doing that in the State of California. We tried to accommodate it and, frankly, we have. Those issues were still unresolved last night when the vote was attempted, and all of us were confident that we could work out the differences, bring up an agreement, which will be brought up in the name of Senator DOMENICI and Senator DEWINE and Senator DURBIN, and we can have a relatively brief period of debate and vote on it and then move to another amendment by Senator MCCONNELL, or whoever he designates.

Mr. LOTT. Mr. President, let me say to Senator MCCAIN—and then I will yield to Senator REID—I appreciate the fact that something has been worked out which appears to be fair to all sides. And since we already debated it for a time yesterday, it won't be necessary to rehash all of that. Maybe we can make up for some of the lost time.

The clear understanding, when the Senator from Arizona and I discussed this issue, was that we would try to keep it on a steady schedule and get amendments offered and voted on every 3 hours, or less if possible.

I yield to Senator REID.

Mr. REID. Mr. President, we are hopeful that the first vote is not indicative of what the future is going to hold. I hope that will be the downside of the work on this important piece of legislation. I think yesterday was well spent. There were relatively very few quorum calls, maybe just for brief moments, and I think we were able to accomplish a lot last night and this morning. I also say that during this next day or two, there are a number of Members who wish to give statements about the bill itself. They can do this during the time these amendments are pending. Some of them want to take the full 3 hours. I have already told Senator MCCAIN that I am not too certain that we need to alternate. We don't have many amendments over here. So I publicly advise those on the other side of the aisle who want to offer amendments, they should get them ready because we are not going to have a lot to offer.

Mr. LOTT. If I may respond to the last suggestion, that would be fine. However, we want to make sure that, if we don't alternate, at the end we don't have amendments show up that would be offered, one behind the other, on the other side. I know that is not the Senator's intention. That is one of the reasons why we alternate, so that one side or the other won't have a block of amendments at the end of the process.

Mr. REID. I appreciate the Senator yielding. There are three Republican amendments. There would be one Democratic amendment, and we would go back to the Republican side. That is how we should do it.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CHAFEE). Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The legislative clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, the Democratic leader, or his designee, is recognized to offer an amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that the amendment Senator DOMENICI is going to offer is not yet ready, but we want to start talking about it, the procedure being at such time the amendment comes from legislative drafting, Senator DURBIN will be recognized when the Chair feels that is appropriate. He will yield at that time to Senator DOMENICI, who will offer an amendment on his behalf, and whoever else wants to be on the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask the Senator from Nevada if he agrees that we ought to begin the 3-hour time limit.

Mr. REID. I agree.

Mr. McCONNELL. Mr. President, I ask unanimous consent, even though the amendment has not yet been laid down, since we are going to be discussing it, that the 3-hour time limit begin with this discussion. We understand most of that time may be yielded back, but at least this will begin the time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe the agreement of the Senate as we adjourned yesterday was that the Democratic side, this Senator in particular, would be offering an amendment. I am prepared very shortly to yield to the Senator from New Mexico and the Senator from Ohio and to acknowledge their leadership on this issue. We are addressing probably one of the most complicated problems we face, a Supreme Court decision in *Buckley v. Valeo* which said that a person who decides to run for office and is personally wealthy cannot be limited in the amount of personal wealth they spend in order to obtain this office.

Meanwhile, other candidates who are not personally wealthy face all sorts of limitations on how much money they can raise from individuals, how much they can raise in a given period of time, how much they can raise from political action committees.

The effort in which I have joined Senator DOMENICI and Senator DEWINE is a response to that, I hope a reasonable response to that, which says we know the day will come when wealthy people will run for office, but we also want to say if you are not wealthy, you should have a chance to compete and to deliver your message to the voters and to appeal to them for support.

We have come up with a proposal which Senator DOMENICI and Senator DEWINE will describe in detail. We were having conversations on the floor, up to the beginning of this speech, about aspects of this matter which we hope to address. If we cannot address it par-

ticularly in the language of this amendment, we will acknowledge what we consider to be some of the questions that will be raised and try to address it later in debate. We have been in conversation with Senator MCCAIN and Senator FEINGOLD. They are familiar with what we are doing. I do not purport to suggest they support it. They can speak for themselves. We believe this is a responsible way to address a serious problem we face in political campaigns.

If the Senator from New Mexico is prepared, at this point I yield to him with the understanding that when the amendment arrives, the Senator from New Mexico, Mr. DOMENICI, and Senator DEWINE, and I will join as cosponsors with others.

I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to the Senator from Illinois, I thank the Senator for his cooperation and help. Obviously, the Senator came on board with the idea encapsulated in the Domenici amendment yesterday, and as we progressed through it, it appeared that a number of Senators wanted some changes. So we set about yesterday evening—and well into the evening—to try to arrive at changes necessary to accommodate a wide variety of Senators and still make it effective.

There is no question, anytime you work on something as complicated as this, although we think we have done a good job, it may very well be in due course, as this bill evolves further, that there may have to be other amendments as people analyze and find other problems that might be inherent in this situation.

I thank in a very special way Senator DEWINE from the State of Ohio. From the beginning, we had hoped that yesterday we would introduce a Domenici-DeWine amendment. I introduced the amendment which was debated yesterday. Many people at least understand what we are trying to do and what the problem is. To the extent we are trying to figure out a solution, Senator DEWINE has been a marvelous partner and an excellent leader.

Today I will briefly explain what we are trying to do and some of the basic fundamentals, and then I will yield to Senator DEWINE.

The way we will determine the trigger for the nonwealthy candidate—that is, the candidate confronted with an opponent who will spend a lot of their own money—will vary in States depending on the voting age population. That is Senator DEWINE's idea. In essence, it says to a Senator in a State such as Idaho, if somebody decides to run and spends their own money in large quantities, that Senator is going to be able to raise money somewhat easier than he or she would have if