yielded back to accommodate all Senators who intend to offer their amendments. Senators will be notified as votes are scheduled, and also as a reminder votes will occur during tomorrow's session.

Mr. President, I see Senator HATCH is present to discuss his amendment.

RESERVATION OF LEADER TIME

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

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. 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.

Pending:

Hatch amendment No. 136, to add a provision to require disclosure to shareholders and members regarding use of funds for political activities.

AMENDMENT NO. 136

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the Hatch amendment No. 136 on which there shall be 30 minutes of debate equally divided in the usual form.

The Senator from Utah.

Mr. HATCH. Mr. President, I hope we will not take the whole 30 minutes. I understand some of our colleagues need to make some special appointments. I will try to be brief.

I hope all of my colleagues will support this modest, straightforward amendment. We are here this week and next, debating so-called campaign finance reform. I do not understand how anyone can purport to favor any reform of our current system without being willing to offer the most basic right of fairness to the hard-working men and women of this country.

Let's be clear about what we are talking about. We are talking about letting workers who pay dues and fees to labor organizations be informed about what portions of the money they pay to unions are being spent on political activities. In my view, that is basic fairness.

Is there some big secret here? Is there some reason workers should not be told how their money is being spent?

The hypocrisy of the opposition is quite extraordinary. The underlying bill severely limits the ability of political parties to engage in the types of activities that this amendment simply asks unions to inform their members about. How can someone on the one hand argue for a restriction on these activities by parties and then secure a free pass and not even disclose the same information by others? This is simply remarkable.

Then we hear the argument that this simple disclosure requirement is too burdensome. Give me a break. During these weeks in March and April when hard-working Americans are hovering over their tax forms, how can anyone call this straight-forward disclosure requirement on the unions too onerous? What is going on?

Labor organizations collect dues and fees from American workers. Can anyone tell me they are not already keeping track of this money? If this disclosure amendment is too onerous, that suggests to me there might be an even bigger issue of accountability on how and where this money is being spent.

I trust my colleagues will remember these arguments about ''onerous burdens'' when we are trying to do regulatory reform.

The issue in this simple amendment is, do America's hard-working men and women have the right to know whether and how the dues and fees they pay are being used for political activities, or don't they? It is that simple. This ought to be the most basic of worker rights and protections.

I hope my colleagues cast their votes in favor of the right of American workers to know how their money is being spent.

Finally, let me emphasize, this amendment does not require the consent of employees. It simply requires disclosure. That is all, pure and simple, disclosure to the hard-working teachers, janitors, electricians, carpenters, and others on what the union leadership is actually spending these workers' hard earned money. It doesn't seem to me to be much of a burden or requirement. It seems to me if we are interested in having true campaign finance reform, this is one of the basic reforms.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DODD. Mr. President, I ask unanimous consent I be allowed to proceed for about 3 minutes. If the Chair will advise me when 3 minutes expires.

Mr. MCCONNELL. I inquire how much time remains on this side.

The ACTING PRESIDENT pro tempore. Eleven and a half minutes.

Mr. DODD. Mr. President, yesterday the Senate appropriately rejected the original amendment requiring corporations and labor organizations to get prior consent from shareholders and their members in order to use their general treasury funds for political activities. That proposal was appropriately rejected rather overwhelmingly—69–31—in this body for reasons explained in a bipartisan fashion.

The Senator from Oklahoma, Mr. NICKLES, and Senator KENNEDY pointed out this was a cumbersome, almost unworkable proposal that would have literally placed businesses and unions in a very precarious position. We made the suggestion if the amendment was going to be seriously considered by this body, of which corporations and business would have vehemently opposed, it would have required them to engage and perform certain functions and duties that never before had been required of them.

There is no parity for a democratic organization such as a labor union, where Federal laws require the opening of books, the revealing of financial data information, the free election and secret balloting of officers, and a corporation where none of those union requirements pertain to a corporation management structure.

The same could be said in many ways about this amendment. While this amendment is simpler than the original amendment, the failure or the problems with this one are not much different. This is a tremendously cumbersome mandate that will make it very difficult for some of these businesses and corporations to comply. There are different levels of activities as well.

According to the Federal Election Commission, in the area of contributions since 1992, as a general matter, corporations have outspent labor unions in Federal elections by almost 16–1. So there has been a huge disparity in the amount of money contributed to candidates.

On the other hand, we have labor unions and labor organizations, and their members engage in grassroots political activities, and corporations historically do not.

This amendment is not balanced in its approach to corporations and labor organizations. All of a sudden, this amendment attempts to penalize organizations that are trying to get people to participate in the political life of the country. It says to them, we are going to start demanding this kind of minutia and disclosure of information. As a matter of fact, there is no parity in asking corporations to do the same kind of disclosure when they don't engage in the activities that require the disclosure at issue. This amendment is truly not a balanced request or approach.

Second, there are many other types of organizations that engage in political activities. While the Federal campaign law governs these organizations to a certain extent, this amendment completely excludes them. Membership Organizations, such as the National Rifle Association, the National Right to Life organizations, Sierra Clubs, and other groups are also subject to certain provisions of the FECA. This amendment does not address those organizations nor require them to disclose any detailed information regarding disbursements, contributions or expenditures with respect to their political activities.

This amendment is impermissible ''selective application.'' It would only apply to one group of people, those involved in organized labor in the country.

I understand my friend from Utah doesn't like organized labor. He doesn't like labor unions or labor organizations. He disagrees. These are people who take positions on the Patients' Bill of Rights, prescription drug benefits, and minimum wage, and a whole host of issues involving child care. I have a long list of items that working families, through their leadership, support. My good friend from Utah has usually disagreed with them on these matters. However, you don't go out and discriminate against one organization that is engaged in encouraging people to participate in the political life of the country by attaching a set of obligations and burdens on them that has the effect of discouraging political participation. We ought to be encouraging more participation.

Finally, this amendment should be primarily opposed because it serves as a ''poison pill'' for the entire McCain-Feingold campaign finance reform legislation.

For those reasons and others my colleagues will identify, we strongly oppose this amendment. This destroys the McCain-Feingold bill.

I see my colleague from Wisconsin. I yield to him 3 minutes.

Mr. FEINGOLD. Mr. President, I will vote against the Hatch amendment and I urge all supporters of the McCain-Feingold bill to do the same. Once again, the effort of the Senator from Utah to treat unions and corporations equally sounds good but just doesn't work.

There is no doubt that increased disclosure of election spending is a laudable goal. The Buckley decision explicitly upheld the disclosure provisions in the Federal Election Campaign Act. Disclosure is aimed at increasing the information available to the voter. That is a good thing. No one questions the benefits of disclosure.

But disclosure requirements have to be clear and well drafted. They have to actually work. They can't be too burdensome or they will chill constitutionally protected speech. And they can't be one-sided, aimed at one player in the election system and not at others.

I am sorry to say that the provision offered by Senator HATCH fails all of these tests. First of all, his provision only applies to unions and those corporations that have shareholders. It doesn't cover businesses that don't have shareholders. It doesn't cover membership organizations such as the NRA, the Sierra Club, National Right to Life, or NARAL. Why should unions have to report to their members how much they are spending on get-out-the-vote drives, while all of these advocacy groups do not?

The disclosure requirements are also incredibly burdensome and confusing. A union is required to send a report to all of its members, and nonmember employees every year on the spending not only of the union itself but all international, national, State, and local affiliates. And this is not a one-way chain either. Nationals have to report everything that locals do, and locals have to report everything that nationals do. A corporation has to report on the activities of all of its subsidiaries.

Now remember, this amendment is not a requirement that these entities file a report once a year to the FEC. No, the reports have to be sent to every union member or corporate shareholder. A corporate PAC has to send a report every year to all of the shareholders of the corporation that is connected to the PAC. The content of the report is mostly going to be what the PAC has always reported to the FEC. What is the point of that?

Now as to what has to be reported, the amendment is vague, almost unintelligible. Direct activities such as contributions to candidates and political parties have to be reported. I understand what contributions are, but what else does the term ''direct activities'' contemplate? The amendment is silent on that. In the definition of ''political activities,'' which is what the general disclosure requirement covers, the amendment includes the following language—''disbursements for television or radio broadcast time, print advertising, or polling for political activities.'' That is a circular definition. What broadcast expenditures have to be reported?

Certainly not commercials for products, but the amendment gives us no real guidance. Public communications that refer to and expressly advocate for or against candidates are covered, but corporations and unions are prohibited from making those kinds of communications, and PACs already disclose their spending to the FEC.

Finally, Mr. President, no matter how hard the Senator from Utah has tried to make this amendment seem evenhanded, there can be no doubt that the real purpose of this amendment is to try to get information from unions about their political spending. There is nothing inherently wrong with that, but any such disclosure requirements just have to be evenhanded. These are not, so I must oppose the amendment and ask my colleagues who support reform to join me in voting to table it.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, every public company with shareholders is mandated to send financial disclosures to every shareholder—every public company. This is not a burden, it is done so they know how their money is spent.

Labor union financial disclosures—you would think they were already giving disclosures to their members, but they are not at all. The labor union financial disclosures only go to the Department of Labor and not to a single union member. And for union members to get those disclosures, they have to show cause. That is how bad it is, and that is how one sided it is.

I have heard these arguments that the Hatch amendment does not go far enough.

Some are trying to avoid disclosure of corporate and union political expenditures to shareholders and union members on the grounds that the Hatch amendment doesn't make ideological groups, such as NRA, Sierra Club, and other nonprofit advocacy groups disclose their donors or expenditures.

In response to that, I first note that it is a clever ruse to try and change the argument from disclosing expenditures to disclosing donors.

As a constitutional matter, disclosure of expenditures is fundamentally different than disclosure of donors, supporters, or members. Disclosure of expenditures implicates no one's freedom of association. Senator HATCH understands that and this is why he limited his amendment to disclosure of expenditures only.

Moreover, the Hatch amendment limits disclosure of expenditures to only corporations and unions, and makes sure that such disclosure only goes to union members and shareholders, not the general public.

He does not apply disclosure of political expenditures to ideological groups such as the Sierra Club or the NRA because people who join or contribute to those groups know what those groups advocate. This is not always so with corporations and unions.

Moreover, Federal law mandates certain democratic procedures for the governance of public companies under the Securities and Exchange Act and the labor laws. Federal law does not mandate the internal governance of ideological groups. Under securities law and labor law Congress has set up a regime that imposed fiduciary duties on union and corporate leaders to members and shareholders and the Hatch amendment helps ensure those duties are fulfilled by shedding light on an area of corporate and union activity that supporters of McCain-Feingold are intent on keeping in the dark.

Thus, my amendment is merely seeking to improve the flow of information in federally regulated entities that Congress has already decided should function as democratic institutions. And we all know that transparency is good for any democracy. But supporters of McCain-Feingold are strangely opposed to more transparency and improved democracy in labor unions—that I think flies in the face of the rights of workers.

The argument that the requirements of my disclosure amendment are too

vague—this is my favorite argument. Supporters of McCain-Feingold say that the descriptions in the Hatch amendment of activity that must be disclosed are too vague and thus unfair.

The Hatch amendment requires corporations and unions to disclose expenditures for ''political activity'' which is defined as:

Voter registration;

Voter identification or get-out-the-vote activity;

A public communication that refers to a clearly identified candidate for Federal office that expressly advocates support for or opposition to a candidate for Federal office; and

Disbursements for TV, radio, print ads, or polling for any of the above.

Now that doesn't seem that unclear to me, but it is too vague for supporters of McCain-Feingold. I find that fascinating.

It is fascinating because when I read McCain-Feingold, which they think is perfectly fine, I see that it requires State and local party committees to not only report, but to pay for entirely with hard money, the following in even numbered years: ''generic campaign activity'' which is defined as ''an activity that promotes a political party and does not promote a candidate or nonfederal candidate.

Although it is far from clear to me, it must be perfectly clear to supporters of McCain-Feingold what constitutes ''an activity that promotes a political party'' since they are not complaining about vagueness in the underlying bill.

Under S. 27, State parties must report and use hard money for

> A public communication that refers to a clearly identified candidate for federal office . . . that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office.

Again, I find it interesting that no one is complaining about how vague this provision is. It does not say how to figure out when an ad ''promotes or supports'' or attacks or opposes'' a candidate. McCain-Feingold doesn't even say who is supposed to figure that out. But this is just fine. Only the Hatch amendment is too vague.

I think it is pretty clear what is going on here.

Let's be clear about what my amendment does. It requires unions and corporation to disclose their political expenditures. It does not require the disclosure of any contributors or the name of a single union member or shareholder. By focusing solely on disclosure of expenditures, the Hatch amendment avoids the constitutional infirmities of Snowe-Jeffords and other legislation that requires disclosure of donors to advocacy groups. Merely disclosing an organization's political expenditures implicates no one's free association rights.

Moreover, this amendment is narrowly tailored insofar as it requires disclosure of union political expenditures only to union members and fee payers and disclosure of corporate political expenditures only to corporate shareholders. So it is not even disclosure of expenditures to the general public.

It simply ensures that shareholders and union members will have clear, understandable information about how their agents—union officials and corporate executives—are using the money they entrust to them.

Under existing law, neither shareholders nor union members get such information. Why should they not have it, it is their money. Why can't they see how it is being spent.

Let's examine the arguments being used by proponents of McCain-Feingold against this amendment:

First, it is not fair because only unions engage in the types of political activity covered: Many have said only unions and no corporations do GOTV activity, voter identification, voter registration, leafletting, phone bank, volunteer recruitment and training, and myriad of other party building activities that would have to be disclosed under this legislation. Thus, they say the amendment is not balanced.

They are right that no corporation does these basic party building activities the way unions do them for Democrats.

Corporations give PAC contributions, which are already subject to limits and fully disclosed under existing law. They also give soft money contributions to political parties that are fully disclosed under existing law and will be eliminated under McCain-Feingold. Corporations also run some issues ads around election time, that will be banned for 60 days before a general election or 30 days before a primary, as will union issue ads.

So McCain-Feingold already pretty well takes care of what corporations do, but does not touch the key things that unions do for Democrats—the groundgame. On our side, no corporations do or ever will do the kind of GOTV, and other groundgame activities unions do for Democrats.

But all Democrats support banning party soft money, which is the only resource Republicans have to counter the massive groundgame unions do for Democrats. Without soft money, the Democrats ground game will go on thanks to their unions allies, but the Republican counter to the unions groundgame is eviscerated.

This amendment wouldn't stop or otherwise hinder the unions ground game, it would just bring it out into the light of day and disclose to union members who pay for it. But no, we can't do that, it's not fair to attach that to McCain-Feingold. That would not be fair and balanced. But disarming the GOP in the face of the union groundgame is fair to supporters of McCain-Feingold?

Second, disclosure under this amendment would discourage participation through GOTV activity and voter registration and other activities these entities do. This argument only makes sense if we assume that when union members or corporate shareholders learn about the political activities unions and corporations engage in that they will be outraged and rise up using the mechanisms of corporate and union democracy to oust the union and corporate officials using their money for GOTV and other political activities.

To this I can only say that if union members and corporate shareholders would react in this way, so what. They have a right to pass judgment on how their money is spent and if they disagree to ensure that it is used for purposes with which they agree. Why keep them in the dark about how much of their money is used for various kinds of political activity? If unions are the happy, democratic institutions Democrats claim, what do union leaders have to fear from sunlight?

The only other argument for saying that disclosure of expenditures would diminish such activity is that it is overly burdensome.

This argument has little merit. We just passed a law last year that requires even the puniest section 527 organization to disclose any ''expenditure'' for any purpose in excess of $200. No one claimed it was too great a burden for them. These groups are managing and they do not have nearly the resources of the AFL–CIO, Teamsters, NEA, and other unions.

Unions and corporation would just do what section 527 groups already do, and what political parties already do—hire an extra accountant and maybe a lawyer. That is not too much when you are the Teamsters and you take in over $300,000,000 a year.

If opponents of this amendment were truly concerned about voter turnout, voter education, and voter participation, they would rail against the fact that McCain-Feingold requires the national as well as State and local political parties to use 100 percent hard money, thereby eliminating most of the resources available to our parties for their GOTV, voter identification, voter registration, and other activities that increase participation and turnout.

How is mere disclosure of union and corporate political activity more damaging to voter participation and education than elimination of over one-third of the resources our parties have to do this?

Maybe gutting the parties isn't so bad because Democrats know that unions will carry the water for them on all of these groundgame activities while McCain-Feingold will ensure that the Republican Party cannot match the unions' effort.

This is a one-sided bill that basically is not fair, and it is certainly not fair

to union men and women. These workers deserve to know for just what their union dues are being spent. All we are asking for is disclosure, something in this computer age they can do with ease if they want to, something in this computer age they ought to do because it is essential, something in this computer age they must do because it is not fair not to. To try to cloud the issue by saying we should disclose the donors—that is not the issue. The issue is expenditures, expenditures, expenditures; and the issue, the real issue, if we really want to do something about campaign finance reform, is disclosure, disclosure, disclosure. That is all I am asking for.

I reserve the remainder of time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to yield to my colleague from Michigan. We on this side, the opponents, have been talking about labor unions. I want to make a point as I read this amendment. People buy and sell stock with some regularity. You can buy one share of stock, as I read this amendment, for one day and technically be defined as a shareholder of a corporation, even if you held the stock for only 15 minutes. As this amendment is crafted, if there was then an internal communication by that corporation during that year of some political message, despite the fact that I may have held one stock for 15 minutes as a shareholder, that corporation is then required to send me all this disclosure information about that corporation's political activity.

That is incredible to me. It doesn't distinguish how long you are a shareholder, so a shareholder for 15 minutes, who bought and held the stock for 15 minutes and then sold the stock again, would be required to get this information.

We talk about the negative effect on organized labor. If you are a corporate shareholder and this amendment is adopted, you ought to shudder, in terms of the amount of information you will be getting.

But let me yield 3 minutes to my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment is indeed onerous, cumbersome, and confusing. It not only chills first amendment association rights, it makes a mockery of those rights.

I want to use a few of the words from the amendment, words that were left out by my good friend from Utah who, by the way, is celebrating his birthday today. I think we all want to congratulate him. I heard it on the radio today. Senator HATCH, I won't disclose the age—except to say it is a few months older than I—and I would like to wish happy birthday to our good friend from Utah.

Let me take one example of the confusing words in this amendment which make it impossible, it seems to me, to be implemented: An expenditure which directly or indirectly—directly or indirectly—is made for an internal communication that relates to a political cause.

I cannot imagine how any corporation or union could conceivably keep track of the direct or indirect expenditure that relates to an internal communication that relates to a political cause. ''Political cause'' is not defined, by the way. We have the words ''political activity'' defined in ways which, for the most part, only apply to unions and not to corporations. But that is a different problem. That is the problem of the paper parity—an amendment which appears to apply to corporations. If it did, it would be totally impossible for a corporation to comply with, as our good friend from Connecticut just said. But it is really aimed at labor unions because the activities which are identified are mainly the political activities in which unions engage.

But the point is, these words are so extraordinarily vague. Imagine a union at every level trying to keep track of the indirect costs of an internal communication that relates to a political cause—whatever all of that means. This is a burdensome and onerous requirement. I think it is confusing, and it is cumbersome.

Again, it is devastating to a right which all of us—Democrats and Republicans—ought to protect, which is the right of free association.

I close by reminding our colleagues that this applies to members of labor unions who join that union, and not to nonmembers. This is intended to control the rights of voluntary association and its members. This is an intrusion, and a heavy interference in the rights of association. It places impossible burdens on an association to keep track of every single expenditure and every internal communication that could indirectly—I am using the words of the amendment—relate to a political cause.

None of those words are defined.

It is an onerous interference with the first amendment right of association.

Mr. MCCONNELL. Mr. President, how much time is remaining?

The PRESIDING OFFICER (Mr. CRAPO). Five minutes.

Mr. MCCONNELL. Mr. President, I commend the Senator from Utah for offering this amendment. This does not have anything to do with how the unions raise their money. We already voted down yesterday the opportunity for union members to get a refund of union dues spent on causes with which they don't agree.

So the AFL–CIO is essentially batting 1,000 so far.

All this is about is simple disclosure.

I remember last year when the section 527 bill came up. We did not hear anybody saying that it was a poison pill or that it was too burdensome. Why is all of a sudden a simple disclosure burdensome, as Senator HATCH pointed out. For a union member to find out how the money of his or her union is spent, he has to go over to the Department of Labor and establish just cause to be permitted to see how the funds have been spent.

Every corporation in America does more disclosure than that. They send out annual reports to shareholders. No union does that.

This is about as mild as it gets. All we are asking is for a simple disclosure to the public and to union members of how this money is spent.

It doesn't restrict their spending of the money. It doesn't in any way hamper their ability to raise the money. Simple disclosure is all the Hatch amendment is about, disclosure and sunlight.

What is there to hide? After all, this money comes from union members. Why are they not entitled, without having to buy a plane ticket and fly to the Department of Labor and convince some bureaucrat they have just cause to be permitted to see the records of how their union spent their money last year?

It seems to me that this is very basic and not very onerous.

It is interesting to listen to the opponents of this amendment try to think of arguments against it. About all they can come up with is it is burdensome.

It is also burdensome to have your dues taken and spent in ways that you are not entitled to find out unless you buy a plane ticket to come to the Department of Labor and sit down with some bureaucrat and establish just cause.

I do not know what the AFL-CIO is afraid of on this.

I assume the votes will not be there to approve this amendment because it is pretty clear that anything that has any impact whatsoever on organized labor—anything, any inconvenience, and now even simple disclosure and sunlight—is perceived as a poison pill. That is where we are in this debate.

I hope the Hatch amendment will be agreed to.

The reason paycheck protection didn't get more votes last night, of course, is because it also applied to corporations. And there are a number of Members on our side who didn't want to apply that to corporations.

This is plain. It is simple. It is understandable, and it is essential to a functioning democracy.

It seems to me that this is an opportunity for the Senate, if it is serious about disclosure, to give union members and the public an opportunity to understand how union dues are spent.

Mr. DODD. Mr. President, I will yield back time, but I wish to read what the amendment says: Itemize all spending,

internal communications to members or shareholders, external communications to anyone else by any means of transmission for any purpose on any topic that relates to any Member of Congress or person who is a Federal candidate, any political party or any political cause total.

This is so broad that I can't imagine anyone, whether from a business perspective or labor perspective, would vote for this amendment. It is not appropriate to include such an over broad and vague amendment on a constitutionally sensitive campaign finance reform bill.

Mr. LEVIN. Just add the words ''directly or indirectly.''

Mr. DODD. That is right.

We urge rejection of this amendment. I am happy to yield back all of our time.

Mr. MCCONNELL. Mr. President, this is an opportunity for members of unions to find out how their dues are being spent without buying a plane ticket, going to the Department of Labor, and trying to find out through that difficult process.

I yield my time.

The PRESIDING OFFICER. All time having been yielded, the question is on agreeing to the amendment.

Mr. MCCAIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—60

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

NAYS—40

Allard	Gramm	Nickles
Allen	Grassley	Roberts
Bennett	Gregg	Santorum
Bond	Hagel	Sessions
Brownback	Hatch	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Craig	Hutchison	Stevens
Crapo	Inhofe	Thomas
DeWine	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner
Fitzgerald	McConnell	
Frist	Murkowski	

The motion was agreed to.

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

Mr. CRAIG. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I want to take a minute to say that I think we all agree we are making very good progress. I also want to point out that we don't have any idea yet how many amendments remain. It is about time now in this process that we get an idea of how many remaining amendments there are.

The majority leader is trying to figure out whether we should stay in tomorrow, and even Saturday, in order to complete our work. I am not sure I can agree to us not remaining in session, unless we have some idea as to the number of remaining amendments and how we continue to address those.

Look, everybody knows the Senator from Alaska is going on a trip to Alaska next Thursday night and is intent on doing that. I don't want to interfere with that. I don't want us to go out early tomorrow, or at any time, until we have some idea as to how we can bring this to an end, hopefully, by next Thursday or Friday.

I hope Members will let Senators MCCONNELL and DODD know of their amendments. That doesn't mean there won't be one or two additional amendments or additional second degrees. But we ought to know about how many amendments remain so we can have an idea as to how much time we need to use over the weekend.

I thank my friend from Mississippi for a very important amendment that will take advantage of the new technology we have, as far as increasing full disclosure and informing the American people.

Mr. DODD. If the Senator will yield, I want to underscore what the Senator from Arizona has said. We have considered, I think, eight amendments since we began on Tuesday. Now, we have taken a lot of time. Some of them have been lengthy debates. The amendment we are about to consider will be finished in about a half hour. It is a noncontroversial amendment, one that will add substantially to the bill. But we have about 30, at least, amendments on the Democratic side. While many amendments probably will not be offered, I don't know that yet.

I underscore what the Senator said, that we need to take advantage of this opportunity. Several Members have said, ''I will do it next week.'' That crowd is beginning to grow for next week. If we only handle 8 or 10 amendments this week, I am not overly optimistic that we will be able to handle the numbers I see in 4 or 5 days next week. It will be important to pare the list down. I urge Members to do so.

With that, I thank my colleague from Mississippi for yielding. I support his amendment. There are several people who want to speak on it. Senator LANDRIEU from Louisiana would like to be heard as well on this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 137

(Purpose: To provide for increased disclosure)

Mr. COCHRAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 137:

On page 38, after line 3, add the following:

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

SEC. 501. INTERNET ACCESS TO RECORDS.

Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended to read as follows:

''(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.''.

SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION REPORTS.

(a) IN GENERAL.—The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all election-related reports.

(b) ELECTION-RELATED REPORT.—In this section, the term ''election-related report'' means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.

(c) COORDINATION WITH OTHER AGENCIES.—Any executive agency receiving an election-related report shall cooperate and coordinate with the Federal Election Commission to make such report available for posting on the site of the Federal Election Commission in a timely manner.

Mr. COCHRAN. Mr. President, I allowed the clerk to read the entire amendment so the Senate would be fully informed of the exact provisions of this amendment.

It does, purely and simply, what it says it does. It requires the filing of the posting by the Federal Election Commission of any filing made with the Commission on the Internet. In the case of filings made electronically, the posting will be done under the terms of this amendment within 24 hours. As far as other filings are concerned, those that may be filed without electronic dissemination through the Commission, or receipt in any other way, shall be posted within 48 hours.

We have discussed the amendment and the question of enforceability and compliance with the Federal Election Commission representatives. We have been assured that this can be managed, it can be administered by the Federal Election Commission.

It is also important to note there are a number of reports required under this act we are taking up now, an amendment to the 1971 act that would require filings by other than candidates for Federal office. At this time, most of the filings that are done are for candidates. I am hopeful that under the terms of this act we are considering now, the amendment to the Federal Election Campaign Act, we will have much more disclosure. I think, for example, the amendment we have already adopted, offered by the distinguished Senators from Maine and Vermont, Ms. SNOWE and Mr. JEFFORDS, will require more disclosure to be made about who is spending money to influence the outcome of Federal elections, and how that money is being spent.

These disclosures will be made under the McCain-Feingold bill. They will be subject to the posting provisions of this amendment.

It is my hope, too, that other Federal agencies which may receive election-related reports, as defined in section 502 of this amendment, will cooperate with the Federal Election Commission and make those reports available to the Federal Election Commission so it may post on a central Internet Web site all election-related reports relating to Federal election campaigns.

This will make it a lot simpler and easier for the general public. It will make it easier for candidates, anybody interested in Federal election campaigns, to go to one site and find there, through links maybe to other agencies or otherwise on this Internet site, all of the receipts, disbursements, and disclosures required by the Federal Election Campaign Act.

We hope this is a step toward fuller disclosure, disclosure that really does create greater access by the public to what is going on in Federal election campaigns. I am hopeful the Senate will agree to the amendment.

Mr. CRAIG. Will the Senator yield?

Mr. COCHRAN. Mr. President, I am happy to yield to my friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am looking at section 502 of the Senator's amendment, subsection (B), in how he defines all election-related reports. I know the Senator's intent, and I applaud it. I think it would be absolutely desirable to have a central point, a repository totally transparent to the public.

The Senator's amendment says that all election-related reports are those required ''to be filed under the Federal Election Campaign Act of 1971.''

I am wondering if the Senator's intent is to require the reports of section 527 groups whose reports are already posted on the Internet separately. Those are a requirement of the IRS Code.

Also, does it require the FEC to put on the Internet what we call LM–2 forms filed with the Department of Labor, since all of these forms acknowledge labor PACs? In my mind, they fall under the all election-related reports. It just so happens there are others outside the 1971 law.

There is another, and this is one I find interesting. It is related to municipal securities dealers pursuant to what is known as the MSRB rule G–37, which I know absolutely nothing about, other than to say there is a requirement for filing under that law because Federal candidates sometimes can have bond-related responsibilities.

George W. Bush, as Governor of Texas, had bond-related responsibilities and probably had to do filings. Those are election-related filings, but because they are not under the 1971 law, they would not necessarily fall under the Senator's definition.

I know the intent of the Senator from Mississippi, and I applaud his intent. The question is, Is it as all inclusive as he intends it to be because the Senator has limited it to the 1971 law, and there are now other laws we have grown through over the last good number of years that indicate other election-related activities?

Mr. COCHRAN. Mr. President, I thank the Senator for his question and also for his comments to further explain the possible inclusiveness of paragraph (c) of section 502. This is not an absolute requirement of law under paragraph (c). It is an encouragement. It is almost like a sense-of-Congress resolution when we encourage the cooperation and coordination with the Federal Election Commission. We use the word ''shall.''

I do not know that in a contest in litigation this would be enforced by the courts, but we hope the spirit of it is conveyed by the use of the words ''cooperate and coordinate with'' the Federal Election Commission.

I do not want to create within the Federal Election Commission the idea that they are superimposed over all other Federal agencies and departments and can summons them or require of them transferring information and documents to the FEC for exhibition on this Internet site, but it is our hope that this language will encourage the cooperation and coordination of these other Federal agencies that might receive reports, such as the ones described by the Senator from Idaho, so the FEC can put all of these in one central location on a Web site. They can do this through linking to other agencies and departments on the Internet.

As the Senator knows, that is one way to deal with this, on the centralized Web site of the FEC to provide opportunities and cross-references to other agencies and identify documents that are election-related reports. That is our hope.

The wording of it might be a little awkward. I am happy for the Senator to suggest a better way to say it, but that is the intent.

Mr. CRAIG. Will the Senator yield for one last question?

Mr. COCHRAN. I am happy to yield to the distinguished Senator.

Mr. CRAIG. Mr. President, FEC reports are only filed with the FEC and the Secretary of the Senate. They are filed nowhere else in our Government. In subsection (c), the Senator talks about coordinating with other agencies:

> Any executive agency receiving an election-related report shall cooperate and coordinate with the Federal Election Commission. . . .

I sense a confusion there in how that gets supplied. You file with no one else but the FEC as a Federal candidate. The FEC files with no one else, and there is no relationship to these filings now of the kind I have mentioned—the bond brokerage issue with the broker having to file and the IRS-related issue. Those are all stand-alones, if you will, and also the Internet LM–2 form filed with the Department of Labor.

I want to agree with the Senator in creating a central repository.

Mr. COCHRAN. If the Senator will yield to me and let me ask for his reaction to this, can we put in the first section ''included, but not limited to, election-related reports''? Paragraph (b) means any report, designation, or statement required to be filed with the Commission—included but not limited to. Let's put that in between ''election-related report'' and the word ''means.''

Mr. CRAIG. We are all concerned about clarity, and I was concerned——

Mr. COCHRAN. I would not want to limit it just to the Federal Election Campaign Act, but I did not want anybody to think we were giving the FEC the authority to require other agencies to file their reports with the FEC. We wanted to use ''cooperate and coordinate.''

Mr. CRAIG. But, of course, if the Senator is intent on creating a central repository with true transparency and these are other valuable reports—for example, the report filed with the Labor Department is labor unions and PACs and their filings which have valuable disclosure information in them.

I am not sure we want to be that vague. That is my frustration.

Mr. COCHRAN. I also do not want to presume to list every report that is an election-related report, hence the use of a general description of what we are talking about. We do want to include any and all reports that are required to be filed under the Federal Election Campaign Act of 1971 and the amendments to that.

We think the amendments are included in the words ''Federal Election Campaign Act of 1971,'' including the amendments of 1974 and the one we are considering in the Senate today, which is an amendment to the 1971 act. We

want to include all filings required by that law and all amendments to that law. That is understood.

We also want to include, by way of suggesting cooperation and coordination with other Federal agencies and departments, any other election-related reports, and the Senator has correctly identified several. Those all should be included, in my view, in the meaning and the intent of this amendment and should be so construed by any court of law or any administrative agency with responsibility for enforcing this amendment.

Mr. CRAIG. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. CRAIG. To our knowledge, there are only the three we have mentioned. Absolute clarity suggests you put those three in the text of your amendment and then say ''and any additional'' or others that may come along.

Obviously, if your amendment becomes the law and other reports are required that might be outside the scope of the 1971 law, you would identify them with your law and make them a requirement of that filing for purposes of Internet access.

Mr. COCHRAN. I thank the Senator. I think his suggestions have been helpful.

We have staff on the floor who have been working on the drafting of the amendment for several days and consulting with the FEC and representatives of the committee of jurisdiction.

Let me have a chance to address the concerns of the Senator with some suggested modification language and discuss this with him and the chairman and ranking member of the Rules Committee, which has jurisdiction over this subject.

Mr. CRAIG. I thank the Senator.

Ms. LANDRIEU. Will the Senator yield?

Mr. COCHRAN. I am happy for the Senator to be recognized in her own right and speak to the issues.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to support Senator COCHRAN in his amendment. I think it is an excellent amendment and goes a long way toward moving to a more full and complete disclosure.

I understand some of the questions that have been raised. But as I read this amendment, it is very good. We are doing this in Louisiana and perhaps other States, learning how to use this new technology in many good ways.

It helps our campaign finance system be more transparent. For instance, the Senator is correct; you can take a State such as Louisiana and simply make this requirement for our State agency to make all of these reports available over the Internet on one Web site so people don't have to search through a variety of Web sites.

I commend the Senator for his amendment. I support his amendment and urge the Senator, unless absolutely necessary, not to adjust the amendment. It is very clear. It simply takes the law and all the reports and urges the FEC to put them in one central site. It will make it easier for our constituents, easier for the news media, easier for us to follow those reports.

I will have an amendment later taking this a step further and requiring the FEC to develop standardized software which will make it much easier for everyone to file the required reports in a timely fashion. My amendment will take this a step further by requiring it to be almost instantaneously reported. Deposit a check in your bank account, and it will appear on the Internet. People can follow the flow of money.

There are many disagreements about limits and whether there should be caps or no caps, and should broadcasters have to give special rates or reasonable rates—since I voted for that amendment, ''reasonable rates''—for political candidates.

Frankly, in my general discussions with Senator MCCAIN and Senator FEINGOLD and many people on both sides who support campaign finance reform, the one area on which we all agree is more disclosure. The one thing everybody says, opponents of McCain-Feingold as well as proponents, is that we should be coming forward more aggressively in our disclosure.

That is what the amendment of Senator COCHRAN does. I compliment him for that. I urge my colleagues to look favorably upon it. I thank him for the work he is doing in regard to campaign finance reform. I hope we don't change this amendment too much. It is quite simple and very good in its current form.

Later on today, I will propose my amendment that will make it a virtual reality check on all campaign contributions coming in from a variety of different sources and make it much easier for Members to be held accountable for moneys we are collecting and the votes we cast. The Cochran amendment is very good, and I hope we will adopt it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

(The remarks of Mr. MURKOWSKI are located in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

The Senator from North Dakota.

Mr. DODD. Mr. President, I ask unanimous consent my colleague proceed as in morning business so the time will not come off consideration of the amendment.

Mr. CONRAD. Mr. President, I request I be permitted to speak as in morning business.

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

Mr. DODD. I thank my colleague.

Mr. COCHRAN. I ask the distinguished Senator how much time he wishes to speak because we are working on an amendment we hope can be adopted pretty soon.

Mr. CONRAD. Maybe 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for approximately 5 minutes.

THE BUDGET

Mr. CONRAD. Mr. President, yesterday in my role as ranking member on the Senate Budget Committee, I met with Senator DOMENICI, the chairman of the Senate Budget Committee. He informed me he intended not to have a markup of the budget in the Budget Committee but to come directly to the floor of the Senate. This was pursuant to a request I had made that we proceed to schedule a markup in the committee. I told him I thought a decision not to have a markup in the Budget Committee would be a mistake.

We have never had a circumstance in which we have tried to bring a budget for the United States to the floor of the Senate without the Budget Committee, which has the primary responsibility, meeting first to hammer out an agreement. Senator DOMENICI, the chairman of the Budget Committee, told me he believes it will be impossible for us to reach an agreement. I don't know how anyone can be certain of that before we have tried.

I hope very much that he will—and I asked Senator DOMENICI yesterday to reconsider to give us a chance to debate and discuss the budget in the Budget Committee and to have votes.

That is how we make decisions.

I still hold some optimism that after discussion and debate we might find agreement. It might not be on precisely what the President has proposed. Someone recommended yesterday that we try to agree on a 1-year budget.

But we have a country that has some serious challenges. Anybody who has been watching the markets knows they continue to decline, and decline precipitously. While it is true that the best immediate response is monetary policy and the Federal Reserve Board lowering interest rates, that has now