[Rollcall Vote No. 255 Leg.]

YEAS—78

Abraham	Faircloth	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bond	Gramm	Moynihan
Breaux	Grams	Murray
Brownback	Grassley	Nickles
Bumpers	Gregg	Robb
Burns	Hagel	Roberts
Byrd	Hatch	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Landrieu	Thomas
Dodd	Leahy	Thompson
Dorgan	Levin	Thurmond
Enzi	Lieberman	Warner

NAYS—15

Akaka	Harkin	Reed
Boxer	Kennedy	Reid
Bryan	Kerry	Torricelli
Durbin	Lautenberg	Wellstone
Feingold	Moseley-Braun	Wyden

NOT VOTING—7

Bingaman	Glenn	Murkowski
Coverdell	Helms	
Domenici	Inouye	

The conference report was agreed to.

Mr. MCCONNELL. addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider the last vote be laid upon the table.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

UNANIMOUS-CONSENT REQUEST—H.R. 2183

Mr. DASCHLE. Mr. President, I think that we want to finish this foreign operations appropriations legislation, and I hope that we can do it. I hope we can do it sometime soon. I note there are a number of amendments that are left to be considered on this important piece of legislation. I commend our ranking member and the chairman for their efforts in resolving this important piece of legislation in a timely way. There are a number of other amendments that must be considered before we can come to closure.

The question then comes as to what we take up next. Yesterday, we discussed on the Senate floor how important it is that one of the bills that we take up next be the Patients' Bill of Rights, managed care reform. The other piece of legislation, Mr. President, that ought to be taken up immediately is legislation that was already passed in the House, the Shays-Meehan bill, H.R. 2183, the campaign finance reform bill.

Mr. President, the House deliberated on that bill for some time. House Members worked their will. They did a good job in dealing with all of the controversial aspects of campaign reform this year. They recognize, as many of us recognize, that we are not going to solve the problem with one piece of legislation. But they made a major contribution to solving the problems we face with regard to soft money and independent expenditures and reporting and enforcement.

Whether or not we move this issue forward will be determined by whether or not we are willing to act in the course of the next 6 weeks. Time is running out. I applaud Senators MCCAIN and FEINGOLD for their news conference this week wherein they said they will press for this legislation, they will offer their bill as an amendment to another bill at some point in the future.

Mr. President, whether it is the McCain-Feingold bill or the Shays-Meehan bill, this Senate must not lose the opportunity to complete its work on campaign finance reform this year. We must have the opportunity to address the issue. We must take up that legislation.

I will be propounding a unanimous consent request at some point this morning—in just a few moments—to ask that campaign finance reform be the next order of business, to ask, again as we did yesterday, that it be laid aside for other important appropriations bills simply because we recognize the urgency of passing appropriations legislation on time. We are way past due. We have not passed a budget. We have not passed any of the appropriations bills. Not one has been signed into law.

Mr. President, to the extent we can do all that we can to resolve the remaining procedural and other related problems on appropriations, we must do so. But there is no question that, as we look to what must be completed prior to the end of this year, the two issues that have to be addressed are the campaign finance reform bill and the Patients' Bill of Rights that we discussed yesterday.

We come to the floor this morning simply to focus attention on the need for expeditious consideration of this legislation, on how critical it is that we, as Republicans and Democrats, agree, as did Members in the House, to make it the kind of priority it deserves to be, to address the array of problems that we have.

I cannot think of a more diverse philosophical body than the House today. We have the far left and we have the far right. We have the extremes on both sides. With all of the extreme positions that Members are capable of taking, they came together and passed the Shays-Meehan bill just before we left.

Mr. President, now it is our turn. Now we have an opportunity to do the same thing. Now we can pass the legislation here. We had a debate earlier. We were disappointed that we were not able to come to closure on it. But now is the time. The House has acted. So must we.

So far this cycle Republicans and Democrats have spent $37 million more than the last cycle—$37 million. Campaigns continue to escalate in cost and degrade in quality. More and more, there is a rush for dollars. More and more questions are asked about how money is raised. More and more, the people are turned off and tuned out by a political process that has gone awry. They ask that we react. They ask that we show some leadership. They ask that we take some steps to correct this situation before it gets even worse. The House heard; and the House reacted. The Senate now must do the same.

There is no better time to do it than now. We all are cognizant of the fact that there are only 60 days left before the next election. Within those 60 days, there will be even more money raised, tens of millions of dollars raised, across this country. As we speak, I guarantee you, there are Senators and House Members and candidates in small rooms everywhere dialing for dollars—incessant dollar dialing that has reached an unprecedented threshold. And the implications of all that money become more serious, the implications for the legislative process, the implications for campaigns themselves, the implications for the democracy that we all treasure.

Mr. President, there has to be an end at some point. We have to curtail this incessant effort to raise more and more money at the cost of the credibility of the American people as they view our campaigns in 1998.

Not all of us are on the floor right now, but if we were, I say with unanimity our Democratic caucus wishes to express the hope that we can pass the Shays-Meehan bill this week, next week, or certainly at some point before we leave. If we pass the Shays-Meehan bill as it passed in the House, which I am prepared to do, I will accept it. I will take the language that was passed in the House and I will send it off to the President. He has already indicated he will sign it. We don't have to go to conference. There is nothing we have to do that would complicate our actions once it passes in the Senate.

So let's do it. Let's agree, as Republicans and Democrats, that it is important to do it now. The time is running out. I urge my colleagues—urge my colleagues—to agree.

Mr. President, I ask unanimous consent that upon the disposition of the foreign operations appropriations bill, the Senate proceed to the consideration of H.R. 2183, the House-passed campaign finance reform bill, that only relevant amendments be in order, that it be the regular order, but that the majority leader may lay the bill aside for any appropriations bills and appropriations conference reports.

Mr. MCCONNELL. I object.

The PRESIDING OFFICER (Mr. SANTORUM). The objection is heard.

Mr. DASCHLE. Mr. President, I am not surprised, but I am disappointed.

We will continue to persist. We will continue to make the effort each day, either in the form of unanimous consent requests like this, or with amendments offered to bills that will be considered. We will not let this issue pass. It is essential that we consider this legislation before it is too late, before we run out of time, before we miss a golden opportunity to seize the moment and do what the Senate should have done earlier this year, should have done last year, should have done 10 years ago. This will not go away. We can do it either the easy way or the hard way, but we will continue to persist.

Mr. WELLSTONE. Will the minority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before coming back, I was at the Minnesota State Fair, which is quite a focus group—almost half the State's population comes there in 13 days. Without going through my conversations with people in Minnesota, I want to ask you whether or not back home in South Dakota or as you travel around the country, what kind of discussions do citizens have with you about the mix of money and politics and reform?

Does the minority leader think that this is, in fact, a burning issue to people? We have been told for so long that people don't really care about campaign finance reform. What is the minority leader hearing from people in South Dakota? What is he hearing from citizens in our country? Why does he, as the leader of our party, put this at the very top of his priorities?

Mr. DASCHLE. The Senator from Minnesota raises an important point.

As I talked to South Dakotans all over the state this last month of August, I found it remarkable how many people simply said they don't want to have anything to do with the political process anymore. I had many, many Republicans who said they are just sick and tired of what is happening out there. Most of it, they said, relates to the money—the money chase, the implications of more money, the influence of big money on the legislative process. They are tired of it.

I think without question they all understand that the rules, the laws, need to be changed.

It was remarkable to hear the consistency with which people expressed that point of view to me—Republicans, independents, and Democrats; they all said it. They all indicated with increasing intensity that unless we change the system we could lose it, that unless we change the rules we will become victims of the current ones.

That, to me, is the essence of why this is so essential, why it is important that we act now.

Mr. FEINGOLD. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from Wisconsin for a question.

Mr. FEINGOLD. Mr. President, before I ask a question, let me thank the minority leader for his tremendous leadership on this issue and for maintaining the support of the entire Democratic caucus for reform—whether it be the McCain-Feingold bill or the Shays-Meehan bill, which is very similar.

One of the criticisms made of this bill consistently, which I obviously have never found very valid, is that it is a partisan bill. The fact is that seven Republicans have supported this bill out here on the floor, and the number in the House was overwhelming.

I wonder if the minority leader is aware that a quarter of all the members of the Republican Party in the House supported this legislation.

Mr. DASCHLE. I was aware of that, and I think the Senator from Wisconsin raises a very important point. I actually believe that there are at least 25 percent of the Republican caucus in the Senate who support campaign reform. I just wish they would express themselves, as I know the House already has, in that regard.

As I talk to colleagues on the other side of the aisle, they tell me they are supportive of it. They tell me they understand we need to see some change. I just hope that some additional courageous Republican Senators will step forth and join us. All we need are 60 votes; we already have 45 Democratic Senators. As the Senator from Wisconsin knows, we already have several Republican Senators who have expressed support and are willing to continue to support our effort. So a dozen or so additional Republican Senators would put us over the top.

Mr. FEINGOLD. Mr. President, this is precisely the reason the senior Senator from Arizona and I announced yesterday that we will be forcing the issue if your proposal is not agreed to, to bring this up, because we do believe that there will be Members on the other side of the aisle here who will support us. In fact, we are down, now, to only eight people.

The fact is that originally people said, ''You only have several cosponsors. You only have two Republicans. It will never get through the House.'' That is just a series of what I regard as excuses.

Mr. President, now it is very simple. The President has said he is ready to sign the bill. A majority of this body has indicated on the record they are for the bill and a majority of the other House is dramatically in favor of the bill.

I just wonder if the leader would comment for a minute on the significance if we don't get this done this year. Unfortunately, we can't pass a bill that will affect this election, the one that will happen in 60-some days. That was an agreement we had. We worked hard and we would have loved to avoid the abuses that are going on right now as we speak. But there is another election coming up in the year 2000.

I wonder if the leader would talk for a minute about what it means if we don't get the job done now.

Mr. DASCHLE. The Senator from Wisconsin probably knows better than anybody in this Chamber the implications of doing nothing. No one has worked harder, provided greater leadership, and engendered more respect on both sides of the aisle than the Senator from Wisconsin. He is running, as am I, this year. He knows the race for dollars. He understands the implications of that race. He understands, as well, the average cost of a Senate race right now is over $4 million. He knows, as I do, that we have already surpassed last year's record-breaking levels, last cycle's record-breaking levels in the amount of money required to be successful.

He knows, as I do, we will be seeing double-digit figures when it comes to what it will take to wage a successful Senate race anywhere in the country. He knows the implications of that. I must say, Mr. President, you don't need any imagination to recognize just what a devastating effect that has.

I was at two fundraising breakfasts this morning, neither for myself. That is exactly what is happening all over this city and across this country—fundraiser after fundraiser, more and more money generated with implications on the legislative and political process.

Where does it end? How will we possibly recruit candidates in the future when we tell them: We want you to be a part of the Democratic process, but we want you to cough up $10 million to do so if you are going to be in the U.S. Senate?

How can we do that? How can we recruit with a straight face—except for those who have the resources and the wherewithal? How many more millionaires should we have in a representative body of 100 people? We have some very good and diligent and hard-working people of wealth in this country, and I am glad they are here. But I want to make sure that working families are also represented, that we elect people who understand what it takes to earn a paycheck and make ends meet, to send a child to college. I want those people in the Senate as well. How do you do it when you have to raise $10 million? Who do you turn to? So the Senator from Wisconsin very appropriately raises the question, ''What are the implications?'' There are many, many more. We can talk all day long about the implications. Those are just a few.

Mr. FEINGOLD. Mr. President, I thank the leader for his statements and for his leadership on this issue. I was enthusiastic about coming back to work on this issue again after I have had conversations with people like the Senator from Michigan. I was very enthusiastic when I had a chance to meet with the senior Senator from Arizona.

We decided definitely yesterday to move, and move soon, on this issue. I am even more excited and enthusiastic that we can finish the job. The excuses are over. The whole thing is down to eight Senators. It is time to do the job. I thank the leader very much.

Mr. DASCHLE. I thank the Senator for his comments. I appreciate the contribution he has made. I will be happy to yield to the Senator from Massachusetts for a question, if he has one.

Mr. KERRY. I thank the leader. I will ask the leader, first of all, a series of questions. My first question is, I assume the leader has reached out to the majority leader of the Senate and suggested to him that there is a way in which the U.S. Senate could take an appropriate amount of time to properly deal with this effort. I wonder if the leader will share with the Senate and with the country what the response is of the Republican side of the aisle with respect to the ability of the Senate to carry out its responsibilities here.

Mr. DASCHLE. The Senator from Massachusetts raises the question, ''What is the response?'' We got it a few minutes ago. We asked very reasonably that we take up this bill next—that we finish the foreign ops appropriations bill, which is critical. We have to get these appropriations bills done.

As I have noted, not one of the 13 appropriations bills has been signed into law. Here it is now September. The next fiscal year is less than 4 weeks away, and we have yet to pass one appropriations bill. So we recognize that we have to get our work done in that regard, but we also recognize that there will be gaps, that there are other needs out there, legislatively, and there can be no greater needs than the request we made yesterday about a Patients' Bill of Rights consideration and the request we make today on campaign finance reform. Why? Because the House has already acted on both bills.

So the response we got today, as I noted, was disappointing because we are trying to be reasonable. We are suggesting that only relevant amendments be offered. We are suggesting that we lay the bill aside to finish our work on appropriations bills. We would be prepared to suggest other options. In fact, I would even go so far—and I haven't talked to my colleagues about this, so I am premature in making this offer, but just for the record I would be willing to accept a vote, up or down, on the Shays-Meehan bill—no questions asked; no amendments. Let's just have a vote, up or down, on Shays-Meehan and send it to the President if it passes. I would be prepared to do even that. Many colleagues might want to go farther than that.

How much time does it take to have one vote? How much time does it take to consider something that has already passed in the House, such as the Shays-Meehan bill? I talked to the Senator from Wisconsin. He is not one of those who is so concerned about pride of authorship that his name has to be on it. He said he would be prepared to take whatever we would do here to get either bill passed. He has taken a very meritorious position on this issue. My point is, in answer to the Senator from Massachusetts, we have tried to be as reasonable about this as we know how to be.

Mr. KERRY. I ask the leader further, what options, then, might be available to the minority at this point in order to try to make clear our serious determination to see this issue properly addressed in the U.S. Senate?

Mr. DASCHLE. Well, the Senator from Massachusetts is as much of a legislative strategist as I am, and he and I and others have talked about what our recourse is given the intransigence on the other side. I suppose we have two options that I am aware of. There may be others, but there are two in particular. One we tried this morning—asking consent over and over that this legislation be scheduled. The second is to take it upon ourselves to schedule it by offering it in the form of an amendment to whatever bill may come along. I have noted already publicly, and the Senator from Wisconsin has noted yesterday in a news conference, that those options are available to us and we will use them as we see the need.

I hope that will not be necessary. I hope that we can come to some agreement. I hope that we can be reasonable about this and recognize that the House has acted, and that having a vote on Shays-Meehan isn't too much to ask. But those are our options. We aren't going to lay back and just accept the fact that our Republican colleagues would prefer not to deal with this issue. It is too important not to deal with it. It is too much of a priority for too many Americans and for the political system, not to mention the Democratic caucus, for us to ignore it. So we will use those options and others, if they become available to us, because this is as important a bill and important an issue as there is pending before the Senate today.

Mr. KERRY. Mr. President, I appreciate the answer of the leader. I ask him further if he would agree that despite the fact that there is a great difficulty in the current atmosphere in this country and in the context within which our politics is being played out in Washington and in the national media—there is a great difficulty in conveying to the public the importance of an issue, but I assume that the leader would agree with me that all the great words that are spoken on the floor of the Senate, all of the meaning of this institution, all of the history that is wrapped up in this most watched and intriguing and certainly successful experiment in democracy on the face of the planet, that all of us really are facing a fundamental distortion that the American people understand today—in a process that has seen the cost of elections rise more than 100 percent; more and more millions of dollars are being spent and less and less Americans are able to access the system. Less and less people are able to take part, and more and more special interests are taking the system and defining it in terms of the money that they have available to them.

I assume that the leader will share with me that this is not an ordinary issue that we are talking about. This is something that goes to the fundamental notion of what kind of democracy we market to the rest of the world, and that if we are not capable of changing our own house and putting in order this system, then we lose something, not just with respect to our democracy at home, but with respect to the rest of the world. I assume the leader will share with me and others here that, somehow, we have a responsibility in the next days to get this issue to rise to the full measure of importance that it has. I also assume the leader shares with me the view that, otherwise, what happened in the House becomes a sham, that the House may have taken a freebie vote, knowing that all they had to do was rely on the leadership of the Senate to say, ''We are not going to let it come up; we are going to let the parliamentary process kill this.'' I assume the leader will agree with me that that would do an enormous disservice to the full measure of what this issue is really all about.

Mr. DASCHLE. The Senator from Massachusetts puts his finger right on the question. What was that vote all about? Did they really hope, as we do, that it will be put on the President's desk for signature some time before we adjourn? Or was there some cynical ploy here to position themselves for election back home with the realization that it wasn't going anywhere? That is why this unanimous consent request is a test. That is why our continued persistence will continue to be the test as to how serious many of our Republican colleagues are, who publicly espouse campaign reform, when it comes to passing a bill. He is also correct in what he said about its implications.

This isn't my desk. I am standing at the Democratic whip's desk. But this desk happens to be Henry Clay's desk. Henry Clay sat at this desk over 100 years ago. I must say that in all of the time since he sat at this desk I don't know that our democratic process has ever been in greater jeopardy than it is today. Henry Clay used to sit at this desk and would have incredible debates about the direction this country was going to take. People would stay here overnight. People would be here for days and weeks fighting the issues and the policies of the day because they believed so deeply in the direction our country was going to take.

But do you know what happens? What happens is that we get told by our colleagues that ''I cannot be here on Monday. I have to go campaign. I

can't be here on Friday. I have to go raise money. In fact, I can't even be here on Tuesday mornings or Thursday afternoons because I have to go raise money.''

Henry Clay must be turning over in his grave. That isn't the U.S. Senate. The money chase? That isn't what he fought his whole life to protect and preserve as one of our finest patriots. We have to live up to that standard. And I swear we are not doing it so long as we are bridled and enslaved by the incredible money chase that goes on day after day relentlessly and gets worse each political season.

Mr. KERRY. I thank the leader for that important connection to the real history and the reality of what we are talking about.

In 1988, both parties—Democrats and Republicans—raised $45 million combined in so-called ''soft money''—$45 million only 10 years ago. In 1992, that number doubled to $90 million. And in the last race in 1996 when this Senator was running, that number rose to $262 million. Everyone knows that this time, in 1998, even more money will be spent, and everyone knows that money is being spent outside of the spirit of the law. It is being spent to directly impact candidacies to elect candidates even though it is so-called ''under the issue exception'' of the first amendment.

We have a very, very fundamental challenge. I thank the distinguished leader for his persistence and for his commitment to the notion that this issue is going to find its footing, its honest footing; it is going to find a way to penetrate the cynicism and the skepticism; and we are somehow going to break through and let the American people know that a majority of the U.S. Senate wants campaign finance reform and is prepared to vote for the Shays-Meehan bill now. There is only one thing stopping us. It is called the Republican majority. They don't want this to happen. They don't want it to happen because they are in favor of incumbency protection.

I am sure that the Democrat leader would agree with me that this really is one of the most fundamental and important changes we could make because how we can change health care, how we can affect education, how we can properly have all the disparate elements of American society represented is ultimately decided by the amount of money in our campaigns. I am sure that the leader will agree with me that if we are going to be a democracy representing all of America, we simply have to make this process more accessible and more available to the average person and to all Americans.

Mr. DASCHLE. I agree completely with what the Senator just said. In a democracy, it is supposed to be of and by the people. But how can it be of and by the people when you need the millions of dollars it now takes to be a legitimate candidate anywhere in the country? How can you say to people from working families, ''Look, we want you to be engaged, and not only vote and participate, but we would like you to help lead,'' if all we can do in response to their question about what it is going to cost is to admit that it costs millions of dollars that he or she doesn't have? How is it of and by the people when it becomes even more problematic with each cycle of escalating costs, already $37 million more this cycle than last cycle? That isn't democracy. That isn't what the Founding Fathers and what Henry Clay thought about when he thought about this system and what they were going to do to protect it.

I yield to the Senator from Illinois for a question.

Mr. DURBIN. Mr. President, I thank the Senator from South Dakota for making this unanimous consent request. I would like to ask him a question.

Many people who are watching this debate are not quite sure it is on the square. Is it possible that incumbent Senators now standing on the floor of the U.S. Senate really want to change the system that brought them to this body? I think there is a healthy degree of skepticism by people who are watching this debate wondering how they could want to change the system that brought them to their political position in life, brought them to the U.S. Senate.

Can the Senator from South Dakota tell us how close we are to enacting meaningful reform, whether it is the legislation by Senator FEINGOLD, by Senator MCCAIN, or by the Shays-Meehan bill from the House? How close are we to that moment where we could call a vote and actually produce a bill that would change the system dramatically? Is this a pipe dream? Is this a theory? Is this a political stunt, or is this a reality, a real possibility on the legislative side?

Mr. DASCHLE. I like the way the Senator from Illinois poses the question because it really brings it down to the essence of what we are asking. He asks how close we are. I would suggest we are 1 hour and one vote close. That is how close we are. I would be willing to settle for an hour of debate on either side and have the vote on Shays-Meehan this afternoon and send it off to the President.

What we get when we pass Shays-Meehan, or McCain-Feingold, is we finally get an end to ''soft money''; we finally get some constraints on this outrageous escalation of so-called independent issue ads. We get an array of additional improvements in our systems that constrain and further constrict the money-hungry process from continuing to escalate out of control. That is what we get with one vote and 1 hour.

Mr. DURBIN. If I could ask the Senator from South Dakota a further question, anyone watching this debate has to be puzzled. If the Senator from South Dakota is truthful in what he says, as I believe he is, and if a majority of the Senate supports this reform, why isn't this bill on the floor? If a majority of the Senators are prepared to vote for it, why isn't this bill being brought up for consideration at this moment?

Just a few minutes ago, the Senator from South Dakota made what is called a unanimous consent request to go to the bill. That is literally what it means. It takes unanimous consent of the Senate—not a majority vote—to bring it to the floor, and one Senator on the Republican side stood up and objected. So we were stopped in our tracks.

But can the Senator from South Dakota explain to those who are watching this debate why we have to go to a unanimous consent request to bring a matter to the floor which we believe enjoys the support of more than a majority of the membership of the Senate.

Mr. DASCHLE. The Senator from Illinois asks a good question. Why we have to ask unanimous consent is because even though it is in this calendar, the calendar of business—I could find the page very easily—of Wednesday, September 2nd, it is an item of business to be taken up by the Senate. Why? Because it has already passed in the House. But we have to ask unanimous consent because the Republican leadership is unwilling to schedule it. Even though it has now passed in the House, even though there is a majority of Senators who are prepared to support it, there is intransigence on the part of our Republican leadership to bring this bill up.

All we can do is hope that perhaps with some persistence and some repetition asking unanimous consent, or offering the bill as an amendment, we can take up what should be a normal course of business given the Senate Calendar.

Mr. DURBIN. I would like to ask one more question. I see my colleague from the State of Connecticut is up for a question as well. I will make one last request of the Senator from South Dakota.

The argument used most often by the critics of this campaign finance reform is an argument often used by the Senator from Kentucky, the Republican Senator who objected to this unanimous consent, which is that to reduce the amount of money being spent on a campaign will restrict free speech in America, will restrict the right of American citizens to express their views by spending their money in a political campaign.

Would the Senator from South Dakota address this, because I think it is the core issue here. Are we in fact reducing the amount of money at the expense of restricting the constitutional right to free speech? That I think is the crux of this debate, at least the nominal debate that we hear, and I would like the Senator from South Dakota to address it.

(Mr. STEVENS assumed the Chair.)

Mr. DASCHLE. I think it is a sad commentary that anyone could actually subscribe to the proposition that freedom of speech is directly related to the freedom to spend. The freedom to spend actually blocks out the freedom of speech, because if we are spending more and that becomes in essence the cacophony of voices in a campaign, the real freedom of speech—that is, the substantive debate, the opportunity to conduct meaningful campaigns on the issues—is drowned out.

So that in essence is what is happening. More and more money goes into 30-second attack ads, and less and less real speaking to the issues occurs. That in essence is the irony of this whole debate. That is the problem we are facing. We are reducing real freedom of speech with this unlimited freedom to spend.

Mr. DURBIN. I might say to the Senator from South Dakota in closing, beyond our rhetoric in the Chamber, take a look at the facts, and in 1996 we had more money spent on campaigns than any time in our history. We had the lowest percentage of eligible voters in American history in 72 years cast a vote in the Presidential election between President Clinton and Senator Dole.

That is an indication to me that the American people understand what the Senator from South Dakota is saying. They think there is something fundamentally flawed with this system and negative advertising, the money chase that the Senator from South Dakota addresses. If we do nothing else before we leave this year, I hope this Senate will address this important issue.

I thank the Senator from South Dakota for his leadership.

Mr. DASCHLE. I thank the Senator from Illinois for his good questions. And I yield to the Senator from Connecticut for a question.

Mr. LIEBERMAN. I thank the Senator from South Dakota.

If I may, before posing my question, I want to reflect upon an experience I had last year as a member of the Senate Governmental Affairs Committee which held extensive hearings into this subject matter of the 1996 campaign and how it was financed. And I must say as I look back to it, the mental image I have of it is being waist deep in muck and fighting our way through it. It was a stunning, mind-altering, ultimately embarrassing experience, to see what has happened to our great democracy and the extent to which, at a time when we question the public's trust in government, we have created a system that amounts to evasion of law clearly by lawmakers, by all of us in the lawmaking class, by those who are running for office.

And why do I say that? What became clear in those hearings, we have laws, we have laws that limit the amount of money that individuals can give to campaigns—$2,000 per individual. We have laws that limit the amount that a political action committee can give—$10,000 in the whole cycle—to a given campaign. We have laws that prohibit corporations and unions from contributing to political campaigns. It could not be clearer. And then there is created this so-called soft money loophole through which is driven not a Mack truck, a whole division, a whole army which has obliterated the limits.

So we have individuals giving hundreds of thousands of dollars, we have corporations and unions giving millions of dollars, we make a mockery of the law, and we have just the effect the Senator from South Dakota and the Senator from Illinois have just talked about, which is quite the opposite of reform here—restricting people's rights.

The reality, the place we have come to, the sad place we have come to, limits individual rights and, even more underneath that, the individual American's confidence that he or she has the same ability roughly as every other American to affect their Government. Why? You don't have to be a rocket scientist or a political scientist to come to the belief that an individual or a group that can give hundreds of thousands of dollars has more access to their Government than the average American does.

I remember that during the debate we had—one of the earlier debates we had on this subject—one of our colleagues brought out a chart, and to me it told a lot of the story, and it responds to, I know, some of the conclusions made by Members of the Senate that the public doesn't really care about campaign finance reform. I disagree. When you ask people what problems they are most worried about, campaign finance reform is not going to come out on the top of that list, in part because I think there is a misapprehension. I read a quote last year from somebody who said, ''Oh, campaign finance reform. Well, I care more about how they spend my tax money than how they raise their campaign money.'' The reality is that how campaign money is raised, as we have seen here and the leader has spoken to quite eloquently—how campaign money is raised affects how their tax money is spent and who pays taxes.

But look, we are leaders. We were elected to do what we think is right. We were elected to build confidence in our Government. So hopefully we will respond to more than just polls here.

The chart that I referred to earlier that one of our colleagues brought out had two lines on it. One showed the trend line of contributions to American political campaigns. The other showed the trend line of the turnout of Americans in voting—startling difference. As the money goes up, the public participation in elections goes down because people don't think their vote counts anymore.

I say to the Senator from South Dakota, as I think about the situation, as I know we got 52 votes for the McCain-Feingold bill here, and we were all raised to believe the will of the majority prevails in our democracy, it is not so in the Senate apparently. In the House, much to everybody's surprise—and I must say with some pride, due in good measure to the great leadership given by Congressman CHRIS SHAYS of Connecticut—the Shays-Meehan bill passed.

We have another opportunity to right this wrong. The problem is not going to go away. Just in the last week, the Attorney General has commenced initial inquiries that relate to campaign finance practices in 1996. And I can't believe after all that we have learned, after all that the media has told us, after all that we know—because as the Senator from South Dakota has said, it is our lives; we are being pulled by the money chase away from what should be the focus of our interest, which is the people's business—I can't believe that we are going to end this 105th session of Congress without doing something to reform our campaign finance laws.

So my question to the Senator from South Dakota, with thanks for his persistent leadership on this serious matter, is—well, two really. One, in the course of the Senator's career, if we are not able to pass campaign finance reform in this session, would the Senator not agree that this is one of the most grievous abdications of this Chamber's responsibility in a long time faced with a real problem? And second, I suppose, does the leader agree that part of what is needed here is for the public to speak to their elected leaders and plead with them, particularly in the Senate, those of our colleagues who can take us either to a vote or from 52 to 60 to break the filibuster, that it really matters to them that we adopt campaign finance reform this year?

Mr. DASCHLE. I thank the distinguished Senator from Connecticut for his leadership and tremendous effort that he has put forth to bring us to this point.

As to his first question, I hadn't raised until now the point that the Senator made so appropriately. I don't know if there are many Congresses that have spent more time investigating than this one has. This Congress has probably spent more money and more time investigating than any since the early 1970s. And as the Senator from Connecticut so appropriately points out, with all that investigation, there can be no question about the need for some reform. Obviously, there is a question about the need for enforcement and follow through after enforcement with regard to what may or may not have happened, the allegations, all of the information raised in these investigations. But then the question comes, What do we do about it? And we have been asking that question ever since the investigations here in the Senate have ended. What do we do about it?

How tragic it would be for us to say, ''Look, we have now exposed all of

these problems but we choose to do nothing. We choose to ignore the fact that reform is so critical.'' What does that say to the American people? Look, here are the problems. But, look here, we are not going to do anything about them.

So, the Senator from Connecticut raises, I think, the essence of what it is that we, as Senators, need to confront in our minds, in our hearts, about what is important before we close in a mere 6 weeks. We have investigated. We now know without any question, with great authority, there are some serious problems that have to be addressed. To wash our hands of the matter now would be a tragedy of an order that I do not think we have seen in this country.

As to what those of you who are watching may do, I hope Senators will receive mail and phone calls and comments from every constituent who has any interest in the democratic process, who understands that without some contact with your Senators there is a real chance they may not change their minds. So, contact is of the essence. I think it ought to be done as soon as possible.

I thank the Senator from Connecticut. I will be happy to yield to the Senator from Michigan for a question.

Mr. LEVIN. I thank the leader for yielding. I do have a number of questions.

First, let me say I think we have never been closer to enacting comprehensive campaign finance reform than we are at this moment. The majority of the Senate favors it. The House, through a very courageous act on the part of many of its Members, has overcome the opposition of the House leadership to pass Shays-Meehan.

It was said earlier this year that there would be no way of passing Shays-Meehan against the will of the leadership of the House of Representatives. But a very stalwart, gutsy coalition of Democrats and Republicans in the House found a way to have the majority rule in the House of Representatives. It was not easy. It took incredible energy and willpower. They exercised it and they prevailed, and the majority prevailed over the wishes of the leaders of the House of Representatives. So, now we are in a situation where the majority of the Senate favors comprehensive reform and the House has passed comprehensive reform.

The leader has spoken earlier as to what it is that is stopping us from trying to get comprehensive reform adopted in the Senate this year. The majority of the public clearly favors it. All public opinion polls show it. They are skeptical that we will do anything about it—the polls show that as well—but they favor it. Now we are going to come down, it seems to me, to a test of wills, a great and a historic test of wills in the U.S. Senate. The opponents of campaign finance reform have the right to filibuster. They have used that right, and they have the right to filibuster. But the proponents, the supporters of campaign finance reform, do not need to withdraw simply because there is a filibuster on the floor. If that were done, we would not have civil rights legislation. The people who supported civil rights legislation did not always have 67 votes going in. You can start with a majority and offer an amendment, or offer a bill, and just because the opponents filibuster the bill does not require us, those of us who support campaign finance reform, to give up our right to offer the amendment and to have the amendment disposed of by the Senate. And if the filibusterers want to tie up the Senate and prevent the Senate from voting, that is their right. But the supporters of campaign finance reform are not obligated to withdraw an amendment simply because the opponents use their right to filibuster.

That is why what we are now facing, given the opposition to the unanimous consent request this morning, is a historic test of wills between the majority that favors campaign finance reform, a bipartisan majority that now has seven Republicans and all the Democrats, and those who oppose campaign finance reform. We must not withdraw in the face of a filibuster. The stakes are too huge. They have been illuminated here this morning eloquently by the Democratic leader. The stakes are whether we are going to restore public confidence to a campaign finance system which is in tatters. We are supposed to have limits on contributions. It is supposed to be $1,000 per person per campaign. Corporations are not allowed to contribute to campaigns, and neither are unions. Yet, we have corporations and unions contributing huge amounts of money which, for all intents and purposes under any reasonable interpretation, support or oppose campaigns. That is what is now happening because of the soft money loophole.

We have a chance this year, better than we have ever had, to close that soft money loophole and to restore public confidence in the campaign finance system. We have a chance to do it. If we will show the same courage on a bipartisan basis as was shown in the House of Representatives, down that hall just a few weeks ago, we can pass campaign finance reform in the Senate. But what it will take is a determination on the part of the supporters not to withdraw our majority view in the face of a filibuster. The filibusterers have their rights to tie up the Senate. We have our rights to offer an amendment and seek a vote on that amendment. And, in the face of a filibuster, we need not withdraw and give in to a filibuster.

My question of the Democratic leader is this: Was it his hope this morning, and intent this morning in offering this unanimous consent proposal, that we have a course of action which would allow the Senate to work its will, to permit amendments to Shays-Meehan providing they are relevant? As I read the unanimous consent request and heard the unanimous consent proposal, relevant amendments would be in order. Was it the Democratic leader's proposal this morning that we have an opportunity to resolve this issue in a way which would allow us to do all of our other business and to avoid the kind of filibuster which we now very clearly see is going to be forthcoming from the objection to this unanimous consent agreement?

Mr. DASCHLE. I will respond to the Senator from Michigan. Before I do, let me say I wish the entire Chamber had heard what he has just said with regard to what it is we are trying to do and what the implications of this really are. I don't know of anybody in the Senate who has put more force, personally, and more of his own personal credibility, behind this issue than has the Senator from Michigan. I appreciate deeply his commitment.

The Senator poses a very understandable question. What is it we are asking here? What do we want? We simply want the opportunity to reflect the will of the majority of the Senate on an issue for which there is a moment of opportunity, from a historical perspective. This is our moment. If we fail in the next 6 weeks, we start all over with a new Congress, with all of the odds stacked as much against us, if not more, than they were this Congress. So what we are saying is let's seize the opportunity, let's seize the moment here and do what the House has already done. On a bipartisan basis, let's work with Republicans and Democrats to pass the Shays-Meehan bill. We will take it in any shape or form we can. I offered, as I know the Senator from Michigan heard, to simply take up the bill that was passed in the House and, on a 1-hour, one-vote basis, let's move it on to the President.

Obviously, I recognize the complexity of this legislation. I would be more than happy, as the request suggests, to consider entertaining relevant amendments because there are differences of opinion. Just yesterday, we argued for the need for relevant amendments to the Patients' Bill of Rights. So we are consistent in our request here. Let's have relevant amendments on the Patients' Bill of Rights. Let's have relevant amendments on campaign finance reform, if the minority chooses—the minority in this case being those who oppose campaign reform—to have them. So we are not asking for much. We are simply saying let's seize the moment, as the Senator from Michigan so appropriately described, and let's get on with doing what we were elected to do before it is too late.

Mr. LEVIN. I thank the leader for his leadership and for his comments.

Mr. DASCHLE. I thank the Senator from Michigan. I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER (Mr. BURNS). The clerk will report the pending bill.

The assistant legislative clerk read as follows:

A bill (S. 2334) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell/Leahy amendment No. 3491, to provide that the Export Import Bank shall not disburse direct loans, loan guarantees, insurance, or tied aid grants or credits for enterprises or programs in the new Independent States which are majority owned or managed by state entities.

Inhofe amendment No. 3366, to require a certification that the signing of the landmine convention is consistent with the combat requirements and safety of the armed forces of the United States.

Kyl amendment No. 3522, to establish conditions for the use of quota resources of the International Monetary Fund.

Coats amendment No. 3523, to reallocate funds provided to the Korean Peninsula Energy Development Organization to be available only for antiterrorism assistance.

McCain modified amendment No. 3500, to restrict the availability of certain funds for the Korean Peninsula Energy Development Organization unless an additional condition is met.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Kyl amendment No. 3522 that there be 40 minutes for debate prior to a motion to table, with the time equally divided and controlled in the usual form, with no intervening amendments in order prior to a tabling vote.

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

Mr. MCCONNELL. Mr. President, the distinguished Senator from Texas has patiently been waiting to offer an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3500

Mrs. HUTCHISON. Mr. President, I call up amendment No. 3500.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside. If there is no objection, the pending amendment will be the McCain amendment No. 3500.

AMENDMENT NO. 3526 TO AMENDMENT NO. 3500

(Purpose: To condition the use of appropriated funds to the Korean Peninsula Energy Development Organization)

Mrs. HUTCHISON. Mr. President, I send a second-degree amendment to amendment No. 3500 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. MCCONNELL, proposes an amendment numbered 3526 to amendment No. 3500.

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

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

The amendment is as follows:

Add the following proviso: (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law.

Mrs. HUTCHISON. Mr. President, I will speak briefly about what Senator MCCAIN and I are trying to do.

My amendment says that no funds will be contributed to North Korea until the President has certified that North Korea is not providing ballistic missiles or ballistic missile technology to a country, the government of which the Secretary of State has determined is a terrorist government.

This adds to Senator MCCAIN's amendment which has the same prohibition of funding for North Korea if they are continuing to build a nuclear weapon.

Senator MCCAIN and I are clearly saying that the United States will not continue to fund an agreement with North Korea that we know is being violated. The McCain amendment deals with the nuclear capability North Korea appears to be building. It would restrict the use of funds for the Korean Peninsula Energy Development Organization pending a Presidential certification that North Korea has stopped its nuclear weapons program as it has promised to do. My amendment adds the requirement that North Korea is not transferring ballistic missile technology to other terrorist countries.

Mr. President, this week, we saw what trying to coerce and reward a totalitarian dictatorship will achieve. North Korea launched a two-stage ballistic missile toward Japan, a country which has provided emergency food relief to North Korea and wound up having a ballistic missile pass through their air space as thanks.

North Korea has admitted selling ballistic missiles to raise hard currency. It has made repeated threats to restart its nuclear program, claiming that the United States has not honored its obligations. Recently we learned of evidence that the North Koreans are ignoring their part of the agreement and building a new underground site for nuclear weapons development.

I raised concerns 4 years ago when the Clinton administration proposed this framework agreement. It seemed to be an all-carrot-no-stick approach to North Korea. The agreement was to help develop a peaceful nuclear program giving them 500,000 tons of heavy fuel oil. I was concerned that the nuclear weapons program would continue and that the fuel oil that we promised would be diverted to military use. I am sorry to say both seem to have occurred. The fuel was diverted almost immediately for military use.

Since signing the agreement, the North Koreans have also continued to conduct military operations against South Korea, sending spy submarines into South Korean waters and discharging commandos on to South Korean territory. This is hardly the behavior of a partner to an agreement, and sending them a no-strings gift of 35 million American taxpayer dollars is hardly a responsible act for the U.S. Congress to make.

The North Korean launch this week of the ballistic missile over the airspace of Japan was truly a shot across the bow of the civilized world. North Korea was warned beforehand that testing this type of missile would have a direct impact on our negotiations. They ignored the warning. We must make it clear to the North Koreans that we cannot and will not disconnect North Korean conventional military activity from the nuclear issue. Their failure to meet their obligations not to build nuclear weapons, nor to sell the technology to rogue nations, cannot be disassociated from our contribution to their country. We must stop rewarding dangerous North Korean provocations. This amendment will ensure that we do just that.

Mr. President, I urge adoption of the second-degree amendment to the McCain amendment.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I support the amendment by Senator HUTCHISON modifying the bill's language on funding for the Korean Energy Development Organization, which we refer to as KEDO.

I would like to step back for a moment to 1995, shortly after the agreed framework was signed in October of 1994. By March of 1995, there was the first evidence that the North Koreans were cheating. In hearings before this subcommittee and in writing, I challenged the administration's assertions that the North was in full compliance and that no U.S. oil was being diverted. Eventually, it became clear that the North was cheating and diverting oil. Although new monitoring procedures were established, there was no suspension of oil or a threat to cut off the program. I am convinced that this is when the North learned that they could engage in a pattern of challenge, deception and noncompliance without any penalty at all.

In fiscal year 1997, the Senate had an extensive debate about providing U.S. assistance to provide fuel oil to North Korea and to support administrative expenses for KEDO. The bill my subcommittee reported to the Senate capped funds at $13 million, half the administration's request, and provided the funds in three stages, requiring certification that the fuel was not—I repeat, not—being diverted for military purposes.

At that time, many of us were uncomfortable continuing any aid to this