Section 652. The conferees include a new provision addressing rates of postage for the American Battle Monuments Commission.

Section 653. The conferees agree to a new provision establishing the National Intellectual Property Law Enforcement Coordination Council.

Section 654. The conferees agree to a new provision regarding the payment of mandatory benefits to retired members of the National Oceanic and Atmospheric Administration.

The conferees agree to delete a new provision providing that no funds may be used by Customs to admit for importation children's sleepwear that does not have a label required by the flammability standards in effect on September 9, 1996 as proposed by the House.–

The conferees agree to delete a provision proposed by the House adjusting the salary level of the U.S. Customs Service Commissioner.

The conferees agree to delete a provision proposed by the Senate requiring an evaluation of the outcome of welfare reform and formula for bonuses to high performance States as proposed by the Senate.

The conferees agree to delete a provision regarding the Border Patrol Academy in Charleston, South Carolina as proposed by the House.

TITLE VII—CHILD CARE CENTERS IN FEDERAL FACILITIES

The conferees agree to delete Title VII.

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	27,922,712
Budget estimates of new (obligational) authority, fiscal year 2000	27,997,054
House bill, fiscal year 2000	27,800,105
Senate bill, fiscal year 2000	27,754,597
Conference agreement, fiscal year 2000	27,972,418
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+49,706
Budget estimates of new (obligational) authority, fiscal year 2000	−24,636
House bill, fiscal year 2000	+172,313
Senate bill, fiscal year 2000	+217,821

JIM KOLBE,
FRANK R. WOLF,
ANN M. NORTHUP,
JO ANN EMERSON,
JOHN E. SUNUNU,
JOHN E. PETERSON,
ROY BLUNT,
BILL YOUNG,
STENY HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
LUCILLE ROYBAL-ALLARD,
DAVE OBEY,
Managers on the Part of the House.

BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
JON KYL,
TED STEVENS,
BYRON L. DORGAN,
BARBARA A. MIKULSKI,
ROBERT C. BYRD,
Managers on the Part of the Senate.

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 417.

□ 1548

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, time for general debate had expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 417 is as follows:

H.R. 417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Finance Reform Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Express advocacy determined without regard to background music.
Sec. 203. Civil penalty.
Sec. 204. Reporting requirements for certain independent expenditures.
Sec. 205. Independent versus coordinated expenditures by party.
Sec. 206. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.
Sec. 510. Protecting equal participation of eligible voters in campaigns and elections.
Sec. 511. Penalty for violation of prohibition against foreign contributions.
Sec. 512. Expedited court review of certain alleged violations of Federal Election Campaign Act of 1971.
Sec. 513. Conspiracy to violate presidential campaign spending limits.
Sec. 514. Deposit of certain contributions and donations in Treasury account.
Sec. 515. Establishment of a clearinghouse of information on political activities within the Federal Election Commission.
Sec. 516. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

Sec. 601. Establishment and purpose of Commission.
Sec. 602. Membership of Commission.
Sec. 603. Powers of Commission.
Sec. 604. Administrative provisions.
Sec. 605. Report and recommended legislation.
Sec. 606. Expedited congressional consideration of legislation.
Sec. 607. Termination.
Sec. 608. Authorization of appropriations.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

Sec. 701. Prohibiting use of White House meals and accommodations for political fundraising.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

Sec. 801. Sense of the Congress regarding applicability of controlling legal authority to fundraising on Federal government property.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

Sec. 901. Prohibition against acceptance or solicitation to obtain access to certain Federal government property.

TITLE X—REIMBURSEMENT FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

Sec. 1001. Requiring national parties to reimburse at cost for use of Air Force One for political fundraising.

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

Sec. 1101. Prohibiting campaigns from providing currency to individuals for purposes of encouraging turnout on date of election.

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

Sec. 1201. Enhancing enforcement of campaign finance law.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

Sec. 1301. Ban on coordination of soft money for issue advocacy by presidential candidates receiving public financing.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

Sec. 1401. Requirement that names of passengers on Air Force One and Air Force Two be made available through the Internet.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

Sec. 1501. Permitting consideration of privileged motion to expel House member accepting illegal foreign contribution.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 1601. Severability.
Sec. 1602. Review of constitutional issues.
Sec. 1603. Effective date.
Sec. 1604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SOFT MONEY OF POLITICAL PARTIES

''SEC. 323. (a) NATIONAL COMMITTEES.—

''(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(2) FEDERAL ELECTION ACTIVITY.—

''(A) IN GENERAL.—The term 'Federal election activity' means—

''(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

''(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

''(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

''(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

''(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

''(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

''(iii) the costs of a State, district, or local political convention;

''(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

''(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

''(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

''(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

''(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Commissioner of the Internal Revenue Service for determination of tax-exemption under such section).

''(e) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, agent of a candidate or individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of one or more candidates or individuals holding Federal office, shall not—

''(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

''(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

''(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

''(ii) are not from sources prohibited by this Act from making contributions with respect to an election for Federal office.

''(2) STATE LAW.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than a Federal election activity.

''(3) FUNDRAISING EVENTS.—Notwithstanding paragraph (1), a candidate may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.''.

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C)—

(A) by inserting ''(other than a committee described in subparagraph (D))'' after ''committee''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000''.

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$30,000''.

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 204) is amended by inserting after subsection (d) the following:

''(e) POLITICAL COMMITTEES.—

''(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (2)(B)(v) of section 323(b).

''(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

''(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).''.

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of

the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

''(i) for a communication that is express advocacy; and

''(ii) that is not coordinated activity or is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.''.

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—

''(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates;

''(ii) referring to one or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a communication which is in printed form or posted on the Internet that—

''(i) presents information solely about the voting record or position on a campaign issue of one or more candidates (including any statement by the sponsor of the voting record or voting guide of its agreement or disagreement with the record or position of a candidate), so long as the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to one or more clearly identified candidates;

''(ii) is not coordinated activity or is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent, except that nothing in this clause may be construed to prevent the sponsor of the voting guide from directing questions in writing to a candidate about the candidate's position on issues for purposes of preparing a voter guide or to prevent the candidate from responding in writing to such questions; and

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (year)', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.''.

(c) DEFINITION OF EXPENDITURE.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) a payment made by a political committee for a communication that—

''(I) refers to a clearly identified candidate; and

''(II) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''.

SEC. 202. EXPRESS ADVOCACY DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Section 301(20) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(20)), as added by section 201(b), is amended by adding at the end the following new subparagraph:

''(C) BACKGROUND MUSIC.—In determining whether any communication by television or radio broadcast constitutes express advocacy for purposes of this Act, there shall not be taken into account any background music not including lyrics used in such broadcast.''.

SEC. 203. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following:

''(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A).''; and

(B) in paragraph (6)(B), by inserting ''(except an action instituted in connection with a knowing and willful violation of section 304(c))'' after ''subparagraph (A)''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''Any person'' and inserting ''Except as provided in subparagraph (D), any person''; and

(B) by adding at the end the following:

''(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.''.

SEC. 204. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) of subsection (c) as subsection (f); and

(3) by inserting after subsection (c)(2) (as amended by paragraph (1)) the following:

''(d) TIME FOR REPORTING CERTAIN EXPENDITURES.—

''(1) EXPENDITURES AGGREGATING $1,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

''(2) EXPENDITURES AGGREGATING $10,000.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

''(3) PLACE OF FILING; CONTENTS.—A report under this subsection—

''(A) shall be filed with the Commission; and

''(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.''.

SEC. 205. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (4)''; and

(2) by adding at the end the following:

''(4) INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.—

''(A) IN GENERAL.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

''(B) CERTIFICATION.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

''(C) APPLICATION.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

''(D) TRANSFERS.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.''.

SEC. 206. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

(1) SECTION 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''or'' at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) coordinated activity (as defined in subparagraph (C)).''; and

(B) by adding at the end the following:

''(C) 'Coordinated activity' means anything of value provided by a person in coordination with a candidate, an agent of the candidate, or the political party of the candidate or its agent for the purpose of influencing a Federal election (regardless of whether the value being provided is a communication that is express advocacy) in which such candidate seeks nomination or election to Federal office, and includes any of the following:

''(i) A payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, the political party of the candidate, or an agent acting on behalf of a candidate, authorized committee, or the political party of the candidate.

''(ii) A payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat).

''(iii) A payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made.

''(iv) A payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position.

''(v) A payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions (other than any discussion treated as a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or as a similar lobbying activity in the case of a candidate holding State or other elective office) with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made.

''(vi) A payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate (including services provided through a political committee of the candidate's political party) in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign.

''(vii) A payment made by a person who has directly participated in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate.

''(viii) A payment made by a person who has communicated with the candidate or an agent of the candidate (including a communication through a political committee of the candidate's political party) after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member acting on behalf of the candidate), about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy.

''(ix) The provision of in-kind professional services or polling data (including services or data provided through a political committee of the candidate's political party) to the candidate or candidate's agent.

''(x) A payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (ix) for a communication that clearly refers to the candidate or the candidate's opponent and is for the purpose of influencing that candidates's election (regardless of whether the communication is express advocacy).

''(D) For purposes of subparagraph (C), the term 'professional services' means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.

''(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.''.

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a coordinated activity, as described in section 301(8)(C), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking ''shall include'' and inserting ''includes a contribution or expenditure, as those terms are defined in section 301, and also includes''.

TITLE III—DISCLOSURE

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.''.

SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''The Commission'';

(2) by moving the text 2 ems to the right; and

(3) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least four members of the Commission.

''(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking ''$200'' and inserting ''$50''; and

(2) by striking the semicolon and inserting '', except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;''.

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name; or

''(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after ''SEC. 322.'' the following: ''(a) IN GENERAL.—''; and

(2) by adding at the end the following:

''(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.''.

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 204) is amended by adding at the end the following:

''(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

''(1) IN GENERAL.—A person, other than a political committee of a political party or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

''(A) on a monthly basis as described in subsection (a)(4)(B); or

''(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

''(2) ACTIVITY.—The activity described in this paragraph is—

''(A) Federal election activity;

''(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

''(C) an activity described in subparagraph (B) or (C) of section 316(b)(2).

''(3) APPLICABILITY.—This subsection does not apply to—

''(A) a candidate or a candidate's authorized committees; or

''(B) an independent expenditure.

''(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

''(A) the aggregate amount of disbursements made;

''(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

''(C) the date made, amount, and purpose of the disbursement; and

''(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.''.

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is further amended by adding at the end the following:

''(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.''.

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Whenever'' and inserting ''Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever'';

(ii) by striking ''an expenditure'' and inserting ''a disbursement''; and

(iii) by striking ''direct''; and

(B) in paragraph (3), by inserting ''and permanent street address'' after ''name''; and

(2) by adding at the end the following:

''(c) Any printed communication described in subsection (a) shall—

''(1) be of sufficient type size to be clearly readable by the recipient of the communication;

''(2) be contained in a printed box set apart from the other contents of the communication; and

''(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

''(d)(1) Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

''(2) If a communication described in paragraph (1) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

''(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

''(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

''(e) Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: '_____ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.''.

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

''VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT

''SEC. 324. (a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

''(1) PRIMARY ELECTION.—

''(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible primary election Congressional candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

''(2) GENERAL ELECTION.—

''(A) DECLARATION.—A candidate for election for Senator or Representative in or Delegate or Resident Commissioner to the Congress is an eligible general election Congressional candidate if the candidate files with the Commission—

''(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

''(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

''(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

''(i) the date on which the candidate qualifies for the general election ballot under State law; or

''(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

''(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

''(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Congressional candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed $50,000.

''(2) SOURCES.—A source is described in this paragraph if the source is—

''(A) personal funds of the candidate and members of the candidate's immediate family; or

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(c) CERTIFICATION BY THE COMMISSION.—

''(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Congressional candidate.

''(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Congressional candidate.

''(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

''(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

''(d) PENALTY.—If the Commission revokes the certification of an eligible Congressional candidate—

''(1) the Commission shall notify the candidate of the revocation; and

''(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).''.

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

''(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for Senator or Representative in or Delegate or Resident Commissioner to the Congress who is not an eligible Congressional candidate (as defined in section 324(a)).''.

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

''(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

''(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

''(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

''(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

''(i) reasonable personal notice of the objection procedure, a list of the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

''(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

''(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

''(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures; and

''(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

''(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.''.

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

''USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

''SEC. 313. (a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

''(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

''(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

''(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

''(4) for transfers to a national, State, or local committee of a political party.

''(b) PROHIBITED USE.—

''(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

''(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

''(A) a home mortgage, rent, or utility payment;

''(B) a clothing purchase;

''(C) a noncampaign-related automobile expense;

''(D) a country club membership;

''(E) a vacation or other noncampaign-related trip;

''(F) a household food item;

''(G) a tuition payment;

''(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

''(I) dues, fees, and other payments to a health club or recreational facility.''.

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) A Member of Congress shall not mail any mass mailing as franked mail during the 180-day period which ends on the date of the general election for the office held by the Member or during the 90-day period which ends on the date of any primary election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection during that year or for election to any other Federal office.''.

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—

''(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value in connection with a Federal, State, or local election while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

''(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.''; and

(2) in subsection (b), by inserting ''or Executive Office of the President'' after ''Congress''.

SEC. 505. PENALTIES FOR VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking ''$5,000'' and inserting ''$10,000''; and

(2) in paragraphs (5)(B) and (6)(C), by striking ''$10,000 or an amount equal to 200 percent'' and inserting ''$20,000 or an amount equal to 300 percent''.

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting '', and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).''.

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

''(13) PENALTY FOR LATE FILING.—

''(A) IN GENERAL.—

''(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

''(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

''(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

''(B) FILING AN EXCEPTION.—

''(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

''(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.'';

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: ''In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A).''; and

(B) by inserting before the period at the end of the last sentence the following: ''or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)''; and

(3) in paragraph (6)(A), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)(A) or (13)''.

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: ''CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS''; and

(2) by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a foreign national, directly or indirectly, to make—

''(A) a donation of money or other thing of value, or to promise expressly or impliedly

to make a donation, in connection with a Federal, State, or local election, or

''(B) a contribution or donation to a committee of a political party; or

''(2) a person to solicit, accept, or receive such a contribution or donation from a foreign national.''.

(b) PROHIBITING USE OF WILLFUL BLINDNESS AS DEFENSE AGAINST CHARGE OF VIOLATING FOREIGN CONTRIBUTION BAN.—

(1) IN GENERAL.—Section 319 of such Act (2 U.S.C. 441e) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) PROHIBITING USE OF WILLFUL BLINDNESS DEFENSE.—It shall not be a defense to a violation of subsection (a) that the defendant did not know that the contribution originated from a foreign national if the defendant should have known that the contribution originated from a foreign national, except that the trier of fact may not find that the defendant should have known that the contribution originated from a foreign national solely because of the name of the contributor.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101 and 401, is further amended by adding at the end the following new section:

''PROHIBITION OF CONTRIBUTIONS BY MINORS

''SEC. 325. An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.''.

SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

''(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

''(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

''(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking ''reason to believe that'' and inserting ''reason to investigate whether''.

SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

''PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS

''SEC. 326. (a) IN GENERAL.—Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.

''(b) NO EFFECT ON GEOGRAPHIC RESTRICTIONS ON CONTRIBUTIONS.—Subsection (a) may not be construed to affect any restriction under this title regarding the portion of contributions accepted by a candidate from persons residing in a particular geographic area.''.

SEC. 511. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as amended by section 506(b), is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

''(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

SEC. 512. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

''(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

''(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

''(B) whether an expenditure is an independent expenditure under section 301(17).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

SEC. 513. CONSPIRACY TO VIOLATE PRESIDENTIAL CAMPAIGN SPENDING LIMITS.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(g) PROHIBITING CONSPIRACY TO VIOLATE LIMITS.—

''(1) VIOLATION OF LIMITS DESCRIBED.—If a candidate for election to the office of President or Vice President who receives amounts from the Presidential Election Campaign Fund under chapter 95 or 96 of the Internal Revenue Code of 1986, or the agent of such a candidate, seeks to avoid the spending limits applicable to the candidate under such chapter or under the Federal Election Campaign Act of 1971 by soliciting, receiving, transferring, or directing funds from any source other than such Fund for the direct or indirect benefit of such candidate's campaign, such candidate or agent shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.

''(2) CONSPIRACY TO VIOLATE LIMITS DEFINED.—If two or more persons conspire to violate paragraph (1), and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 514. DEPOSIT OF CERTAIN CONTRIBUTIONS AND DONATIONS IN TREASURY ACCOUNT.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, and 510, is further amended by adding at the end the following new section:

''TREATMENT OF CERTAIN CONTRIBUTIONS AND DONATIONS TO BE RETURNED TO DONORS

''SEC. 327. (a) TRANSFER TO COMMISSION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, if a political committee intends to return any contribution or donation given to the political committee, the committee shall transfer the contribution or donation to the Commission if—

''(A) the contribution or donation is in an amount equal to or greater than $500 (other than a contribution or donation returned within 60 days of receipt by the committee); or

''(B) the contribution or donation was made in violation of section 315, 316, 317, 319,

320, or 325 (other than a contribution or donation returned within 30 days of receipt by the committee).

''(2) INFORMATION INCLUDED WITH TRANSFERRED CONTRIBUTION OR DONATION.—A political committee shall include with any contribution or donation transferred under paragraph (1)—

''(A) a request that the Commission return the contribution or donation to the person making the contribution or donation; and

''(B) information regarding the circumstances surrounding the making of the contribution or donation and any opinion of the political committee concerning whether the contribution or donation may have been made in violation of this Act.

''(3) ESTABLISHMENT OF ESCROW ACCOUNT.—

''(A) IN GENERAL.—The Commission shall establish a single interest-bearing escrow account for deposit of amounts transferred under paragraph (1).

''(B) DISPOSITION OF AMOUNTS RECEIVED.—On receiving an amount from a political committee under paragraph (1), the Commission shall—

''(i) deposit the amount in the escrow account established under subparagraph (A); and

''(ii) notify the Attorney General and the Commissioner of the Internal Revenue Service of the receipt of the amount from the political committee.

''(C) USE OF INTEREST.—Interest earned on amounts in the escrow account established under subparagraph (A) shall be applied or used for the same purposes as the donation or contribution on which it is earned.

''(4) TREATMENT OF RETURNED CONTRIBUTION OR DONATION AS A COMPLAINT.—The transfer of any contribution or donation to the Commission under this section shall be treated as the filing of a complaint under section 309(a).

''(b) USE OF AMOUNTS PLACED IN ESCROW TO COVER FINES AND PENALTIES.—The Commission or the Attorney General may require any amount deposited in the escrow account under subsection (a)(3) to be applied toward the payment of any fine or penalty imposed under this Act or title 18, United States Code, against the person making the contribution or donation.

''(c) RETURN OF CONTRIBUTION OR DONATION AFTER DEPOSIT IN ESCROW.—

''(1) IN GENERAL.—The Commission shall return a contribution or donation deposited in the escrow account under subsection (a)(3) to the person making the contribution or donation if—

''(A) within 180 days after the date the contribution or donation is transferred, the Commission has not made a determination under section 309(a)(2) that the Commission has reason to investigate whether that the making of the contribution or donation was made in violation of this Act; or

''(B)(i) the contribution or donation will not be used to cover fines, penalties, or costs pursuant to subsection (b); or

''(ii) if the contribution or donation will be used for those purposes, that the amounts required for those purposes have been withdrawn from the escrow account and subtracted from the returnable contribution or donation.

''(2) NO EFFECT ON STATUS OF INVESTIGATION.—The return of a contribution or donation by the Commission under this subsection shall not be construed as having an effect on the status of an investigation by the Commission or the Attorney General of the contribution or donation or the circumstances surrounding the contribution or donation, or on the ability of the Commission or the Attorney General to take future actions with respect to the contribution or donation.''.

(b) AMOUNTS USED TO DETERMINE AMOUNT OF PENALTY FOR VIOLATION.—Section 309(a) of such Act (2 U.S.C. 437g(a)) is amended by inserting after paragraph (9) the following new paragraph:

''(10) For purposes of determining the amount of a civil penalty imposed under this subsection for violations of section 326, the amount of the donation involved shall be treated as the amount of the contribution involved.''.

(c) DISGORGEMENT AUTHORITY.—Section 309 of such Act (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

''(e) Any conciliation agreement, civil action, or criminal action entered into or instituted under this section may require a person to forfeit to the Treasury any contribution, donation, or expenditure that is the subject of the agreement or action for transfer to the Commission for deposit in accordance with section 326.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to contributions or donations refunded on or after the date of the enactment of this Act, without regard to whether the Federal Election Commission or Attorney General has issued regulations to carry out section 326 of the Federal Election Campaign Act of 1971 (as added by subsection (a)) by such date.

SEC. 515. ESTABLISHMENT OF A CLEARINGHOUSE OF INFORMATION ON POLITICAL ACTIVITIES WITHIN THE FEDERAL ELECTION COMMISSION.

(a) ESTABLISHMENT.—There shall be established within the Federal Election Commission a clearinghouse of public information regarding the political activities of foreign principals and agents of foreign principals. The information comprising this clearinghouse shall include only the following:

(1) All registrations and reports filed pursuant to the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) during the preceding 5-year period.

(2) All registrations and reports filed pursuant to the Foreign Agents Registration Act, as amended (22 U.S.C. 611 et seq.), during the preceding 5-year period.

(3) The listings of public hearings, hearing witnesses, and witness affiliations printed in the Congressional Record during the preceding 5-year period.

(4) Public information disclosed pursuant to the rules of the Senate or the House of Representatives regarding honoraria, the receipt of gifts, travel, and earned and unearned income.

(5) All reports filed pursuant to title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) during the preceding 5-year period.

(6) All public information filed with the Federal Election Commission pursuant to the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) during the preceding 5-year period.

(b) DISCLOSURE OF OTHER INFORMATION PROHIBITED.—The disclosure by the clearinghouse, or any officer or employee thereof, of any information other than that set forth in subsection (a) is prohibited, except as otherwise provided by law.

(c) DIRECTOR OF CLEARINGHOUSE.—

(1) DUTIES.—The clearinghouse shall have a Director, who shall administer and manage the responsibilities and all activities of the clearinghouse. In carrying out such duties, the Director shall—

(A) develop a filing, coding, and cross-indexing system to carry out the purposes of this section (which shall include an index of all persons identified in the reports, registrations, and other information comprising the clearinghouse);

(B) notwithstanding any other provision of law, make copies of registrations, reports, and other information comprising the clearinghouse available for public inspection and copying, beginning not later than 30 days after the information is first available to the public, and permit copying of any such registration, report, or other information by hand or by copying machine or, at the request of any person, furnish a copy of any such registration, report, or other information upon payment of the cost of making and furnishing such copy, except that no information contained in such registration or report and no such other information shall be sold or used by any person for the purpose of soliciting contributions or for any profit-making purpose; and

(C) not later than 150 days after the date of the enactment of this Act and at any time thereafter, to prescribe, in consultation with the Comptroller General, such rules, regulations, and forms, in conformity with the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this section in the most effective and efficient manner.

(2) APPOINTMENT.—The Director shall be appointed by the Federal Election Commission.

(3) TERM OF SERVICE.—The Director shall serve a single term of a period of time determined by the Commission, but not to exceed 5 years.

(d) PENALTIES FOR DISCLOSURE OF INFORMATION.—Any person who discloses information in violation of subsection (b), and any person who sells or uses information for the purpose of soliciting contributions or for any profit-making purpose in violation of subsection (c)(1)(B), shall be imprisoned for a period of not more than 1 year, or fined in the amount provided in title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to conduct the activities of the clearinghouse.

(f) FOREIGN PRINCIPAL.—In this section, the term ''foreign principal'' shall have the same meaning given the term ''foreign national'' under section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e), as in effect as of the date of the enactment of this Act.

SEC. 516. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless the candidate certifies that the candidate shall not solicit any funds for the purposes of influencing such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE VI—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. 601. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the ''Independent Commission on Campaign Finance Reform'' (referred to in this title as the ''Commission''). The purposes of the Commission are to study the

laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 602. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) Three members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint three members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term ''political independent'' means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than four members of the Commission may be of the same political party.

SEC. 603. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least nine members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 604. ADMINISTRATIVE PROVISIONS.

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 605. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Sixth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which nine or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 606. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a recommendation of the Commission submitted under section 605(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section 605(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 607. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section 605.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

TITLE VII—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 701. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 612. Prohibiting use of meals and accommodations at White House for political fundraising

''(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

''(b) Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

''(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

''612. Prohibiting use of meals and accommodations at White House for political fundraising.''.

TITLE VIII—SENSE OF THE CONGRESS REGARDING FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY

SEC. 801. SENSE OF THE CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL GOVERNMENT PROPERTY.

It is the sense of the Congress that Federal law clearly demonstrates that ''controlling legal authority'' under title 18, United States Code, prohibits the use of Federal Government property to raise campaign funds.

TITLE IX—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY

SEC. 901. PROHIBITION AGAINST ACCEPTANCE OR SOLICITATION TO OBTAIN ACCESS TO CERTAIN FEDERAL GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 226. Acceptance or solicitation to obtain access to certain Federal Government property

''Whoever solicits or receives anything of value in consideration of providing a person with access to Air Force One, Marine One, Air Force Two, Marine Two, the White House, or the Vice President's residence, shall be fined under this title, or imprisoned not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

''226. Acceptance or solicitation to obtain access to certain Federal Government property.''.

TITLE X—REIMBURSEMENT FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

SEC. 1001. REQUIRING NATIONAL PARTIES TO REIMBURSE AT COST FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, and 515, is further amended by adding at the end the following new section:

''REIMBURSEMENT BY POLITICAL PARTIES FOR USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

''SEC. 328. (a) IN GENERAL.—If the President, Vice President, or the head of any executive department (as defined in section 101 of title 5, United States Code) uses Air Force One for transportation for any travel which includes a fundraising event for the benefit of any political committee of a national political party, such political committee shall reimburse the Federal Government for the fair market value of the transportation of the individual involved, based on the cost of an equivalent commercial chartered flight.

''(b) AIR FORCE ONE DEFINED.—In subsection (a), the term 'Air Force One' means the airplane operated by the Air Force which has been specially configured to carry out the mission of transporting the President.''.

TITLE XI—PROHIBITING USE OF WALKING AROUND MONEY

SEC. 1101. PROHIBITING CAMPAIGNS FROM PROVIDING CURRENCY TO INDIVIDUALS FOR PURPOSES OF ENCOURAGING TURNOUT ON DATE OF ELECTION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, 507, 510, 515, and 1001, is further amended by adding at the end the following new section:

''PROHIBITING USE OF CURRENCY TO PROMOTE ELECTION DAY TURNOUT

''SEC. 329. It shall be unlawful for any political committee to provide currency to any individual (directly or through an agent of the committee) for purposes of encouraging the individual to appear at the polling place for the election.''.

TITLE XII—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SEC. 1201. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking ''shall be fined, or imprisoned for not more than one year, or both'' and inserting ''shall be imprisoned for not fewer than 1 year and not more than 10 years''; and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

''(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

TITLE XIII—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. 1301. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(f) BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY.—

''(1) IN GENERAL.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

''(2) ISSUE ADVOCACY DEFINED.—In this section, the term 'issue advocacy' means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE XIV—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

SEC. 1401. REQUIREMENT THAT NAMES OF PASSENGERS ON AIR FORCE ONE AND AIR FORCE TWO BE MADE AVAILABLE THROUGH THE INTERNET.

(a) IN GENERAL.—The President shall make available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two not later than 30 days after the date that the person is a passenger on such aircraft.

(b) EXCEPTION.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any such case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate—

(1) the name of the person; and

(2) the justification for not making such name available through the Internet.

(c) DEFINITION OF PERSON.—As used in this Act, the term ''non-Government person'' means a person who is not an officer or employee of the United States, a member of the Armed Forces, or a Member of Congress.

TITLE XV—EXPULSION PROCEEDINGS FOR HOUSE MEMBERS RECEIVING FOREIGN CONTRIBUTIONS

SEC. 1501. PERMITTING CONSIDERATION OF PRIVILEGED MOTION TO EXPEL HOUSE MEMBER ACCEPTING ILLEGAL FOREIGN CONTRIBUTION.

(a) IN GENERAL.—If a Member of the House of Representatives is convicted of a violation of section 319 of the Federal Election Campaign Act of 1971 (or any successor provision prohibiting the solicitation, receipt, or acceptance of a contribution from a foreign national), the Committee on Standards of Official Conduct, shall immediately consider the conduct of the Member and shall make a report and recommendations to the House forthwith concerning that Member which may include a recommendation for expulsion.

(b) EXERCISE OF RULEMAKING AUTHORITY.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House of Representatives, and it supersedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives to change the rule at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives.

TITLE XVI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 1601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 1602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 1603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect upon the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 1604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 45 days after the date of the enactment of this Act.

The CHAIRMAN. No amendment is in order except those printed in House Report 106–311. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–311.

AMENDMENT NO. 1 OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Whitfield:

Page 12, insert after line 8 the following:

(c) INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.—Section 315(a)(1)(A) of such Act (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000'' and inserting ''$3,000''.

MODIFICATION TO AMENDMENT NO. 1, OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I ask unanimous consent to make a technical correction to the amendment.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 1, as modified, offered by Mr. WHITFIELD:

The amendment is modified as follows:

Page 21, insert after line 17 the following:

(c) INCREASE IN INDIVIDUAL CONTRIBUTION LIMIT.—Section 315(a)(1)(A) of such Act (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000'' and inserting ''$3,000''.

Mr. WHITFIELD. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Is there objection to the initial request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Without objection, the modification is agreed to.

Pursuant to House Resolution 283, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would like to commend the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) for their commitment to their cause on this important issue. They have worked hard on this bill last year, as well as this year.

I would like to make it clear as I discuss this amendment that I do oppose the bill, but this amendment I do honestly believe will improve the bill.

I would like to say briefly why I oppose this bill. I oppose it primarily because it changes the definition of ''express advocacy''. The Supreme Court has made it very clear repeatedly that there is a bright line test. If an ad does not expressly advocate the defeat of the election of a candidate, it is not express advocacy. They change it to say that any ad run within 60 days of an election is express advocacy, by definition.

Now, when I ran in 1998, labor unions came into my district and they spent about $600,000 or $700,000 running issue advocacy ads about my voting record. They did not expressly advocate my defeat or my election, but it was clear that they did not support my position. I did not like that, and it was done within 60 days of the election, but I do believe that they have the right to do that. That is what this debate really is all about. That is their first amendment right. The courts who have considered this amendment on 18 separate occasions have ruled that they do have that right every single time.

Just yesterday in my hometown paper of Paducah, a group ran an ad about my position on campaign finance reform. Had they run that ad 60 days, within 60 days of an election, they would not have had the right to do it under Shays-Meehan unless they met all of the hard money requirements and went to the FEC and so forth. That is why the courts have said you cannot create these kinds of obstructions to participating in political speech.

That is the reason I primarily object to this legislation. I am convinced that if it goes to the courts, that it will be overruled.

The amendment that I offer today is simply this. It increases from $1,000 to $3,000 the amount of money that an individual can contribute to a candidate under the hard money requirements. We could make an argument that this legislation, instead of being campaign finance reform, is really incumbent protection, because it reduces the rights of other people to speak but not candidates themselves.

All of us know that as an incumbent, we can better obtain political action committee money than our challengers can. There is not anything in this bill, the Shays-Meehan bill, that would affect political action committee money.

So this amendment would simply increase from $1,000 to $3,000 the amount that an individual can contribute to a candidate. It has not been changed since 1974. Although I am not excited about helping challengers raise money, my amendment will help them at least be more competitive in raising money. Therefore, I do not really understand how anybody could object to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FARR of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I hope our Members are listening to this debate, or more importantly, are reading what this campaign finance reform bill is all about. It is about reform. It is about campaign reform. It is not about doing what the American public does not want us to do, getting more money into politics.

We just had a break. Most of us were home. I never had one question, somebody coming up and saying, the problem with America right now is you are not spending enough money in your campaigns. Why do you not spend more money?

I find it ironic that the party that wants to cut, squeeze, and trim government, comes here and says, ladies and gentlemen, we want to cut Federal Government, but when it comes to electing Federal Members of Congress, just spend all the money you can, just making it obscene. We do not need to raise the limit, we need to limit what people are going to spend.

So look at this amendment. Look at what it says. There are people that say,

well, if we raise more money, we spend less time. We just have to make fewer phone calls. That is not true, this is an arms race out there. We spend as much time raising money as the process allows. Unfortunately, it allows too much. We find that a candidate's spending has gone up at a rate of 50 percent greater than the rate of inflation since 1974, two to three times the rate of increase in the wages of ordinary citizens.

Large donors in America are, listen to this, are disproportionately white, male, and from high status occupations, and more conservative.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I would like to point out there are 16 States that do not have any limits on the amount of money that can be given to candidates. The American people seem to be more concerned about the soft money issue than they do the hard money issue.

The money that I am talking about today increasing from $1,000 to $3,000 is hard money. Anybody can go get an FEC report. They can read who gives us the money, the dates they give the money, their occupation, their address. All of that information is available.

I would just say that the American people have a right to know the issues in these political campaigns. We have more money spent on America today advertising pizza, Coca-Cola, and toothpaste than we do issues in political campaigns.

So I would urge everyone to vote for this amendment, because I do think that it will be a small step in removing the incumbent protection that the Shays-Meehan bill provides.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL), the outstanding new Member of Congress.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from the great State of California, for yielding time to me.

Mr. Chairman, I rise in support of the Shays-Meehan bill and in opposition to the substitutes.

Mr. Chairman, earlier this year I urged the House to pass legislation before the race for the year 2000 begins. But if we read the newspaper and watch the news, it is clear that the 2000 year election has already begun. Candidates for president and Congress and Political Action Committees are breaking fund-raising records at phenomenal rates. More and more time is being spent raising money, and this translates into less time being spent doing our duties to support the public and represent our citizens.

The high cost of campaigns is unfairly restricting dedicated, qualified people from running for public office, and is putting elected officials in a position of having to choose between spending their time doing their jobs or raising money. Unlimited soft money contributions are continuing to allow special interests to buy political access.

Mr. Chairman, this must change. To my colleagues, I say, of all the issues we address this year, none is more important. Let us pass this moderate, reasonable campaign finance reform law now.

Mr. FARR of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

(Mr. GANSKE asked and was given permission to revise and extend his remarks.)

□ 1600

Mr. GANSKE. Mr. Chairman, I rise in opposition to these amendments, to the two Whitfield amendments, and in support of Shays-Meehan.

With due respect to the gentleman from Kentucky (Mr. WHITFIELD), I do not think we need to add more money to the system. In 1996, I was the target of over $2 million in independent expenditures, sham issue ads. In my campaign, I was able to raise with the $1,000 per election limits for individuals and the $5,000 per election limits for PACs about $1.8 million.

Under these amendments, one would be able then to raise $6,000 essentially from an individual for one's primary and for one's general election, $12,000 per couple in addition to thousands of dollars extra from members, adult members of their family. I do not think we need to do that. I think that just increases the money in the system.

Let me give my colleagues one example. Governor George Bush is doing a marvelous job as a Republican presidential candidate raising funds. He has raised over $50 million, $1,000 at a time per individual, $5,000 per PAC. Those are under current limits. We do not need more of that.

Mr. FARR of California. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. WHITFIELD) has expired. The gentleman from California (Mr. FARR) has 1½ minutes remaining.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from California (Mr. FARR) for his leadership on this issue and all that has been involved with reform.

Going from $1,000 to $3,000 is not going to solve the problem. It is going in the opposite direction. People who I represent have difficulty with $50 and $100, and they feel that they are not part of the political process in that, in fact, it is separate and apart from their daily lives and the concerns that they have and that they are experiencing around the kitchen table every night.

By bringing the process closer to them is where we should be going, not getting further away from them. We must make them part of the political process. We must have campaign finance reform.

In this Congress, we have passed laws that have brought Congress in light in reforms of lobbyists' gifts, meals, and trips that were offered to Members of Congress and changed the way that Congress has operated. We need to make sure that we change the way campaigns are financed and the way campaigns are operated so that the American public feels part of this political process, that we are here to serve the public interest and be here in the public interest as public servants.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this first Whitfield amendment, the first amendment we are considering, because this is a poison pill. It breaks apart the coalition of support for the Shays-Meehan by tripling the individual contributions. This same amendment was defeated in a bipartisan vote last year on a vote of 102 to 315. I ask Members to repeat last year's action and defeat this amendment.

The CHAIRMAN. All time is expired.

The question is on the amendment, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WHITFIELD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) will be postponed.

It is now in order to consider Amendment No. 2 printed in House Report 106–311.

AMENDMENT NO. 2 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I am the designated presenter of this amendment, and I offer amendment No. 2 for the gentleman from Kentucky (Mr. WHITFIELD).

The CHAIRMAN. Is the gentleman from California (Mr. DOOLITTLE) the designee for amendment No. 2?

Mr. DOOLITTLE. I am, Mr. Chairman.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, I do not know that I am going to object, but my point of inquiry is, does the rule provide for designees?

The CHAIRMAN. The rule permits the proponent of an amendment to designate another member to offer the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment no. 2 offered by Mr. DOOLITTLE:

Page 12, line 8, strike ''$30,000'' and insert ''$75,000''.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. DOOLITTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a corollary to the last amendment that we took up. This is the aggregate for what large donors can give, adjusting it for inflation, as the last amendment adjusted the individual limit.

This is important. I hear people get up and say, well, gee, there is no problem raising the $1.8 million at $1,000 a pop. Well, that is not what most people say. In fact, good candidates have thrown up their hands in despair. We just had a couple, a Republican in New Jersey for the U.S. Senate and a Democrat in Nevada, they both just pulled out in part because of this problem of the limits.

In fact, I will see if I can find quickly the quote here. I am not going to find it, so I will have to use it later. She just basically felt like the present limits were just demanding so much consumption of time. This was the Democrat from Nevada who decided not to run for the Senate, that it was not worth making the effort.

Mr. Chairman, this is what we are increasingly seeing. Why are we creating the system and tolerating the system that allows only the wealthy or in a sense only the wealthy to run. They spend all of their own money they want. They do not have to raise a dime. But, boy, if one does not have wealth, one has got to go out and grind it out at $1,000 a pop. For U.S. Senate races in large States that is $20 million or more.

So, yes, we are discouraging people of average means from running, from exercising their First Amendment rights.

This amendment here is intended to modify the system, to give effect to what even many on the other side say, yes, it is reasonable, we ought to allow the adjustment of the limits for inflation. It is allowing that to occur and doing it with reference to the aggregate, individual contribution limit.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to the Whitfield amendment to the Shays-Meehan campaign finance reform bill. This amendment is a poison pill that ruins the integrity of campaign finance reform and breaks apart the coalition of support for Shays-Meehan.

Under this amendment, annual individual contribution limits for Federal elections would triple from $25,000 to $75,000, increasing the influence the wealthiest individuals have on congressional campaigns.

When only one-quarter of 1 percent of the American people contribute in excess of $200 to federal campaigns, raising the contribution limits moves reform in exactly the wrong direction. We need to encourage smaller contributions below $200, not mandate and encourage larger and larger sums.

Last year's coalition that passed Shays-Meehan proved that there is a strong support for campaign finance reform legislation. Today we have the opportunity to once again do the right thing for the American people.

A vote for the Whitfield amendment is a poison pill that campaign finance reformers and the American public cannot swallow. A vote to increase the influence of hard working American families is a vote ''no'' on this amendment and a vote for final passage of Shays-Meehan.

Mr. Chairman, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time.

Mr. Chairman, this is an absurd amendment which would take us in precisely the wrong direction. My constituents in Vermont ask me many questions, and they raise many concerns. But I can honestly say no Vermonter has ever come up to me and said, ''Bernie, the major problem I face is that I can only contribute $25,000 to candidates, and you have got to raise that ceiling so that I can now contribute $75,000.'' No Vermonter has ever asked me that, and I suspect no Vermonter ever will ask me that.

The great crisis in our democracy right now is that the wealthiest one-quarter of 1 percent of the population contribute 80 percent of the campaign monies that candidates receive. The great crisis of our time is that big money dominates both political parties and that ordinary Americans are giving up because they believe that their one vote does not mean anything compared to the huge contributions that the big corporations and wealthy individuals make.

To raise the level to $75,000 per person is moving us in exactly the wrong direction. In fact, what we need to do now is what Shays-Meehan says, and that is to end the soft money pollution that currently exists, to go even further than that so that ordinary people can regain the power that this democracy is supposed to provide them.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent that the modification I placed at the desk be adopted.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 2, as modified, offered by Mr. DOOLITTLE:

The amendment is modified as follows:

Page 12, line 17, strike ''$30,000'' and insert ''$75,000''.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

Mr. CAMPBELL. Reserving the right to object, Mr. Chairman, under my reservation, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, unfortunately when these amendments were drafted, and there will be, I believe, other requests, the page numbers and line numbers do not match up with what in fact is the base bill. So that is the purpose of asking to make this modification.

Mr. CAMPBELL. Mr. Chairman, the gentleman is entitled to have his amendment debated in the form that he wishes.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, may I inquire as to how much time remains on each side.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has 3 minutes remaining. The gentleman from New Mexico (Mr. UDALL) has 1½ minutes remaining.

Mr. DOOLITTLE. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has the right to close.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

(Mr. GANSKE asked and was given permission to revise and extend his remarks.)

Mr. GANSKE. Mr. Chairman, this amendment seeks to triple the aggregate contribution or limit to $75,000. I mean, how many contributors in this country give $75,000? The average House race today costs probably about $700,000. I can guarantee my colleagues that if they made it Federal law to approve amendment No. 1 and amendment No. 2 that they would be doubling or tripling the average cost for a House race.

Now, some would give the full amount. But this, in my opinion, would actually increase the amount of time that Members spend on the phone and candidates or challengers spend on the phone. It is a poorly thought out amendment. We ought to reject it. We should not increase the amount of money in this political fund-raising chase.

We should actually stick with the limits that we have now. I would consider both of these amendments to be

amendments which would benefit a very, very small percentage of the population in terms of increasing their access in the political system at the expense of the majority, the vast majority of givers who give $50 or $100.

Mr. DOOLITTLE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is why debating this issue with these folks is so maddening. They tell us about all the problems of soft money. It is clear that we have these problems because of the limits that they refuse to adjust on hard money. Then when we attempt to adjust them for hard money, they talk about how unreasonable it is that we triple the limits. Well, inflation tripled.

□ 1615

If that was reasonable, why can we not adjust the limitation? We vote to do that every year for Social Security recipients, federal retirees, everybody. Why is that unreasonable when it comes to campaigns?

Look at this. Lamar Alexander, when he ran for president in 1996: ''Contribution and spending limits forced me to spend 70 percent of my time raising money in amounts no greater than $1,000.''

That is outrageous. That is what the guy in Vermont does not understand. Let me tell my colleagues, he expects us, knowing what we know, to make the right changes. That is why we need to pass this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is an issue of campaign finance reform. It is not a Democratic issue. It is not a Republican issue. It is a bipartisan problem that requires a bipartisan solution.

I would ask all of us to look at it in that way Democrats, Republicans, Independent, and see that we do the right thing for America.

Mr. DOOLITTLE. Mr. Chairman, I have how much time remaining?

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has 2 minutes remaining.

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree with the gentleman that the campaign finance reform system is a mess. But they want to make it even more of a mess by piling on more regulation.

This amendment at least tries to remove some of the pressure from money to go elsewhere other than from the contributor to the candidate by allowing an adjustment for inflation for the limits. And then even some of our Republican speakers stand up here and mouth the idea that it is outrageous for us to triple the limits.

Well, what about inflation? Why is it outrageous to maintain the purchasing power of the limit? After all, if it was reasonable in 1976, then at least that level ought to be maintained today, and that requires this adjustment.

I mean, if we could just get people to think about this issue and quit mouthing these mantras about the evils of money and politics. Money is going to be in politics as long as we have a properly elected government. So instead of trying to pretend it does not exist or to command a control of regulations, why do we not let the voters decide? Why do we not let them contribute to the candidate and simply disclose it?

The amendment that I am offering is a reasonable amendment. If it is going to be revisited by the supposed stewards of pure campaign finance reform, one has got to question their sincerity. And I do question their sincerity.

I guess I would just observe the Washington Times refers to this as campaign finance charade. Earlier I quoted from the Nevada candidate. The Nevada candidate was a lady named Sue Del Papa, and this is what she said as she was withdrawing from running for the Democrat nomination for Senate in Nevada. She quoted from the Wall Street Journal. They called the political process a game that ''rewards those who will spend hours and hours each day raising money rather than seeking solutions.'' That is what the Republicans talk about raising money.

Please vote for this amendment.

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the Doolittle amendment and in support of the Shays-Meehan campaign finance reform bill. The Doolittle amendment would undermine the important reforms in Shays-Meehan which would bring greater accountability to campaign spending.

Shays-Meehan would let public know who is running ads and allow them to decide for themselves whether or not the ad is credible. Brining all campaign activity out in to the open through increased disclosure is beneficial to the election process and does not harm any organizations. The public should know who is beyond any advertising in order to evaluate the credibility and reliability of the opinions being presented, especially when they are presented as ''facts,'' not opinions. What is wrong with disclosure and openness? Why does requiring disclosure prevent people from running ads?

The Shays-Meehan bill does not prevent any organization from saying whatever it wants about any candidate for office in a TV ad, voter guide or anywhere else at any time. It simply states that campaign activities of political parties and independent organizations should be subject to the same rules that apply to candidates for office.

The Doolittle amendment is disguised as a ''voter guide exemption,'' but in reality, it would undermine the reforms in the bill. Under the Doolittle amendment, individuals and groups could run unlimited print or Internet ads with no regard to election law simply by including information on a candidate's voting record. This is a gigantic loophole.

The Shays-Meehan bill already contains a true voter guide exemption. Legitimate voter guides that state a candidate's position on an issue and how that compares to the groups position in a neutral manner are explicitly exempted. The only way that a voter guide would be covered is if it is designed to clearly benefit one candidate over another. We have all seen these ''voter guides'' which pick and choose votes and characterize positions in a way that is clearly intended to express opposition to or support for a candidate.

As a Member with a strong pro-life record throughout my career, I strongly disagree with the argument made by some folks that Shays-Meehan would hurt the pro-life cause. I cannot understand who pro-life groups are not willing to be completely open and up front about where they raise their money and how they spend their money to promote the pro-life position in political campaigns. That is all Shays-Meehan would require these organizations to do.

I urge you to vote ''no'' on the Doolittle amendment and for the Shays-Meehan bill.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California (Mr. DOOLITTLE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from California (Mr. DOOLITTLE) will be postponed.

It is now in order to consider Amendment No. 3 printed in House Report 106–311.

AMENDMENT NO. 3 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Mr. DOOLITTLE:

Page 16, strike line 5 and all that follows through page 17, line 17 and insert the following:

''(B) NONAPPLICATION TO PUBLICATIONS ON VOTING RECORDS.—The term 'express advocacy' shall not apply with respect to any communication which is in printed form or posted on the Internet and which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party.''.

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, we have the same situation with the line

and page numbers not matching up, and I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 3 Offered by Mr. Doolittle:

The amendment is modified as follows:

Page 16, strike line 9 and all that follows through page 17, line 22 and insert the following:

''(B) NONAPPLICATION TO PUBLICATIONS ON VOTING RECORDS.—The term 'express advocacy' shall not apply with respect to any communication which is in printed form or posted on the Internet and which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communications contains explicit words expressly urging a vote for or against any identified candidate or political party.''.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Florida (Mr. DAVIS) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment to make certain that the voter guides can be published without fear of hedging or the chilling of any speech, which I believe will occur if we enact the law as it is proposed in the Shays-Meehan bill. The Shays-Meehan bill takes a situation where it is a bright-line test; it is very clear what is and is not permitted, and blurs it.

They say that is not their intent to prevent the voter guides. I believe that we should enact my amendment so that there is no doubt about what can happen. Otherwise, the person making the speech is not really going to know and is subject to sanction by the Federal Election Commission bureaucrats if he unknowingly steps over the line.

Let me just quote from the Buckley decision. I think this goes right to the heart of it. This is back in 1976 in the Buckley versus Valeo decision, which has been repeatedly upheld by the courts in subsequent decisions.

''So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views.''

I would like to ensure that that freedom continues unfettered.

Now, the authors of Shays-Meehan will tell us that, more or less, it is okay to do but they just have got to be viewed as a totality and there are some qualifications and so forth that they make the test subjective, whereas now it is clear.

And, as anybody knows, do they really want to get out there and engage in speech and maybe be compelled to hire an attorney, go through 3 years of discovery and litigation and spend a $100,000 or more on attorney's fees because some bureaucrat in Washington might argue that, in the totality, arguably they violated the regulation?

I just want a clear test. Let me offer this from Buckley versus Valeo: ''Whether words intended and designed to fall short of invitation would miss the mark is a question both of intent and effect. No speaker in such circumstances safely could assume that anything he might say upon the general subject would not be understood by some as an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his harriers and consequently of whatever inference may be drawn as to his intent and meaning. Such a distinction offers no security for free discussion. In these conditions, it blankets with uncertainty whatever may be said. It compels the speaker to ''hedge and trim'' and, therefore, chills speech and, therefore, is unconstitutional.

Therefore, I ask for the adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), a leading expert in bipartisan opposition to this amendment.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Yogi Berra once said, ''It is deja vu all over again.'' And that is where I feel like we are today. We have been down this road.

Under the leadership of a former Member, Ms. Smith of Washington, this legislation pending before the floor is very clear in exempting voter guides from any of these provisions.

But the big concern here is about these political ads in the last 60 days of the campaign. The warning that I would raise is candidates are losing and will lose control of the messages in their own campaigns if the outside groups that run these ads in the final 60 days do not declare who they are and if they do not come under the same rules as candidates.

Candidates, all of their money, income and expenses, are regulated. These groups should be regulated in the exact same way, no restriction on speech any different than a candidate.

I would be the last one to support any restrictions in the ability to speak in the final 60 days of the campaign, but the candidates must prevail.

Mr. DOOLITTLE. May I inquire, Mr. Chairman, how much time does each side have remaining.

The CHAIRMAN. The gentleman from California (Mr. DOOLITTLE) has 2 minutes remaining. The gentleman from Florida (Mr. DAVIS) has 4 minutes remaining.

Mr. DAVIS of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, in our legislation we do nothing to impact voter guides at all. But because there was a concern that we might, we put in language that makes it a certainty that voter guides are allowed. They do not come under the campaign law at all. All these printed documents do not come under it. They are allowed.

What the gentleman from California (Mr. DOOLITTLE) is doing is using this as an opportunity to then eliminate the provision on sham issue ads. And we cannot do that. Sham issue ads are the vehicle in which corporations and labor unions bring big money into the ads. We call them ''campaign ads,'' as they are, and they can still make their voice heard through their campaign ads.

Mr. DAVIS of Florida. Mr. Chairman, may I inquire who has the right to close.

The CHAIRMAN. The gentleman from Florida (Mr. DAVIS) has the right to close, being a member of the committee.

Mr. DOOLITTLE. Mr. Chairman, I just love the circuitous reasoning here.

The gentleman from Connecticut (Mr. SHAYS) just said they have no impact whatsoever on these voter guides, and then he went on to talk about sham issue ads and how those are bad and, of course, we have got to ban sham issue ads. Well, the point is are they sham issue ads or is this the constitutional right of people to speak?

Under Buckley versus Valeo and all the cases that have followed, this is people having their constitutional right to speak. They are not subject to regulation by the FEC. And yet this bill makes them subject to regulation arguably by causing them to hedge and trim and fashion their language in such a way that the federal czar cannot intervene and sanction them for things that they said.

All I am saying is let us have a bright-line test so that nobody is in doubt as to what the standard is. If they say vote for or vote against or if in some way they convey that clearly to vote for or vote against, that is prohibited and subject to regulation under the present law.

□ 1630

We do not want the situation, though, where the author of the voter guide is subjectively determined, after the fact, to have crossed that line. We just think, why put people who are American citizens exercising their constitutional rights, why put them in jeopardy? For that reason, I object to the present language.

Mr. Chairman, I am going to close simply by saying, if, as is represented, there is no intent to affect voter guides, what is the matter with this amendment? It just makes clear that people can continue to do the voter guides and not be subject to the Federal bureaucratic czar, to his whim, to

make it clear, as is present law, that they can continue to speak during these campaigns.

I ask for an ''aye'' vote.

Mr. DAVIS of Florida. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, Shays-Meehan is clear about voter guides. What the Doolittle amendment does is to essentially gut Shays-Meehan in terms of sham issue ads.

The gentleman from California says he wants a bright line so only certain words would be covered. In first amendment instances, there are no bright lines in terms of free speech, that you can only use such words or you cannot. In terms of censorship, the Supreme Court standard does not have a bright line, allowing only this word or that word. What the gentleman from California would do would be to gut the heart of this bill. Vote ''no.''

Mr. DAVIS of Florida. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) is recognized for 3 minutes.

Mr. CAMPBELL. I thank my good friend for yielding me this time.

Mr. Chairman, my good friend from California's amendment recognizes that an ad that says ''vote against Congressman Smith'' is subject to regulation. Suppose the following ad is run by Congressman Smith's Republican opponent in coordination with the Republican National Committee. It says, ''Congressman Smith is a real bad Congressman because he voted against prayer in school.'' Now, that is not using an explicit word expressly urging a vote against Congressman Smith. It just says, ''Congressman Smith is a real bad Congressman because he voted against prayer in school.''

I yield to the gentleman to tell me whether that would be permitted under his amendment.

Mr. DOOLITTLE. Your remedy is not to bridge the freedom of speech but is to raise the limits on hard dollars so we do not have all this pressure for soft money issue ads.

Mr. CAMPBELL. Mr. Chairman, could we have a clearer admission of the loophole nature of the Doolittle amendment? I yielded to the gentleman to explain how he would handle this hypothetical and he does not handle this hypothetical.

In other words, I can run ads, coordinated with my Republican Party, against a Democrat, a Democrat can run ads, coordinated with his or her Democratic Party, against a Republican that say, my opponent is a horrible person, my opponent is a terrible Congressman, Congresswoman, look at his or her record, it is awful, but so long as you do not say ''vote against,'' it is okay.

I could not imagine a more clear example of a loophole, and that is the intention of the amendment by my colleague from northern California.

As to the question of the Constitution, the test is essentiality. It is not whether an actual word ''vote for'' or ''vote against'' is used which is what is in the Doolittle amendment. It is what is the heart and soul of what you are doing. If you are actually, in effect, urging that one should vote for or against a candidate, well, then that should be subject to the same regulations as are applicable, under existing law, to hard dollar expenditures. Indeed, 10 years after Buckley versus Valeo, the Supreme Court said, in the FEC versus Massachusetts case, the test was essentiality and not just the words. This was 10 years after Buckley versus Valeo.

I conclude by observing that restrictions on speech are permissible so that others may speak. You can prohibit a bullhorn if it drowns out everybody else. There are constitutional decisions allowing limits on fighting words, slander, commercial speech, obscenity, antitrust communicating price information, group libel, speech causing a clear and present danger of violence, or shouting so loud that you do not allow anybody else to be heard. That is what we are trying to do by saying that there should be reasonable limits on funding of ads, as there are in Shays-Meehan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DOOLITTLE), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment offered by the gentleman from California (Mr. DOOLITTLE), as modified, will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 106–311.

AMENDMENT NO. 4 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Admendment No. 4 offered by Mr. Bereuter:

Page 54, insert after line 22 the following:

(c) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that a substitute amendment be made in order to deal with the pagination and line problem created by a change in pagination by the Committee on Rules.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 4, as modified, offered by Mr. BEREUTER:

The amendment is modified as follows:

Page 55, insert after line 6 the following:

(e) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of such Act (2 U.S.C. 441e(b)(2)) is amended by striking the period at the end and inserting the following: '', or in the case of an election for Federal office, an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

The CHAIRMAN. Is there objection to the modification?

Mr. HOYER. Mr. Chairman, reserving the right to object, I just want to ask the gentleman from Nebraska, as I understand, this is simply a technical change and not a substantive change; am I correct?

Mr. BEREUTER. If the gentleman will yield, that is correct. Simply page and line number changes.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from Maryland (Mrs. MORELLA) each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I yield myself 2 minutes.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, the foreign contributions prohibition amendment that this Member is offering along with the distinguished gentleman from Mississippi (Mr. WICKER) will prohibit foreign individual campaign contributions. It will, in other words, permit them for U.S. citizens and U.S. nationals. This legislation essentially was passed by the House on two occasions in the previous Congress, once as a separate bill, H.R. 34, and again, in precisely the same form as offered today, as an amendment to the Shays-Meehan bill in the last Congress by a recorded vote.

This Member reintroduced this legislation because the situation remains the same. Many Americans believe that it is already illegal for foreigners to make Federal campaign contributions. What happened allegedly in the last presidential campaign related to contributions from supposedly resident foreign aliens raised this subject. The problem for Americans who believe that campaign contributions from foreign contributers is already illegal is that they are both right and wrong about our current Federal election laws. The fact of the matter is that under our current Federal election laws, an individual does not have to be

a U.S. citizen to make campaign contributions to Federal candidates. He or she does not even have to be a U.S. national. Under our current Federal election laws, a person can make a campaign contribution to candidates running for Federal office if that individual is a permanent legal resident alien and is, in fact, residing in the United States. This is not only an improper provision, in my judgment, it is not only what this Member would call a loophole in American law, it creates such huge enforcement problems that there really is no effective way to detect and stop contributions from foreigners who are not resident aliens by status or who do not in fact reside in the United States.

This Member believes that this situation is wrong, where foreigners affect our elections, he believes that most Americans would agree that it is wrong, and he believes that this is a problem begging for correction.

To this Member it is a very simple proposition. If an individual wants to be fully involved in the American political process, then he or she must become a citizen of the United States or be a U.S. national. If that person does not make the full commitment to this country by becoming a U.S. citizen or a U.S. national, then he or she should not have the right to participate in our political system by making a campaign contribution and affecting the lives of American citizens.

Mrs. MORELLA. Mr. Chairman, I yield myself 2 minutes.

Passage of this amendment that has just been offered would prevent lawful permanent residents from making campaign contributions and expenditures to Federal elections. I want to explain, Mr. Chairman, what defines a legal permanent resident. These individuals represent approximately 4 percent of the U.S. population. In fiscal year 1998, 660,000 legal immigrants came to the United States, according to the INS. The vast majority of legal immigrants came to the United States to join close family members, to fill jobs that no qualified U.S. citizen has taken after the job was advertised by the employer, and to escape persecution based on political opinion, race, religion, national origin or membership in a particular social group.

I want to point out that these individuals are integral stakeholders in our society. They invest in, and they contribute to, our communities in countless ways just as citizens do. Permanent residents, or citizens-in-waiting, pay Federal taxes on their worldwide income as well as State and local taxes. And, moreover, permanent residents are required to register for the draft, and many of them in fact are veterans. Nearly 20,000 legal residents are now serving voluntarily in our armed forces. Moreover, more than 20 percent of the Congressional Medal of Honor recipients in U.S. wars have been legal immigrants or naturalized Americans.

Many permanent residents operate businesses that contribute enormously to our economy. Others send their citizen children to our schools. These individuals are concerned, involved members of each and every community in which they live. This amendment would have a chilling effect on their political participation by severely hindering their ability to support a candidate of their choice, which is a basic freedom that is constitutionally guaranteed.

The Supreme Court has ruled that spending on campaigns is a form of speech protected by the first amendment. Let us vote against this amendment and allow these people their rights to participate in political campaigns by contributing.

Mr. BEREUTER. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), the cosponsor of the amendment.

Mr. WICKER. I thank the gentleman from Nebraska for yielding me this time.

Mr. Chairman, we have heard a little discussion earlier today about so-called ''poison pill'' amendments. Certainly this is not one of those poison pill amendments. The House of Representatives has voted on this issue twice in the past year, each time approving it overwhelmingly. The first time it passed by a vote of 369–43 and the second time, during last year's campaign regulation debate, the House approved this measure by a margin of 282–126. As these votes suggest, this is a common sense reform which has bipartisan support.

If you are not a United States citizen, or a United States national, you should not be able to influence the electoral process. It is wrong and dangerous to allow a potential to exist for undue foreign influence in electing Federal officials. That is what the debate on this amendment is about, undue foreign influence in our election process.

The American people have witnessed in the last two Clinton-Gore campaigns a breathtaking willingness to solicit money from non-citizens. We have all seen the video of Vice President GORE soliciting money from Buddhist monks who had taken a vow of poverty.

□ 1645

The Bereuter-Wicker amendment would address this problem by removing any ambiguity in the law, ambiguities which today allow foreign money to be funneled through U.S. addresses.

If a foreign national is dedicated to the ideals of the American democratic system of government, then I encourage him to become a United States citizen. With the adoption of the Bereuter-Wicker amendment, not only could that person then invest their money in a candidate he believes in, but he could actually vote for the candidate he was contributing to.

We have heard much today about the importance of money in our political system. We should remove the loophole in the current law which allows for the possibility of foreign money funding our political discourse.

Mr. Chairman, I urge adoption of this common sense amendment.

Mrs. MORELLA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL) to speak against this amendment which would deny citizens in-waiting the opportunity to participate.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I commend the gentlewoman, and I thank her for yielding me this time. I want to express affection and respect for the authors of the amendment and just simply say some years ago I was in favor of this, but I have gotten wiser, and this amendment is wrong. If my colleagues are concerned about Americans or rather permanent residents who have come here to live and to join us, and they do not want them to have free speech, and they do not want to let them have the other rights, then say so.

I have heard a lot on the other side of the aisle about how this is about free speech and how gifts of money for campaign purposes are the exercise of free speech. Correct. These people do almost everything that every American citizen does. They serve in the Armed Forces. As the gentlewoman mentioned, 20 percent of the Congressional Medal of Honor recipients have been legal immigrants or naturalized citizens. They serve in our Army. They are permitted to participate in our elective process, and they should be permitted to give money if they are legally resident.

Mr. Chairman, they should not be permitted to do things which are improper, but I say give them the right to participate in the system in the degree that is full and proper.

Mrs. MORELLA. Mr. Chairman, I yield 30 seconds to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment that is an unconscionable limitation of the freedom of persons legally admitted as permanent residents to participate in the political process. What do we fear from these people? Are they a threat to our democracy? If this provision becomes law, it will be challenged in the courts. A hundred law professors have written to all of us. It must be a case of simply not knowing that persons in this country are protected under the Constitution. Nowhere in the Constitution does it say that protections are only for citizens.

This amendment is absolutely a violation of the Constitution.

Mr. Chairman, I rise in opposition to the Bereuter-Wicker amendment to H.R. 417.

Rules Committee Chair argued the need to open up the electoral process and to restore

confidence in our democracy. This amendment shuts out from participating in our democracy over 10 million persons who have been legally allowed to enter our country as permanent residents, 20,000 of whom are currently in the military. How is their money tainted? How will the hardearned money of millions of taxpaying legal resident taint the electoral process?

One hundred law professors have written to the Congress to advise that this prohibition against contributions by legal residents is an unconstitutional violation of the rights of free speech as defined by the Supreme Court.

This unconscionable amendment places on the candidate the burden of ascertaining the citizenship status of the person from whom you are soliciting a contribution, and selling a campaign fundraiser ticket. Picture a $10 Chilirice event. Whose money can you accept? Who will you ask whether they are citizens? Will you ask a Mrs. Smith who sent in a check? No? Why not? Because you assume that Mrs. Smith is white and a citizen. If this same Mrs. Smith handed you a check at a fundraiser, and is a Chinese woman married to a Smith, will you ask her? The rule of the law would require you to ask. If the contributor turns out to be a legal resident, you could be fined up to $5000 or go to jail for a year.

This is an unconscionable limitation of the freedom of persons legally admitted as permanent residents to participate in the political process. What do we fear from these persons? Are they a threat to our democracy?

If this provision becomes law it will be challenged in the Courts and it will be expunged as a violation of the Bill of Rights. Our Constitution guarantees all persons legally living in the United States all of the civil rights as inalienable in a free and open democracy.

I am devastated that the leaders of this debate did not see fit to designate this amendment as a ''poison pill''. For me it is a Poison Pill. If this amendment passes, I will vote against the bill as a whole.

Mrs. MORELLA. Mr. Chairman, I yield 45 seconds to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to this amendment. I am concerned by the characterizations of foreigner that supporters of this amendment have used, and I would stress legal permanent residents are in this country legally. They have followed all the proper procedures and have played by the rules. For LPRs, campaign contributions are the only form of political participation available to them.

Proponents of this amendment call on immigrants to make the commitment to the United States by becoming citizens. In fact, a significant number of LPRs eager to take their places as citizens are frustrated in their effort by long backlogs at the INS. Their desire to get involved in the political process as they await their citizenship should be welcomed.

Mrs. MORELLA. Mr. Chairman, I yield 15 seconds to the gentleman from Guam (Mr. UNDERWOOD).

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Chairman, basically there have been unfair characterizations about undue foreign influence. This is not about undue foreign influence. This is about the violation of constitutional rights for permanent residents in order for them to participate more fully in the American process when many of their families are already citizens.

Mr. Chairman, I am in full support of H.R. 417, the Shays-Meehan Bipartisan Campaign Finance Reform Act, which is a true campaign finance reform bill. This legislation bans soft money and bars foreign nationals from contributing funds towards U.S. campaigns.

I would like to express my strong opposition to the Bereuter/Wicker amendment, which prohibits legal permanent residents from making financial contributions toward our political campaigns.

First, and most importantly, this particular amendment is an attack on the First Amendment right of legal permanent residents. These residents, also known as ''citizens in training,'' are entitled to many of the same rights as American-born or naturalized American citizens. After all, unlike foreign nationals, legal permanent residents pay taxes and are drafted into the military. These permanent residents are stakeholders in our society; they invest in our community. Their children are and will become citizens of the United States.

By voting for this amendment, we are taking an unfair and unconstitutional step towards campaign finance reform. In Buckley versus Valeo the Supreme Court ruled that campaign contributions are a form of speech protected under the First Amendment and subject to the highest levels of judicial scrutiny. This ruling held that campaign contributions are a form of protected speech. The Constitution applies not only to U.S. citizens, but to all legal permanent residents of the United States. Ruling affirmed the same right for legal permanent residents. The Supreme Court has held that legal residents have the same rights accorded to citizens under Yick Ho versus Hopkins in 1886. In 1945, the Court reaffirmed its position in Briggs versus Wixon by stating that ''[f]reedom of speech and press is accorded to aliens residing in this country.'' Hence barring donations from legal immigrants would be in violation of their constitutional rights. The Supreme Court has never approved a total ban on political expenditures or contributions from legal permanent residents.

By banning the legal permanent residents from making campaign contributions, we are also preventing these residents from participating in the political process. Legal permanent residents should be able to voice their support for candidates whom they believe will make the United States a better place for them and their children, who are generally U.S. citizens.

Furthermore, this amendment will not only affect the rights of these residents, they will also affect the rights of other U.S. citizens. Ethnicity will once again become an issue. Those American citizens with ethnic minority backgrounds will be compelled to show proof of citizenship when offering campaign contributions. This kind of action is discriminatory and will make people of color more reluctant about participating in our political process. Passage of this amendment is in itself an insult to the Asian Pacific American community, as well as other minorities who are legal permanent residents. The Bereuter/Wicker not only shuts out legal permanent residents out of the political process but threatens to silence the voice of minority citizens all over the United States.

There are numerous reasons why legal permanent residents immigrated to the United States. Many come to the United States to join close family members; others immigrate to fill jobs that no qualified American citizen has filled after the job was advertised. Presently, we have about two million legal immigrants who are trying to become U.S. citizens. Unfortunately, as a result of the two-year backlog at the Immigration and Naturalization Service, this effort will take some time. Legal permanent residents should not be punished for this fact.

The Bereuter/Wicker amendment would subvert our political system by trying to prohibit legal permanent residents from contributing to the campaigns of candidates, many of whom promise to better the educational standards of our children and to better our lives altogether.

Banning the legal immigrants' contribution will do nothing in helping to stifle foreign governments from funneling money into political campaigns. Foreign governments or other disqualified donors need only use a citizen as a conduit, an action already prohibited under current law. Therefore the banning of legal immigrants' campaign contributions to stop foreign governments' influence in our political process does not make sense. Instead, it insinuates, in a discriminatory matter, that legal permanent residents are more likely to make illegal contributions than U.S. citizens. We have no proof of that assumption.

Last, but not least, I would like to urge my colleagues not to be diverted by the amendments to H.R. 417 that have emerged. Many of these amendments will only work against all the reforms we wish to make. We need to focus, instead, on the important issue at hand, which is to make sure that all persons contributing to political campaigns be legal residents. We need to limit the amount of soft money that people contribute under ''independent expenditure.'' Let us do the right thing by voting for the Shays-Meehan Bipartisan Campaign Finance Reform. By voting for H.R. 417, let us make sure that all legal permanent residents and American citizens be allowed to contribute within the law and participate fully in our political process.

Mrs. MORELLA. Mr. Chairman, I yield 15 seconds to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

(Ms. SCHAKOWSKY asked and was given permission to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Chairman, if legal permanent residents are good enough to pay taxes, to work in our country and to serve in our military service, then we are certainly also made better by their voice, and I would urge defeat of this amendment.

I rise to urge my colleagues to oppose the Bereuter/Wicker amendment. Cutting legal permanent residents access to the political process is absolutely the wrong thing to do

Legal permanent residents are immigrants who have made the commitment to become citizens of the United States and are in the middle of the process towards full citizenship. They have made the commitment, not only to come to this country and make a better life for

themselves and their family but, through the goods and services, jobs and taxes that their labors produce, they have made the commitment to make this country better for all of us. And they have given more than that. Legal permanent residents are eligible for the draft, have served in the U.S. military and served with great distinction in defense of the rights that every American holds dear. Like immigrants for generations, they came to this country and participated and this country is much better for it.

The Bereuter/Wicker amendment, however, would limit their participation. The Bereuter/Wicker amendment says that legal permanent residents—people who we ask to put their life on the line—aren't good enough to support the people who would put them on that line. That's wrong. If we are made better by their work, their taxes and their military service, then we are also made better by their voice.

I urge my colleagues to oppose this amendment and allow legal permanent residents to enjoy much needed reform of campaign finance reform just like we enjoy all that they bring to our country.

Mrs. MORELLA. Mr. Chairman, I yield myself the balance of my time.

In my remaining 15 seconds I just want to urge this body to recognize that these are lawful, permanent residents who are part of our communities. They are our neighbors; they are part of our work force. They engage in producing jobs for others, and I hope that we will vote against this amendment.

Legal residents should have the same rights to make political contributions and expenditures as do American citizens. To bar legal immigrants from showing support for the candidates of their choice would be like requiring them to sit out during a demonstration, or denying them the right to hold a rally in a park, or banning them from running a political ad in a newspaper. This is hardly the message about our first amendment freedoms we should send to all ''citizens in training.'' Legal immigrants, like U.S. citizens, want to support candidates who they believe make America a better place to live. Though legal immigrants cannot vote in the United States, they have a substantial stake in our country, and should be allowed their full first amendment rights to express their views.

A vote for this amendment is nothing more than an attack on the first amendment rights of legal immigrants—I urge my colleagues to vote ''no'' on the Bereuter-Wicker amendment.

Mr. BEREUTER. Mr. Chairman, I yield myself the remainder of the time.

The CHAIRMAN. The gentleman from Nebraska is recognized for the remaining 1 minute.

Mr. BEREUTER. First of all, there is nothing negative about the word ''foreigner'' as used here, and I would remind the gentleman from New Jersey that I have used the term ''permanent resident alien'' frequently in my comments.

I would also say the constitutionality of this matter has not been ruled on by the courts; and I think there is at least that many law professors that would say that this kind of statutory limitation which we would act upon here would be perfectly constitutional. This amendment goes to our basic sovereignty, the ability to rule ourselves, to protect our basic rights.

And I will also ask do my colleagues remember on the campaign contribution cards that colleagues and I and others have to fill out in our campaigns, it asks occupation? This amendment does not discriminate against the minorities as alleged in a Dear Colleague letter. All we have to do is have two blanks on a contribution card which asks the following: Are you a U.S. citizen? Are you a U.S. national? Then the burden of enforcement falls upon the complaint process against the campaign under the FEC.

This amendment constitutes a perfectly reasonable approach. I urge my colleagues to reserve the right to affect our elections to U.S. citizens and U.S. nationals.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to the Bereuter-Wicker amendment which prevents legal permanent residents from making campaign contributions.

At first glance, this amendment seems innocuous. Why would we want anyone other than U.S. citizens to participate in our political process?

Legal permanent residents can't vote; why should they be able to contribute to elections?

Hasn't it been proven through prosecutions during the last several years that foreign nationals can't be trusted to participate in the election process?

First, legal permanent residents are tax-paying residents of the United States. They are also subject to the draft; in fact, more than 20,000 legal permanent residents are serving honorably at the present time in the U.S. Armed Forces. Many legal permanent residents have filed for U.S. citizenship and are merely waiting for a lengthy naturalization process to be completed.

Second, legal permanent residents are already part of our political process. We count them in the census. They determine congressional representation, and, in representing a state or a congressional district, a Member of Congress is entrusted with representing them as well as U.S. citizens residing there.

Finally, the prosecutions of a few foreign nationals during the last few years prove nothing. In fact, they emphasize that we make an enormous mistake if we leap to such judgments about entire ethnic groups based on the illegal and reprehensible deeds of a few.

But discrimination is an important issue. How would the proponents of this amendment enforce such a stipulation? We have to assume that each and every campaign contributor would need to be queried about the status of their U.S. citizenship.

And who is most likely to be queried at a fund-raising event? Obviously, those with ethnic looks or those who speak broken English or have an ethnic accent.

Ultimately, this amendment could inhibit the participation of ethnic Americans. What candidate or campaign worker would risk accepting or soliciting a contribution from a person who looks foreign, speaks with an accent, or has an ethnic name?

The Supreme Court has ruled that spending on campaigns is a form of speech and is protected by the first amendment. The first amendment applies to everyone living in the United States, not just U.S. citizens.

It is therefore ironic that those who want to defeat the Shays-Meehan bill today and oppose efforts to reform campaign finance laws based on the argument that restrictions inhibit the exercise of free speech, are the first ones to lineup in favor of this amendment that will take away one form of free speech from legal permanent residents.

I urge my colleagues to oppose this attempt to undermine the first amendment.

I urge my colleagues to fight against the type of ethnic discrimination that would surely arise from adoption of such a provision.

I urge my colleagues to support the full participation of legal permanent residents in our political system, as we demonstrate what U.S. democracy truly means.

Mr. WU. Mr. Chairman, I rise today in strong opposition to the amendment offered by Mr. BEREUTER and Mr. WICKER.

The gentleman from Nebraska seeks to silence voices in America trying to speak out on their own behalf, and on behalf of those who can not speak for themselves.

The amendment would slam the door to political participation and free speech right in the face of millions of legal residents.

Let us be perfectly clear: Legal permanent residents are invited by the U.S. Government to live permanently within our borders. They pay taxes, they are subject to the draft, and they serve in the military.

There are over 10 million permanent legal residents in the United States. Many have come to this country fleeing persecution in their homeland.

Others have come to this country for the same reasons my own family did almost forty years ago, seeking opportunity in a new land, and hoping to be reunited with their families.

Banning contributions by legal permanent residents would have a chilling effect. It would send a message to many communities—particularly those rich with first generation Americans—that we do not value ''citizens in training.''

We here in this democratic body should work to bring more people into our political system and encourage their full participation, not discourage civic engagement.

I am also concerned that enforcing such a ban would cause other unintended problems. Imagine candidates and campaign workers trying to enforce such a ban by discouraging participation from people who look ''foreign'' or have ''foreign'' sounding names.

Banning contributions from legal permanent residents does nothing to address the real problem with our campaign finance system: the limitless flow of special interest money into political campaigns.

Denying the right of legal permanent residents to participate in campaigns in equivalent to selectively reducing their free speech rights.

Shays-Meehan already prohibits contributions from foreign nationals. Going beyond the language in Shays-Meehan only punishes tax paying, law abiding people in our communities and prohibits them from participating in the political process.

I urge my colleagues to vote ''no'' on the Bereuter-Wicker amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 283, further proceedings on the amendment, as modified, offered by the gentleman from Nebraska (Mr. BEREUTER) will be postponed.

It is now in order to consider Amendment No. 5 printed in House Report 106–311.

AMENDMENT NO. 5 OFFERED BY MR. FALEOMAVAEGA

Mr. FALEOMAVAEGA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FALEOMAVAEGA:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 517. CLARIFICATION OF RIGHT OF NATIONALS OF THE UNITED STATES TO MAKE POLITICAL CONTRIBUTIONS.

Section 319(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(d)(2)), as amended by sections 506(b) and 511(a), is further amended by inserting after ''United States'' the following: ''or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act)''.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment No. 5 to the Shays-Meehan campaign finance reform bill, H.R. 417. I want to thank the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and the gentleman from Massachusetts (Mr. MOAKLEY), the ranking Democrat from the Committee on Rules, for making my amendment in order and for the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their support of this amendment, which will ensure that the right of U.S. nationals to make contributions in federal elections is fully protected.

Mr. Chairman, I represent the territory of American Samoa, the only U.S. soil in the Southern Hemisphere. Persons born in American Samoa of U.S. parents are given the status of U.S. nationals. These individuals are nationals of the United States but are not U.S. citizens. They hold permanent allegiance to the United States, serving the U.S. military, carry U.S. passports, and have the same access to the United States as do U.S. citizens; but they are not foreign nationals or aliens.

Approximately 80 percent of the residents of American Samoa are U.S. nationals. The status can be acquired only by birth in American Samoa or by birth in a foreign country from parents, one or both of whom are U.S. nationals.

Mr. Chairman, federal campaign law currently specifies that U.S. citizens are permanent resident foreign nationals, may make contributions to candidates for federal office. This section of law was enacted into law before American Samoa had a congressional delegate in the U.S. House of Representatives. My concern is that if Congress changes this section of the law now while we know of the U.S. national problem, our action could be interpreted to mean that Congress intended to prohibit U.S. nationals from contributing to federal elections.

Mr. Chairman, this would cause a major problem in my district because, as I mentioned earlier, the vast majority of the residents of my congressional district will be prohibited from contributing to candidates running for federal office, particularly the office of delegate to the U.S. House of Representatives. Moreover, the U.S. nationals residing in the States and other territories in the United States, estimated to be approximately 200,000 patriotic Americans, would also be prohibited from contributing.

Few U.S. nationals are aware of this problem and this distinction made in federal campaign laws that many contribute to candidates of the U.S. House, the U.S. Senate, and also those who run for the U.S. presidency; and this interpretation of the law could find these candidates in violation of campaign laws for having received contributions from persons not authorized under the law.

Mr. Chairman, I believe this is a technical correction to the law; and I know of no opposition, at least hopefully, and I do urge my colleagues to support this amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I think the gentleman has initially found this to be an appropriate problem to solve. He has the solution. I think this should be unanimously supported, and I appreciate his representation of U.S. nationals.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD).

Mr. HOYER. Mr. Chairman, absent anyone claiming time in opposition, I ask unanimous consent to claim the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I thank my colleague from American Samoa for yielding me the time. It is rather obvious that where current restrictions remain in place that his own constituents, the gentleman from American Samoa (Mr. FALEOMAVAEGA'S) own constituents, could not contribute to his own campaign. This great anomaly is something that we share because those of us from Guam were American nationals, U.S. nationals, before 1950, and at that time the people of Guam became U.S. citizens.

As a U.S. territory, American Samoa and its people deserve the same constitutional rights and privileges afforded to U.S. citizens, and although it may seem like this is an inherent right of U.S. nationals which remains unchallenged, sometimes those of us who represent territories know some things always fall through the cracks. Of these in American Samoa there are some 60,000 residents. Of these residents 80 percent are U.S. nationals. Moreover, there may be an additional 150 to 200,000 U.S. nationals living in the U.S. mainland and throughout the world.

Mr. Chairman, I cannot stress enough the significance of adding U.S. nationals to this bill, and I hope there is really no opposition.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentleman from Nebraska (Mr. BEREUTER), the sponsor of the last amendment, indicated on this amendment, I think we all agree that the gentleman from American Samoa (Mr. FALEOMAVAEGA) has offered an amendment which all of us can and should support. Clearly we want to express in the strongest possible terms that the residents of American Samoa are in fact included as U.S. citizens. They are a full part of our country, and although they do not have every right of citizenship extended to them, Mr. FALEOMAVAEGA represents them extraordinarily well here on the floor of this House. And we share his view that we ought to make it very clear that his constituents can in fact contribute, exercise their speech rights by contributing to his campaign, and to such other campaigns as they choose, and I certainly know that I think on our side there is unanimous support for his amendment, and I thank him for his leadership on this very important point.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

□ 1700

Mr. BILBRAY. Mr. Chairman, I would just like to point out as somebody who was almost born in Guam by a matter of days, I hear, frankly I want to strongly support the amendment.

Let me point out, I appreciate my colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), articulating the position of birthright citizenship for United States citizens that parents who were obligated to loyalty and allegiance earn the right of automatic status as American nationals for people born in American Samoa

or in other areas. This is something that I think we need to articulate and need to point out, that his constituents in American Samoa have permanent allegiant responsibilities to the United States not temporary, like resident aliens.

Resident aliens still have obligations of loyalty and allegiance. They can be tried for treason, but the residents of American Samoa that fall under this category have permanent allegiance and can be tried for treason, can be drafted, and have obligations and with those obligations I think we all agree comes the rights and the rights that are articulated, at least from our point of view, and I think in this Congress, is the right to be able to contribute to their representatives.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly want to thank my good friend, the gentleman from Maryland (Mr. HOYER) and the gentleman from California (Mr. BILBRAY) for their support and their comments concerning my proposed amendment.

It might be of note to my colleagues that under the current law, the current immigration law of the United States, if I could be more specific, a United States national is defined as someone who owes permanent allegiance to the United States but who is neither a citizen nor an alien. That is exactly the status of U.S. nationals as it currently stands, and I do appreciate my good friend from Nebraska (Mr. BEREUTER) and all of the Members for their bipartisan support of this proposed amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106–311.

AMENDMENT NO. 6 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Goodling.

Strike section 501 and insert the following (and conform the table of contents accordingly):

SEC. 501. WORKER PAYCHECK FAIRNESS.

(a) FINDINGS.—The Congress finds the following:

(1) Workers who pay dues or fees to a labor organization may not, as a matter of law, be required to pay to that organization any dues or fees supporting activities that are not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.

(2) Many labor organizations use portions of the dues or fees they collect from the workers they represent for activities that are not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues. These dues may be used to support political, social, or charitable causes or many other noncollective bargaining activities. Unfortunately, many workers who pay such dues or fees have insufficient information both about their rights regarding the payment of dues or fees to a labor organization and about how labor organizations spend employee dues or fees.

(3) It is a fundamental tenet of this Nation that all men and women have a right to make individual and informed choices about the political, social, or charitable causes they support, and the law should protect that right to the greatest extent possible.

(b) PURPOSE.—The purpose of this section is to ensure that all workers have sufficient information about their rights regarding the payment of dues or fees to labor organizations and the uses of employee dues and fees by labor organizations and that the right of all workers to make individual and informed choices about the political, social, or charitable causes they support is protected to the greatest extent possible.

(c) WRITTEN CONSENT.—

(1) IN GENERAL.—

(A) AUTHORIZATION.—A labor organization accepting payment of any dues or fees from an employee as a condition of employment pursuant to an agreement authorized by Federal law must secure from each employee prior, voluntary, written authorization for any portion of such dues or fees which will be used for activities not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.

(B) REQUIREMENTS.—Such written authorization shall clearly state that an employee may not be required to provide such authorization and that if such authorization is provided, the employee agrees to allow any dues or fees paid to the labor organization to be used for activities which are not necessary to performing the duties of exclusive representation and which may be political, social, or charitable in nature.

(2) REVOCATION.—An authorization described in paragraph (1) shall remain in effect until revoked. Such revocation shall be effective upon 30 days written notice.

(3) CIVIL ACTION BY EMPLOYEES.—

(A) LIABILITY.—Any labor organization which violates this subsection or subsection (f) shall be liable to the affected employee—

(i) for damages equal to—

(I) the amount of the dues or fees accepted in violation of this section;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II); and

(ii) for such equitable relief as may be appropriate.

(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any labor organization in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—

(i) the employees; or

(ii) the employees and other employees similarly situated.

(C) FEES AND COSTS.—The court in such action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(D) LIMITATION.—An action may be brought under this paragraph not later than 2 years after the date the employee knew or should have known that dues or fees were accepted or spent by a labor organization in violation of this section, except that such period shall be extended to 3 years in the case of a willful violation.

(d) NOTICE.—An employer whose employees are represented by a collective bargaining representative shall be required to post a notice, of such size and in such form as the Department of Labor shall prescribe, in conspicuous places in and about its plants and offices, including all places where notices to employees are customarily posted, informing employees that any labor organization accepting payment of any dues or fees from an employee as a condition of employment pursuant to an agreement authorized by Federal law must secure from each employee prior, written authorization if any portion of such dues or fees will be used for activities not necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.

(e) DISCLOSURE TO WORKERS.—

(1) EXPENSES REPORTING.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended by adding at the end the following new sentence: ''Every labor organization shall be required to attribute and report expenses in such detail as necessary to allow members to determine whether such expenses were necessary to performing the duties of the exclusive representative of the employees in dealing with the employer on labor-management issues.''

(2) DISCLOSURE.—Section 201(c) of the Labor-Management Reporting and Disclosure Act of 1959 is amended—

(A) by inserting ''and employees required to pay any dues or fees to such organization'' after ''members''; and

(B) inserting ''or employee required to pay any dues or fees to such organization'' after ''member'' each place it appears.

(3) WRITTEN REQUESTS.—Section 205(b) of the Labor-Management Reporting and Disclosure Act of 1959 is amended by adding at the end the following new sentence: ''Upon written request, the Secretary shall make available complete copies of any report or other document filed pursuant to section 201.''.

(f) RETALIATION AND COERCION PROHIBITED.—It shall be unlawful for any labor organization to coerce, intimidate, threaten, interfere with, or retaliate against any employee in the exercise of, or on account of having exercised, any right granted or protected by this section.

(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations as are necessary to carry out subsection (d) not later than 60 days after the enactment of this Act and shall prescribe such regulations as are necessary to carry out the amendments made by subsection (e) not later than 120 days after the enactment of this Act.

(h) EFFECTIVE DATE AND APPLICATION.—This section shall be effective immediately upon enactment, except that subsections (c) and (d) pertaining to worker consent and notice shall take effect 90 days after enactment and subsection (e) pertaining to disclosure shall take effect 150 days after enactment.

The CHAIRMAN. Pursuant to House Resolution 283, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, one author in general debate said that we must treat all in the same manner. That is exactly why I made this amendment in order.

This bill purports to codify an important Supreme Court case dealing with workers' rights; but unfortunately the bill, in fact, takes a step backward and would hammer into law an NLRB interpretation which has created a system that is abusive to union members and would, in effect, nullify the Supreme Court's decision.

My committee held six hearings on the Beck decision, and what we heard over and over again from union workers was that they strongly support their union but they believe that the union owes them the respect of asking for their permission to spend money beyond the purposes allowed in Beck.

My amendment creates a mechanism where one can truly implement the Supreme Court's decision.

In Beck, the court held that workers cannot be required to pay for activities beyond legitimate union functions. But our hearings showed that the Beck rights remain illusory, and that is because of NLRB interpretation.

Witnesses described the problems, including not getting notice of their Beck rights, procedural hurdles, notably the requirement that one must first resign from the union before disputing any dues expenditure.

Now it is important to understand that in Beck the Supreme Court said that one does not have to pay those dues for anything other than the negotiating process.

Again, the interpretation, as has come down through the NLRB, says to these very people in 29 States, who must belong or can be required to belong to the union, must pay their union dues, that they first must resign from the union in order to challenge the use of their dues. At the same time, they must continue to pay those dues; and at the same time, the very people who took their dues and used them as they wished to use them now become the jury and the judge to determine whether they get them back or whether they do not get them back.

Now, obviously there is something wrong with that; and we are trampling on the rights of union workers in 29 States.

Section 501 in this bill says it applies only to nonmembers. That is right. Workers must resign from the union in order to be covered.

Section 501 defines the dues payments that may be objected to, and this is dangerous because what they do, they say expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.

Now, the definition infers that there could be other ways that one could take their money and use their money without their permission. So it becomes a perversion.

Well, somebody in the press said to me that would not be fair because that is not true of stockholders and corporations, and I said to that person, one has to have an IQ of minus 10 to ever try to mix those apples and oranges. Obviously as a stockholder, one has every right under the sun. They do not have to buy the stock. They can sell it whenever they want to sell it. And they can object to what is being done, and they can vote in relationship to what those who are using their money are doing in relationship to that corporation. So that is a silly, factitious argument.

It is very obvious to me, having listened to the debate, that we have an awful lot of people here who want to go back home and say: I voted for campaign reform. I do not care about the rights of union workers in 29 States. I just voted, and I want everyone to know I voted for campaign reform. It does not matter whether it is good, bad, or indifferent. I voted for it.

Well, I do not want union rights to be trampled in that manner and under that mentality. So I am going to, at the appropriate time, ask to withdraw my amendment and bring it to the floor as a stand-alone issue so that we can, as a matter of fact, protect those union workers in 29 States and make sure that they have the right to determine how their dues are used beyond what the Supreme Court said it could be used for.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I rise in opposition to the amendment, and I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER), the distinguished ranking member of the Committee of Jurisdiction.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong opposition to this amendment, and I am glad to hear that the gentleman from Pennsylvania (Mr. GOODLING) will withdraw the amendment after the debate.

I think that this amendment is patently unfair to union members. It does deny them one of the benefits of organization. It does deny them the ability to collectively organize and decide for the purposes they are going to engage in the electoral process within this country; and, in fact, it does not treat them the same. It treats them very differently than corporations.

It also recognizes that corporations all the time vote either by a majority or the boards of directors or the CEO and others make decisions about campaigns and political speech and issues that they are going to get involved in or they are not going to get involved in. And they do it without the consent of all of their members, all of their shareholders, all of their workers, and all of the rest of that. And yet somehow we are going to put that effectively on the backs of working men and women.

I think what this really is, this has stuck in the craw of the other side of the aisle since a very effective campaign by organized labor to tell the truth about what Republicans were doing when they first took over the House, and as a result of that this is a payback not a paycheck protection. It has been rejected in the State of California by voters. It has been rejected in the State of Oregon by voters, and it should be rejected in the House of Representatives.

Mr. HOYER. Mr. Chairman, still controlling the time in opposition to this bill, I yield 1 minute to the gentleman from Missouri (Mr. CLAY) the individual, I would say the chairman in exile. I referred to the gentleman from California (Mr. GEORGE MILLER) as the ranking member, but actually the ranking member is my chairman in exile, as I said, one of the senior Members of this House, who has done such extraordinary service to the Congress.

(Mr. CLAY asked and was given permission to revise and extend his remarks.)

Mr. CLAY. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Pennsylvania (Mr. GOODLING). By imposing unfair restrictions on labor unions, this amendment denies workers an effective voice in public affairs. This amendment deliberately destroys the right of workers to determine for themselves the activities of their own organizations.

The amendment makes a further mockery of democratic principles by imposing these restrictions only on groups, only one group, the unions. A similar effort in the last Congress to gag the voice of workers was soundly defeated by a vote of 166 to 246. Fifty-two Republicans voted against this provision.

Current law fully protects the rights of workers to refrain from joining the union or underwriting any union political activity. This amendment adds nothing to these protections. Instead, it punishes workers by crippling their ability to participate in politics and jeopardizing their ability to organize to litigate on their own behalf and even to make charitable contributions.

I urge Members to once again defeat this ill-conceived, anti-democratic attack on workers.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, when we drafted this bill, we wanted to be true to Beck. We did not want it to be less. We did not want it to be more. We wanted it to be just what the Court said.

What we had was a situation where Harry Beck, who was an employee of AT&T but was not a member of the Communications Workers of America, the CWA, objected to his agency fee also including political activity, and this ultimately was brought to the Supreme Court. And they said his political activity, since he was not a member of the union, should not be covered and he should only pay for true collective bargaining. That is what the Beck

decision decided, and that is what we did in our bill.

This is not paycheck protection, but we also didn't think we needed paycheck protection because we eliminate the sham issue ads and call them campaign ads so one cannot use union dues money. We eliminate soft money, which is the other way union monies get into campaigns. So we thought that was even more powerful than even paycheck protection.

I have personal experience in this legislation. My wife was a member of a union, and her money was going to support a Democrat candidate for governor and she supported the Republican candidate. And she objected. They said, well, you are a member of the union; and this is what we are doing. So she then said, well, then I resign from the union; I do not want this money to go for candidates I do not support.

She ended up only paying the agency fee for collective bargaining, and her political contributions were refunded to her.

This is true to the Beck decision, and I encourage my colleagues to recognize that.

Mr. GOODLING. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. BALLENGER), a member of the committee.

(Mr. BALLENGER asked and was given permission to revise and extend his remarks.)

Mr. BALLENGER. Mr. Chairman, no American can be forced to contribute to political causes or campaigns with which he or she disagrees except one group, members of labor unions.

Our committee had a hearing and heard from members of the U.S. Airways union in Charlotte, North Carolina. These men testified how that portion of their union dues went to fund the campaigns of candidates who were pro-abortion, a stance that they considered deeply was against their Christian beliefs.

We ought to stop it now, and we ought to vote for the Goodling amendment.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING). The amendment is deceptively entitled the Worker Paycheck Fairness Act but is more appropriately named the Worker Gag Act.

The Shays-Meehan bill, of which I am a cosponsor, would ban soft money, regulate phony issue ads on television, and toughen disclosure requirements.

Above all, Shays-Meehan is fair, bipartisan, even-handed reform legislation.

In the guise of reform, the Goodling amendment undoes the balance achieved by Shays-Meehan, which seeks meaningful campaign finance reform to rid the process of the abuse of soft money and restore the people's voice in the electoral process.

I urge my colleagues to vote no on Goodling and support Shays-Meehan.

The Goodling amendment represents an unprecedented governmental intrusion into the internal operations of labor organizations, without a concomitant restriction on the communications of a corporation and its shareholders.

□ 1715

Mr. HOYER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland (Mr. HOYER) has 1 minute remaining.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

I rise in opposition to the Goodling amendment. I would like to think my IQ is above minus 10. I think there is an analogy. Yes, I can buy the stock and yes, I can take the job, or yes, I can join the union or not join the union. If I do not need the job, I can go someplace else.

The fact of the matter is, Beck is included in this legislation, as the gentleman from Connecticut has said, exactly as the court ruled. The fact of the matter is, this legislation is an attempt to make impotent the ability of unions to effectively represent the interests of their members and those whom they represent, members or not.

I would suggest that we defeat this amendment, but I am pleased that the gentleman has decided to withdraw the amendment and that will not be necessary. I know the gentleman feels strongly about his amendment, but we feel equally strongly that this is not an amendment in the best interest of this bill or in the best interest of America's workers.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GOODLING) has 30 seconds remaining.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time.

I want to make sure that we clarify what was just said. The gentleman said we have the right to join the union or not. In 29 States, one does not have the right. In 29 States, to keep your job one must belong to the union, one must pay the dues; but if one wants to challenge them under the Beck decision, one must resign from the union, continue to pay one's dues, and then one is judged by the very people who took their money. They are the judge and they are the jury if you get anything back, but the harassment has been terrible.

Let me tell my colleagues again, this is too important. This is too important as far as union workers in 29 States are concerned. Their rights need to be protected, and we will bring that legislation to the floor; and everybody will have an opportunity to deal with it at that particular time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in the strongest possible opposition to the Goodling amendment to H.R. 417.

This amendment is yet another attempt to cripple the ability of unions to effectively participate in the political affairs of the nation and advocate on behalf of our working families.

Mr. GOODLING's amendment, which is identical to the bill H.R. 2434, would require labor unions to obtain written authorization from all union members before using any portion of union dues for political activities. This legislation infringes on the right of workers to establish their own rules regarding union membership. In addition, the amendment imposes costly, crippling paperwork requirements and effectively imposes a punitive tax on all union members. At the same time, however, the amendment does not require corporations to go through this cumbersome and costly process in order to obtain authorization from their shareholders before using corporate funds for political activities. This is hypocrisy at its best.

Further, Mr. Chairman, this amendment is unnecessary. The U.S. Supreme Court has ruled that workers have the right to refuse to contribute to their union's political activities. This ruling is already incorporated into the text of the Shays-Meehan campaign finance reform bill.

Finally, not only is the Goodling amendment bad policy, it is also a poison pill that, if passed, would ensure that this much-needed campaign finance bill would fail.

Mr. Chairman, it is clear that this amendment is not about ''paycheck protection for workers.'' It is about the systematic disenfranchisement of American workers such as our teachers, nurses, police officers and factory workers.

I urge my colleagues to defeat this harmful, hypocritical, and unnecessary amendment.

Ms. WOOLSEY. Mr. Chairman, the Goodling amendment is a clear attempt to silence the voices of working women and men, to stop their participation in the political process.

Labor unions are voluntary democratic organizations in which the members vote on the union's political activities—as in a democracy, the majority rules.

But, what about private corporations which, by the way, outspent unions in the 1996 elections by 17 to 1?

I notice that no one is suggesting that corporations need to get written permission from their shareholders before they participate in the political process.

The Goodling amendment will give corporations an open line to the candidates while disconnecting the teachers, nurses, carpenters, truck drivers, firefighters, and other American workers who count on their labor unions to speak for them.

This amendment must be defeated.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 287, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 offered by Mr. WHITFIELD of Kentucky; Amendment No. 2 offered by Mr. DOOLITTLE of California; Amendment No. 3 offered by Mr. DOOLITTLE of California; Amendment No. 4 offered by Mr. BEREUTER of Nebraska.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1, AS MODIFIED, OFFERED BY MR. WHITFIELD

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 1, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 300, not voting 6, as follows:

[Roll No. 411]

AYES—127

Armey
Baker
Ballenger
Barr
Barton
Bateman
Bereuter
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Coburn
Collins
Combest
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Everett
Fossella
Fowler
Gibbons
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
Largent
Lewis (KY)
Linder
McCollum
McCrery
McInnis
McIntosh
McKeon
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Radanovich
Riley
Rogan
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Sisisky
Smith (MI)
Smith (TX)
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Young (AK)

NOES—300

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hefley
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Hastings (FL)
Kingston
Porter
Pryce (OH)
Ros-Lehtinen
Shaw

□ 1739

Messrs. GEJDENSON, ADERHOLT, LATHAM, and CUNNINGHAM changed their vote from ''aye'' to ''no.''

Messrs. DUNCAN, BLUNT, and TAYLOR of North Carolina, Mrs. MYRICK, and Mr. DICKEY changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 283, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. DOOLITTLE

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2, as modified, offered by the gentleman from California (Mr. DOOLITTLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 302, not voting 8, as follows:

[Roll No. 412]

AYES—123

Armey
Baker
Ballenger
Barr
Barton
Bateman
Bereuter
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Everett
Fossella
Fowler
Gekas
Gibbons
Goodlatte
Gutknecht
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Nethercutt
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pombo
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Spence
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Tiahrt
Toomey
Vitter
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Young (AK)

NOES—302

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer

Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hayes
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—8

Delahunt
Hastings (FL)
Kingston
Porter
Pryce (OH)
Ros-Lehtinen
Salmon
Shaw

□ 1747

Mr. SCOTT changed his vote from ''aye'' to ''no''.

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MR. DOOLITTLE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 3, as modified, offered by the gentleman from California (Mr. DOOLITTLE), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 238, not voting 6, as follows:

[Roll No. 413]

AYES—189

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Goode
Goodlatte
Goodling
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Serrano
Shays
Sherman
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn